

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	8 November 2023
DATE OF PANEL DECISION	7 November 2023
DATE OF PANEL MEETING	6 November 2023
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan
APOLOGIES	None (note: council's newly appointed expert Panel members had not been onboarded prior to the meeting to enable attendance)
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 6 November 2023, opened at 10:07am and closed at 10:57am.

MATTER DETERMINED

PPSSH-123 - Sutherland Shire - DA22/0995 - 16A Allies Road BARDEN RIDGE - Upgrade of existing car parking and construction of a new basement car park and increase of student capacity to 950 students (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, including:

- The council officer's assessment report has considered the relevant matters under section 4.15 of the Environmental Planning and Assessment Act 1979.
- The proposed development is a permissible development with consent within the SP2 Educational Establishment Zone and is consistent with the relevant zone objectives. It complies with applicable State Environmental Planning Policies and satisfies the relevant provisions of the Sutherland Shire Local Environmental Plan 2015 and the Sutherland Shire Development Control Plan 2015.
- The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity.
- Community concerns raised regarding the proposed development have been addressed either by design changes or conditions of consent where appropriate.

CONDITIONS

The Development Application was approved subject to the conditions in Appendix A of the Council Assessment Report with the following amendments:

- amend condition (6) to add "where changes are needed to the Operational Plan of Management, these can be made with the consultation and agreement of Council."

- amend condition (22) to read as follows “provide conduits within the masonry structure that will enable electrical power to be provided adjacent to a minimum 10 car parking bays.”
- amend condition (24) to clarify the number of trees to be removed is six (6) and replacement trees forty-eight (48)
- amend condition (30) to replace the word “remedial” with the word “remediation”
- amend condition (45) to clarify the maximum number of students is 950 with an additional 20 to allow for unanticipated fluctuations.

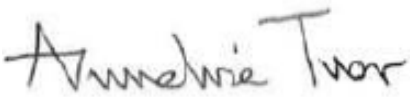

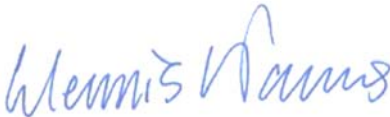

These amendments have been made to clarify the requirements and address issues raised by the applicant. However, in relation to condition 24, the Panel has maintained the replacement rate of 8:1 consistent with council’s policy.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Student population and ‘masterplan’ details
- Traffic, Parking and Pedestrian safety
- Stormwater Management
- Mechanical exhaust
- Streetscape and carpark entry
- Amenity impacts (visual and acoustic privacy and solar access)
- Tree loss and landscaping
- Vandalism
- Property values
- Excavation, Dilapidation, Construction Impacts and Asbestos Management

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	 Carol Provan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-123 - Sutherland Shire - DA22/0995
2	PROPOSED DEVELOPMENT	Upgrade of existing car parking and construction of a new basement car park and increase of student capacity to 970 students for Shire Christian School
3	STREET ADDRESS	16a Allies Road, Barden Ridge, NSW, 2234
4	APPLICANT OWNER	Andrew Lee (The Sutherland Shire Christian School Association Limited) The Sutherland Shire Christian School Association Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSDCP 2015) Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 12 October 2023 Written submissions during public exhibition: 14 submissions to the original proposal and 10 submissions to the renotified, amended proposal. Verbal submissions at the public meeting held 6 November, 2023. <ul style="list-style-type: none"> Jason Johnson whose statement was read out on his behalf On behalf of the applicant: David Stonestreet, Peter Watters, Simon Rainsford, Anna Wong, Sarah Horsfield, John Whittingham. Total number of unique submissions received by way of objection: 24
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 6 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan and Stephen Nikolovski <u>Applicant representation</u>: Andrew Lee (Urbis), Tim Moore, Kasia Balsam, Simon Rainsford, John Whittingham, Sarah Horsfield, Anna Wang <u>Council assessment staff</u>: Vivian Tran, Beth Morris, Benjamin Buchanan, Lauren Franks and Bruce Powe <u>Department staff</u>: Sung Pak and Timothy Cook Site inspection: 8 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penny Holloway, Glennis James, Carol Provan & Hassan Awada

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Sue McMahon, Ben Buchanan, Lauren Franks & Tiffany Cheun ○ <u>Department staff</u>: Timothy Cook and Amanda Moylan <ul style="list-style-type: none"> • Determination meeting: 6 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penny Holloway, Glennis James and Carol Provan. ○ <u>Council staff</u>: Sue McMahon, Ben Buchanan and Lauren Franks ○ <u>Applicant</u>: David Stonestreet, Peter Watters, Simon Rainsford, Anna Wong, Sarah Horsfield, John Whittingham. ○ <u>Department staff</u>: Lillian Charlesworth and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	CONDITIONS	Attached to the Council Assessment Report, as amended and uploaded to the Planning Portal on 7 November, 2023