

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY WEST CENTRAL PLANNING PANEL

|                                 |  |
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| <b>DATE OF DETERMINATION</b>    | Wednesday, 12 April 2017   |
| <b>PANEL MEMBERS</b>            | Lindsay Fletcher (Chair), Louise Camenzuli, Abigail Goldberg, Richard Thorp and David Ryan |
| <b>APOLOGIES</b>                | Edward Blakely, Mary-Lynne Taylor and Paul Mitchell  |
| <b>DECLARATIONS OF INTEREST</b> | None   |

Public meeting held at Rydalmere Operations Centre on Wednesday, 12 April 2017, opened at 4:40 pm and closed at 7:30 pm.

**MATTER DETERMINED**

2017SWC020 – Parramatta – DA/80/2017 AT 24 O'Connell Street & 3 Marist Place PARRAMATTA (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 recommend to the Minister that he refuse 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 3:2 in favour, against the decision were Lindsay Fletcher and Richard Thorp.

**REASONS FOR THE DECISION**






The reasons for the decision of the majority of the Panel were:

1. The proposal is not considered to be suitable for the site as it is incompatible with the flood hazard of the land, contrary to the requirements of Clause 6.3 of Parramatta Local Environmental Plan 2011 and Clause 2.4.2.1 of Parramatta Development Control Plan 2011.
2. The proposal is not in the public interest because the benefit to the community of faster provision of increased educational capacity is not considered to be sufficient to justify the additional risk to human life.

Lindsay Fletcher and Richard Thorp disagreed with the majority as they were satisfied based on the advice received in written and verbal presentations to the Panel that the risk to human life, whilst it cannot be eliminated, can be managed to a level that is acceptable relying upon procedures being in place that would facilitate closure of the school prior to the need for evacuation of students.

**CONDITIONS**

Not applicable.

| PANEL MEMBERS  |  |
|--|--|
| Lindsay Fletcher (Chair)  | Louise Camenzuli  |
| Abigail Goldberg          | Richard Thorp      |
| David Ryan                |  |

| SCHEDULE 1 |                                   |   |
|------------|-----------------------------------|---|
| 1          | PANEL REF – LGA – DA NO.          | 2017SWC020 – Parramatta – DA/80/2017  |
| 2          | PROPOSED DEVELOPMENT              | Construction of temporary 1 – 2 storey demountable school buildings for 1,000 students on the existing school oval, including associated access works, tree removal and signage. Demolition of temporary school buildings and return to use as oval after 1 year of operations. This application is Nominated Integrated Development under s58 of the Heritage Act 1977. This application is Crown development under s89 of the Environmental Planning and Assessment Act 1979.   |
| 3          | STREET ADDRESS                    | 24 O'Connell Street & 3 Marist Place PARRAMATTA   |
| 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"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Heritage Act 1977</li> <li>• National Parks and Wildlife Act 1974</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</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 Environmental Planning and Assessment Act 1979 or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>• Council assessment report: 3 April 2017</li> <li>• Written submissions during public exhibition: none</li> <li>• Independent Review of Flood Risks supplied by applicant on 11 April 2017</li> <li>• Without prejudice conditions of consent with requested amendments, supplied by applicant on 11 April 2017</li> <li>• Council comments on Independent Review of Flood Risks, supplied in person by Council on 12 April 2017</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Jim Lewis, Drew Brewsher, Roland Marshall and Angus Brien</li> </ul> </li> </ul>  |

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| <b>8</b>  | <b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b> | <ul style="list-style-type: none"> <li>• Site visit by Ed Blakely, Mary-Lynne Taylor, Paul Mitchell, David Ryan and Richard Thorp on Wednesday, 1 March 2017</li> <li>• Briefing meeting with Council and proponent by Ed Blakely, Mary-Lynne Taylor, Paul Mitchell, David Ryan and Richard Thorp on Wednesday, 1 March 2017</li> <li>• Site visit and briefing meeting by Lindsay Fletcher (Chair), Louise Camenzuli, Abigail Goldberg, Richard Thorp and David Ryan on Wednesday, 12 April 2017</li> </ul> |
| <b>9</b>  | <b>COUNCIL RECOMMENDATION</b>                     | Refusal  |
| <b>10</b> | <b>DRAFT CONDITIONS</b>                           | Without prejudice conditions of consent attached to the council assessment report  |