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| DATE OF DETERMINATION | 3 August 2017 |
| PANEL MEMBERS | Maria Atkinson (Chair), Sue Francis, John Roseth, Vic Macri |
| APOLOGIES | Sam Iskandar |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 3 August 2017, opened at 2:00 pm and closed at 3:45 pm.

MATTER DETERMINED

2016SYE128 – Inner West – DA201600585 at West Street Petersham (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 the matters observed at site inspections listed at item 8 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*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel agreed to support the Council's recommendation for approval as the proposal complies with the aims, objectives and design parameters contained within Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

The Panel considered that condition 18 relating to the Section 94A contribution should be deleted for the following the reasons:





1. The proposal is for a community and social purpose and should be exempt from Section 94A Contributions in accordance with the discretionary exemption provisions in Section 2.17 of the Marrickville Section 94/94A Contributions Plan 2014.
2. The applicant, the NSW Department of Education, has declined to accept the condition.
3. The amount of the deleted condition does not have a substantial impact on Council finances so consultation with Council is not required.

The Panel notes that the proposed development does not increase the demand for services and facilities in the local area.

The Panel expressed its frustration with the lack of a clear policy exempting the NSW Department of Education from section 94 Contributions. The Panel Chair will write to the Minister of Planning urging him to clarify the Government's position on the payment of Section 94 contributions for public schools.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the exception of the deletion of condition 18 in regards to the Section 94 contributions.

| PANEL MEMBERS | |
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|  Maria Atkinson (Chair) |  John Roseth |
|  Sue Francis |  Vic Macri |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2016SYE128 – Inner West – DA201600585 |
| 2 | PROPOSED DEVELOPMENT | To adapt and refurbish the existing Petersham TAFE site to accommodate the Open High School including minor internal refurbishment of existing Blocks A, B, C, D and E to suit the school use as well as associated new signage, security fence and solar panels |
| 3 | STREET ADDRESS | West Street Petersham |
| 4 | APPLICANT/OWNER | NSW Department of Education |
| 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 No.55 – Remediation of Land ○ State Environmental Planning Policy No.64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) ○ Marrickville Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Marrickville Development Control Plan 2011 ○ Marrickville Section 94/94A Contributions Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 18 July 2017 • Written submissions during public exhibition: 1 (withdrawn) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Martin Mende, Tim Blythe |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and briefing meeting: 13 April 2017 • Final briefing meeting to discuss council's recommendation, 3 August 2017 at 1:30 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), Sue Francis, John Roseth, Vic Macri ○ <u>Council assessment staff</u>: Judy Clarke, Albert Madgrial |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |