

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 10 November 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis,, Nicole Gurran, Scott Nash, Murray Matson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held 10 November 2016.

MATTER DETERMINED

2016SYE084 – Randwick – DA333/2016 at 90-98E Rainbow Street, Randwick (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 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

The majority of the panel (Roseth, Francis, Gurran and Nash) approved the application as per the recommendations in the Council assessment report, with the exception of draft Condition 14, which is not imposed.

The majority of the Panel noted that the assessment report recommends approval of the application and that the applicant and council had agreed on all conditions with the exception of Condition 14, which requires a contribution under s94 of the EPA Act 1979.






The majority of the Panel notes that, in order to impose Condition 14, as recommended in the council's planning assessment report, it would need to have the agreement of the Minister.

The majority of the Panel notes that the non-imposition of the condition could be considered to have significantly adverse effect on the council's financial position, and that in that case, the Panel must consult with Council as per the requirement of s23M of the EPA Act 1979. The Panel did so consult by letter to the General Manager.

The decision was 4:1 in favour, against the decision was Murray Matson who supported the s94 imposed by Council.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the exception of draft Condition 14 not to be imposed.

PANEL MEMBERS		
 John Roseth (Chair)	 Sue Francis	 Nicole Gurran
 Scott Nash	 Murray Matson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE084 - Randwick – DA333/2016
2	PROPOSED DEVELOPMENT	Concept proposal and Stage 1 DA for works to Rainbow Street Public School including refurbishment of heritage listed Block A, demolition of toilet block, demountable structures, single storey building facing Rainbow Street, 2 storey 1970s block and weather shed structure, construction of 3 new 2 storey buildings consisting of a library, 2 home base blocks, expansion of hall, link between Block A and library, link between Block A & Block B, landscaping sports courts and fields, car parking for 12 vehicles and pick-up and drop off. (Heritage Item).
3	STREET ADDRESS	90-98E Rainbow Street, Randwick
4	APPLICANT: OWNER:	Department of Education Minister for Education and Training
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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 (State and Regional Development 2011) State Environmental Planning Policy No. 55 – Remediation of Land Randwick Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Randwick Development Control Plan 2012 Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> Section 94A Contribution Plan 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: 4 October 2016 Council memorandum: 10 October 2016 Council letter: 20 October 2016 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting 12 October 2016: <ul style="list-style-type: none"> On behalf of the applicant – Alaine Roff
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meetings: 24 August and 12 October 2016 Panel meeting: 12 October 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report