

DATE OF DETERMINATION	Thursday 21 November 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, George Mannah
APOLOGIES	Raj Dixit, John Faker, Heather Crichton
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites, 488 Kent Street Sydney, on 21 November 2019, opened at 12pm and closed at 12.07pm.

MATTER DETERMINED

2019ECI020 – Burwood – DA2019.016 at 39 Young Street Croydon for alterations to Croydon Public School (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Burwood Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.6 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.6 (development standard) of the LEP and the objectives for development in the R2 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16/4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal responds to an important need, namely the provision of additional school places in an area of increasing population.
2. Any adverse impacts of the proposal on the surrounding area have been dealt with by conditions to which the applicant has agreed.





3. The variation of height has been justified by a written submission under clause 4.6 of the Burwood LEP 2012 (see above). The Panel agrees that the proposal complies with the objective of the height standard as it fits in with the desired future character of the area, given a nearby tall buildings and the 26m height limit in the area to the south.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report, to which the applicant has agreed.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition. No objectors attended the public meeting. The written objection was in respect of the school's impact on on-street parking and noise. The Panel notes that the conditions of consent require 44 on-site parking spaces, which complies with the Burwood DCP 2013. The conditions also require compliance with the noise criteria defined by the NSW Noise Policy for Industry. The Panel considers that the objector's concerns have been adequately addressed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 George Mannah

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019ECI020 – Burwood – DA2019.016
2	PROPOSED DEVELOPMENT	Croydon Public School Alterations and Additions – Construction of a three storey building – Extension of carpark – Landscaping – Increase in student and staff numbers.
3	STREET ADDRESS	39 Young Street, Croydon
4	APPLICANT OWNER	DFP Planning on behalf of Department of Education Schools Infrastructure NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
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 (SEPP 55) – Remediation of Land State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2007 State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (State & Regional Development) 2011 Burwood Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Burwood Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 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: 7 November 2019 Clause 4.6 Request - Height Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Brian Olsen On behalf of the applicant – Sanda Watts
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing & Site Inspection: 26 September 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis <u>Council assessment staff</u>: Brian Olsen Final briefing to discuss council's recommendation, 21 November 2019 at 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, George Mannah <u>Council assessment staff</u>: Brian Olsen, Emily May, Joe Lilley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

