

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 14 November 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Vivienne Albin, Deborah Sutherland
<b>APOLOGIES</b>	Eugene Sarich
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Lane Cove Council Chambers 48 Longueville Road Lane Cove on 14 November 2018, opened at 4pm and closed at 6.20pm.

**MATTER DETERMINED**

2018SNH019 – Lane Cove – DA2018/57 at 30=32 Kingslangly Road Greenwich (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel has considered the written cl 4.6 variation received from the Applicant in respect of height and considers that there is sufficient environmental planning grounds to grant the variation due to the achievement of the objectives of the standard and the proposal being in the public interest.

The proposal responds to an important social need, namely the provision of improved educational facilities in an area where the number of children is increasing.

The proposal does not have any material physical impact, such as overshadowing, overlooking or view obstruction, on nearby properties.

The Panel listened to the concerns of objectors, which related to the traffic and parking impact and the removal of trees. In relation to traffic and parking the Panel notes that the parking provided on site complies with the SEPP (Infrastructure) 2007 and that therefore the application cannot be refused on the grounds of inadequate parking.

As regards the removal of trees, the Panel considers this regrettable but accepts that it is an unavoidable consequence of expanding the school, providing equitable access between buildings.

**CONDITIONS**

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






The deferred commencement condition in respect of contamination is to be converted into an operational condition and to read:-

“A Remediation Action Plan is to be prepared to address the contaminants identified in the Environmental Site Assessment, prepared by JBS&G dated 5 September 20148, Rev A, Ref no. 53033/110763

Council requires an EPA Accredited Site Auditor to review the RAP and issue a Verification Report prior to the issue of a Crown Construction Certificate.”

Draft Conditions 56 and 73 are deleted on request of the applicant and agreed to by the Panel

The applicant has agreed to all other conditions of consent drafted by Council

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Vivienne Albin
 Deborah Sutherland	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH019 – Lane Cove – DA2018/57
2	PROPOSED DEVELOPMENT	Construction of a three storey education facility on an existing school site, construction of a covered outdoor learning area, expansion of existing school hall, alterations to existing classrooms, removal of trees, conversion of two classrooms to a canteen and Outside of School Hours care facility, landscaping and all associated works.
3	STREET ADDRESS	30-32 Kingslangley Road, Greenwich
4	APPLICANT/OWNER	Applicant- TSA Management Owner - 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 instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas)</li> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>State Environmental Planning Policy (Educational Facilities and Childcare Facilities) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Biodiversity Conservation Act, Environmental Protection and Biodiversity Act</li> <li>Lane Cove Local Environmental Plan 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Development Control Plan, pursuant to clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.</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: 31 October 2018</li> <li>Clause 4.6 request</li> <li>Written submissions during public exhibition: 28</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Doug Stuart on behalf of the Lane Cove Bushland Society,</li> <li>On behalf of the applicant - Rosie Majer, Brad Delapierre</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 14 November 2018</li> <li>Final briefing to discuss council's recommendation, 14 November 2018 at 3pm. Attendees: <ul style="list-style-type: none"> <li>Panel members: Peter Debnam (Chair), Sue Francis, John Roseth, Vivienne Albin, Deborah Sutherland</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Rajiv Shankar, Michael Mason, Sashika Perera, Dennis Anthonysamy, Ted Webster, Maran Muthiah, Susan Butler, Ruth Jacka, David Wilson</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report