

<b>Date of Determination</b>	12 May 2022
<b>Panel Members</b>	Steve O'Connor (Chair) Michael Leavey (Independent Expert) David Epstein (Independent Expert) Rob Senior (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held remotely via teleconference on 12 May 2022 opened at 5:00pm and closed at 5:40pm.  
Papers circulated electronically on 29 April 2022.

#### **MATTER DETERMINED**

##### **LDA2021/0191**

**Address:** 73 Wharf Road, Gladesville

**Proposal:** Change of use to existing hall located on L1 of the boat shed & training facility to dormitory style accommodation for overnight stays for up to 36 students of the Sydney Grammar School.

The following people addressed the meeting:

1. Manar Megalli (submitter)
2. Jennie Askin (planner), & Greg Whitebread (applicant)

#### **PANEL CONSIDERATIONS 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 **defer** the development application as described in Schedule 1, 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 **defer** the application to allow the Applicant to provide an updated Plan of Management for the facility. A further report is to be provided to the Panel within 14 days to allow for an electronic determination.

The Plan of Management is to be amended as follows:

- The addition of the following at the end of the second paragraph under 'Management':

*The students are not to drive themselves or to be driven to or from the site for the overnight accommodation unless in exceptional circumstances.*

- A further amendment under 'Further Operational Details' is required to specify that there will be three staff members on site at all times to supervise the students staying overnight.

Subject to these amendments being made, the Panel intends to approve the application electronically subject to the following amendments to the recommended conditions:

- The deletion of conditions 70, 71 and 75 in accordance with the Council Officer's memo dated 12 May 2022.
- Amendment of condition 76 to be in accordance with the Council Officer's memo dated 12 May 2022.
- Amendment of condition 69 of the consent to read as follows:

- 69. Council may require acoustical consultant's report** - If required by Council, acoustic compliance testing is to be completed by the applicant. The acoustic assessment is to be carried out by an appropriately qualified person, being a member of either the Australian Acoustical Society (AAS) or Association of Australasian Acoustic Consultants (AAAC), and an acoustic compliance report submitted to Council within 14 days of testing.
- a) The acoustic testing shall be undertaken on an evening/night where the building is being used to accommodate students and teachers overnight and as far as practical without the knowledge of the proponent.
  - b) Following the acoustic testing, verification is to be provided from the school that 36 students and 3 teachers were on site during the testing. If this requirement is not satisfied, the acoustic testing shall be repeated.
  - c) This report should include details verifying that the noise control measures recommended in the Acoustic Report referred to in condition No.13 are attenuating noise to an acceptable noise level in accordance with the relevant criterion.
  - d) Noise monitoring shall be undertaken at the nearest sensitive receiver as identified in the Acoustic Report and any other location to determine compliance with the relevant criterion as identified in the Acoustic report referred to in condition No. 13.

Should the noise levels exceed the relevant criterion during compliance testing, additional noise mitigation or management measures may be required to be implemented. Details are to be submitted to Council for approval of any mitigation or management measures. The proponent is then to implement these measures within 14 days of Council confirming its acceptance of the additional measures.

## 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 considers that concerns raised by the community have been adequately addressed in the assessment report subject to the changes noted above the Plan of Management. No new issues were raised during the public meeting.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Michael Leavey	
David Epstein	
Rob Senior	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2021/0191
<b>2</b>	<b>Proposal</b>	Change of use to existing hall located on L1 of the boat shed & training facility to dormitory style accommodation for overnight stays for up to 36 students of the Sydney Grammar School
<b>3</b>	<b>Street Address</b>	73 Wharf Road, Gladesville
<b>4</b>	<b>Applicant / Owner</b>	Greg Whitbread / Sydney Grammar School
<b>5</b>	<b>Reason for referral to RLPP</b>	<p><b>Contentious Development</b></p> <p>(b) in any other case – is the subject of 10 or more unique submissions by way of objection.</p> <p><i>Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
<b>6</b>	<b>Relevant mandatory considerations</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ryde Development Control Plan 2014</li> <li>○ Sydney Harbour Foreshores and Waterways Area</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>Material considered by the Panel</b>	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Written submissions during public exhibition: 19</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support - Nil</li> <li>○ In objection - Manar Megalli</li> <li>○ Council assessment officer - Nil</li> <li>○ On behalf of applicant - Jennie Askin, Greg Whitebread</li> </ul> </li> <li>• Letter from aSquare Planning director Jennie Askin dated 10 May 2022</li> <li>• Memo to the Panel prepared by Shannon Butler dated 12 May 2022</li> </ul>

8	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: At the discretion of Panel members due to COVID-19 restrictions</li> <li>• Briefing: 12 May 2022</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Steve O’Connor (Chair), Michael Leavey, David Epstein, Rob Senior</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Shannon Butler, Daniel Pearse</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 29 April 2022</li> </ul>
9	<b>Council Recommendation</b>	<b>Approval</b>
10	<b>Draft Conditions</b>	Attachment 1 to the Council assessment report