

DATE OF DETERMINATION	12 July 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Peter Brennan, Lindsay Fletcher, Paul Stein and Paul Moulds
APOLOGY	Paul Mitchell
DECLARATIONS OF INTEREST	Nil

Public meeting held at Cumberland Council on Thursday 12 July 2018 opened at 11.56am and closed at 12.05pm.

MATTER DETERMINED

Panel Ref – 2018SYW013 - LGA – Cumberland, DA2017/509, Address – 27 Pendle Way, Pendle Hill (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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The Panel determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Holroyd LEP 2013; and
 - (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent subject to deletion of Condition 22 and 75 pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979
- for the reasons set out below.

REASONS FOR THE DECISION

1. The Panel noted that Council report refers to a variation of height up to 11.6m – the amended Clause 4.6 variation from the applicant dated April 2018 has shown the upper height limit to breach 11.73m and the Clause 4.6 written variation addresses that breach. The applicant explained that figures in the latest Clause 4.6 request had been confirmed by the Architect of the project. This is a slight variation to the figures explained in the Councils report, the Panel still finds the written request and the proposal to be satisfactory.

The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Holroyd LEP 2013 and considers that:

- i. the applicant's submission adequately addresses the matters required under cl.4.6;
- ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
- iii. there are sufficient environmental planning grounds to justify the variation; and

iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will provide for a better planning outcome through the retention of additional open space for students than would otherwise be possible.



For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.


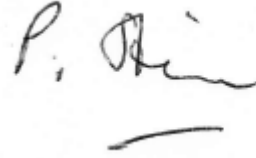

2. The proposal will provide additional and higher quality classrooms in an area where there is currently a need for such facilities. Approval of the application will therefore be socially beneficial.
3. The proposal complies with the relevant provisions of the SEPP Education and the design quality principles 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 of Holroyd LEP and the car parking requirements of Holroyd DCP. The exception to the building height standard was addressed in reason 1 above and the exception to the DCP carparking requirement is addressed in reason 6 below.
4. The proposal is permissible in the Residential R2 zone pursuant to SEPP Education and is compatible with the character of the area.
5. 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 services.
6. The proposal does not satisfy the parking guidelines contained in Holroyd DCP 2013 with the result that 13 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 car spaces would consume valuable recreation space and be an inferior planning outcome.
7. As agreed with the Council, Condition 22 and 75 are deleted and as agreed by the applicant Condition 21 remain.

The decision was unanimous.

CONDITIONS

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

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Peter Brennan

	
Lindsay Fletcher	Paul Stein
	
Paul Moulds	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018SYW013 - LGA – Cumberland, DA2017/509
2	PROPOSED DEVELOPMENT	Demolition of three existing buildings, alterations and additions to the existing administration building; alterations to the existing library building to create a new classroom; construction of a new three storey building accommodating 13 classrooms and wall signage within an existing educational establishment (Pendle Hill Public School)
3	STREET ADDRESS	27 Pendle Way, Pendle Hill
4	APPLICANT/OWNER	NSW Department of Education c/-Blue Visions Management
5	TYPE OF REGIONAL DEVELOPMENT	Crown Development with Capital Investment Value >\$5million
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 (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy No. 64 – Advertising and Signage State Regional Environmental Plan (Sydney Harbour Catchment) 2005 Holroyd Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Holroyd Development Control Plan 2013 Planning agreements: Nil <ul style="list-style-type: none"> <i>Environmental Planning and Assessment Regulation 2000</i>: Section 92 of the EP&A Regulation 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

		<ul style="list-style-type: none"> 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 – July 2018 Written submissions during public exhibition: 0 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – William Fehrs, Laura Cockburn, Lucas Crabtree, Ian Stewart and Andrew Hulse On behalf of Council – Sara Pritchard, Sohail Faridy and Olivia Yana
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspection – 12 July 2018 Final Briefing Meeting – 12 July 2018 from 11.30am to 11.55am Public Meeting – 12 July 2018 Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Peter Brennan, Lindsay Fletcher, Paul Stein and Paul Moulds <u>Council assessment staff</u>: Sara Pritchard, Sohail Faridy and Olivia Yana
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Submitted with report