

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 10 May 2018
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stuart McDonald and Julie Walsh
<b>APOLOGIES</b>	Mary-Lynne Taylor, Paul Stein and Paul Moulds
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on 10 May 2018, opened at 10.55am and closed at 11.10am.

#### MATTER DETERMINED

2017SWC132 – Cumberland Council – 2017/418 AT 68 Fowler Road Merrylands (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 4.16 of the *Environmental Planning and Assessment Act 1979*.



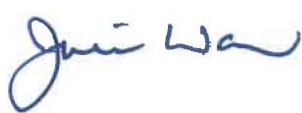
The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the Panel's decision were:

1. The proposal will provide additional and higher quality classrooms in an area where there is currently a need for such facilities. Approval of the application will, therefore, be socially beneficial.
2. The proposal complies with the relevant provisions of the SEPP Education and the design quality principles in Schedule 4 of the SEPP. It also complies with nearly all other applicable standards and guidelines with the exception of the maximum building height standard and car parking guidelines. The exceptions are addressed in reasons 5 and 6 below.
3. The proposal is a permissible use in the Residential R2 zone and is compatible with the character of the area.
4. The proposal will not generate traffic volumes that would adversely affect the operation or safety of the local road network, nor will it tax the capacity of any other local infrastructure or services.
5. The proposal will breach the maximum building height standard of 9 metres by 3.4 metres. A written request to vary the standard has been submitted. The panel believes that compliance with the standard is unnecessary because no material adverse impacts on the school site or its surrounds will result, as such, the objectives of the standard will be satisfied. Also, the variation will enable development that is consistent with the zone objectives and achieve a better planning outcome by focussing development and minimising the reduction in playground space. Overall the Panel finds that the variation request is satisfactory and upholding it is in the public interest.

6. The proposal does not satisfy the parking guidelines given in Holroyd DCP 2013, with the result that 8 additional spaces are not provided. The panel considers this deficiency will not have consequential impacts because there is sufficient on-street parking available in the locality. Also, the provision of additional on-site spaces would consume valuable recreational space and be an inferior outcome.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stuart McDonald
 Julie Walsh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC132 – Cumberland Council – 2017/418
2	PROPOSED DEVELOPMENT	Demolition of existing amenities block and PE storage building; removal of four existing demountable classrooms and relocation of two on-site during construction; construction of a three storey school building with a total of 10 classrooms; installation of a temporary amenities demountable for the duration of construction; and associated landscaping and site works
3	STREET ADDRESS	68 Fowler Road Merrylands
4	APPLICANT/OWNER	NSW Department of Education c/- Johnstaff
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ol 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 (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>Holroyd Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Holroyd Development Control Plan 2013</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> </ol>

		<p>7. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>8. The suitability of the site for the development</p> <p>9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>10. The public interest, including the principles of ecologically sustainable development</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 10 May 2018</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Zoe Cameron</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection on 10 May 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 10 May 2018, 10.20am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stuart McDonald and Julie Walsh</li> <li>○ <u>Council assessment staff</u>: Sarah Pritchard, Karl Okorn, Michael Lawani and Sohail Faridy</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report