

<b>DATE OF DETERMINATION</b>	Thursday, 12 April 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on Thursday, 12 April 2018, opened at 10:45 am and closed at 11:00 am.

#### **MATTER DETERMINED**

2017SWC119 – Cumberland – DA-393/2017 AT 1 Mills Street, Lidcombe (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 listed at item 8 in Schedule 1.

The Panel determined to approve the Clause 4.6 variation request and approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

The Panel determines the application by granting approval for the following reasons:

The Panel determines the application by granting approval for the following reasons:

1. The proposal will provide new and improved facilities enabling a greater number of students to attend Lidcombe Public School. While the number of students and staff will increase the additional numbers will not tax local infrastructure or services. Overall, the augmentation of school facilities, as proposed, will be socially beneficial.
2. The proposal is permissible in the zone and consistent with most applicable standards and guidelines. The exception is building height which is addressed in reason 5 below.
3. The proposal involves works affecting a locally scheduled heritage item. Specialist advice shows that the impact of the works will be acceptable and that retention of the affected item is not warranted.
4. The proposal involves removal of approximately 50 trees. Notwithstanding, the school site is well vegetated and a number of replacement trees will be planted. The Panel is satisfied that the site will retain its amenity with the replanting and landscaping proposed.
5. The applicant has submitted a request to vary the building height standard in Clause 4.3 of Auburn Local Environmental Plan 2010 by 2.6m or 22.5%. The Panel believes that compliance with the standard in this situation is unnecessary. The result will be a two storey building with generous setbacks on a large site. No adverse impacts will result. The variation will enable development that is consistent with the objectives of the height standard and the zone in which the site is located. It will also enable a better planning outcome by the provision of a well designed new classroom and library building that will occupy less yard space than a complying development would. Overall, the Panel believes the variation request is satisfactory and in the public interest, and therefore warrants approval.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 24 to be amended to read as follows:






### Reinstatement of damaged footpath and footpath crossing

Footpath and footpath crossing/s adjacent to the property that are damaged through the construction activities undertaken under this Development Application shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

- Condition 40 to be amended to read as follows:

### Trees for removal

Approval is given for the removal of the following trees, numbered in accordance with the Tree Management Plan (drawing no. DA03 Rev. B) prepared by JDH Architects: 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 40, 41, 43, 44, 45, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 & 68 only.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Paul Mitchell OAM
 Lindsay Fletcher	 Paul Stein AM
 Paul Moulds AM	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC119 – Cumberland – DA-393/2017
2	PROPOSED DEVELOPMENT	Alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing and stormwater works
3	STREET ADDRESS	1 Mills Street, Lidcombe
4	APPLICANT OWNER	Department of Education C/-Johnstaff Department of Education & Training
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Education Establishments and Child Care Centres) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>Auburn Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Does not apply</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>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 3 April 2018</li> <li>Written submissions during public exhibition: nil</li> <li>Addendum to Council Assessment Report dated 10 April 2018</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Zoe Cameron</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site visit by Lindsay Fletcher and Paul Moulds on 12 April 2018</li> <li>Final briefing meeting to discuss council's recommendation, 12 April 2018, 10:00 am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds</li> <li><u>Council assessment staff</u>: Michael Lawani and Elizabeth Chan</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report