



planning consultants

## Clause 4.6 Variation Request to the Height of Buildings Development Standard under Clause 4.3 of Pittwater LEP 2014

Proposed Administration Building, Multi – purpose hall and COLA  
Narrabeen North Public School  
6 Namona Street, North Narrabeen



Prepared for: Department of Education  
September 2022

Printed: 21 September 2022  
File Name: 20909G Narrabeen Education Precinct - DA/4 Reports/20909G.cl4.6 NNPS.docx  
Project Manager: A Cropley  
Client: Department of Education  
Project Number: 20909G

**Document Control**

Version	Prepared By	Reviewed By	Issued To	Date
Draft	A Cropley	R Player	Client	20 September 2022
Final	A Cropley	R Player	Council	21 September 2022

# Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
1.1	Commission	1
1.2	Material Relied Upon	1
<b>2</b>	<b>The Nature of the Variation</b>	<b>2</b>
<b>3</b>	<b>Clause 4.6 Assessment</b>	<b>4</b>
3.1	Clause 4.6(1) - Objectives	4
3.2	Clause 4.6(2) – Consent May be Granted	4
3.3	Clause 4.6(3) – Consent Authority to Consider Written Justification	4
3.4	Clause 4.6(4)(a) – Consent Authority to be Satisfied	5
3.4.1	Clause 4.6(4)(a)(i) - Written request to adequately address the matters in clause 4.6(3)	5
3.4.2	Clause 4.6(4)(a)(ii) – Public Interest	8
3.5	Clause 4.6(4)(b) – Concurrence of the Secretary	9
3.6	Clause 4.6(5) - Concurrence Considerations	9
3.7	Clause 4.6(6) – Subdivision on Certain Land	10
3.8	Clause 4.6(7) – Keeping of Records	10
3.9	Clause 4.6(8) – Restrictions on use of clause 4.6	10
<b>4</b>	<b>Conclusion</b>	<b>11</b>

## Figures

Figure 1	Extract of Height of Buildings Map (Pittwater Local Environmental Plan 2014)	2
Figure 2	Height plane diagram - South-east view (DesignInc)	3
Figure 3	Height plane diagram – north-east view (Design Inc)	3
Figure 4	3D Photomontage (DesignInc)	6
Figure 5	Section through hall and COLA (DesignInc)	7

## Tables

Table 1	Environmental Impact Mitigation and Management	5
Table 2	Assessment against the objectives of the height of buildings development standard	7
Table 3	Assessment against the objectives of the SP2 zone	9

## Appendices

1.	Height Plane Diagram (DesignInc)	
----	----------------------------------	--

# 1 Introduction

---

## 1.1 Commission

DFP has been commissioned by the NSW Department of Education to prepare a written request ("Variation Request") pursuant to clause 4.6 of *Pittwater Local Environmental Plan 2014* (the LEP) for the proposed new administration building, multi-purpose hall, staff hub and covered outdoor learning area (COLA) (to be known as Building D) (the Proposal) at Narrabeen North Public School (NNPS), 6 Namona Street, North Narrabeen (the NNPS site). A separate variation request has been prepared by DFP in relation to the proposed alterations and additions to Building A3 at Narrabeen Sports High School (NSHS), 10 Namona Street, North Narrabeen (the NSHS site).

The Proposal is described in detail in Section 4 of the SEE.

The Proposal at NNPS exceeds the height of buildings development standard under clause 4.3 of the LEP having a maximum height of 9.63m above the existing ground level to the ridge of the COLA roof. Therefore, the proposed development exceeds the maximum height of buildings development standard of 8.5m by 1.13m, which is equivalent to a variation of 13.3%. Additionally, the proposed new two (2) storey Staff Hub in Building D will exceed the 8.5m maximum height of buildings standard having a maximum height of 8.69 for a small portion at the roof ridgeline being a variation of 0.19m or 2.2%.

Notwithstanding the contravention of the 8.5m height of buildings development standard, the Proposal is considered to be consistent with the objectives of the development standard and the objectives of the SP2 zone within which the development is to be carried out and there are sufficient environmental planning grounds to justify the contravention in this instance including the absence of any discernible adverse environmental impacts associated with the variation.

This written request has been prepared to provide a detailed assessment in accordance with the statutory requirements of clause 4.6 of the LEP so that the consent authority can exercise its power to grant development consent, notwithstanding the contravention to the 8.5m height of buildings development standard.

## 1.2 Material Relied Upon

This Variation Request has been prepared by DFP based on the Architectural Drawings prepared by DesignInc and other supporting drawings and reports which are appended to the Statement of Environmental Effects (SEE) report prepared DFP dated 21 September 2022.

This Variation Request should be read in conjunction with the detailed environmental planning assessment contained in the SEE and the other DA documentation.

## 2 The Nature of the Variation

Clause 4.3 and the Height of Buildings Map of the LEP designate a maximum building height of 8.5m for the Site (see **Figure 1**).

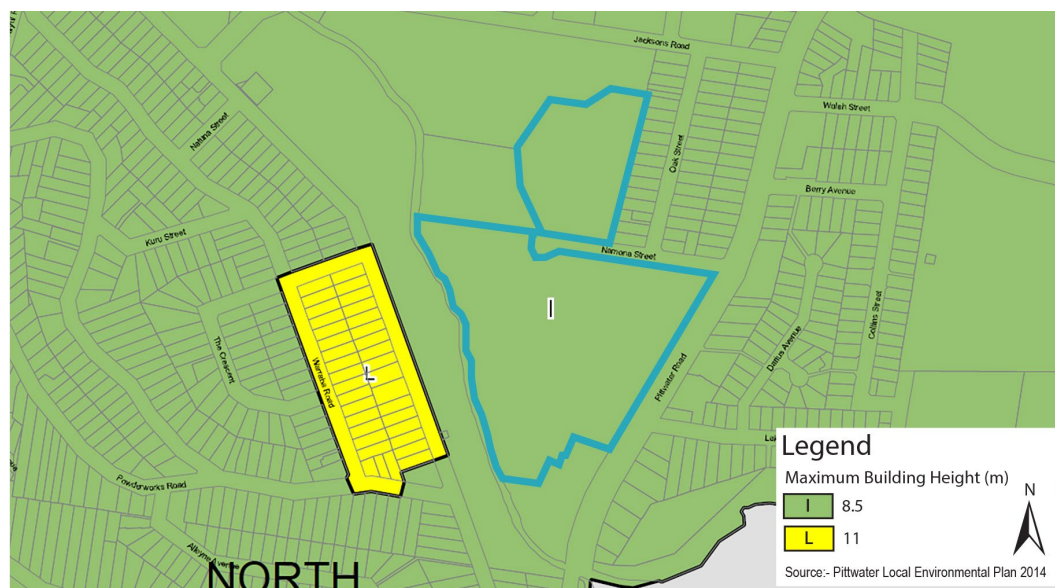


Figure 1 Extract of Height of Buildings Map (Pittwater Local Environmental Plan 2014)

The LEP defines **building height** as:

*building height (or height of building) means—*

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed development at NNPS does not comply with the 8.5m height of buildings development standard having a maximum height of 9.63m above the existing ground level to a part of the COLA roof and a maximum height of 8.69m for a small part along the ridge of the roof above the Staff Hub of Building D. Therefore, the proposed development exceeds the maximum height of buildings development standard of 8.5m by 1.13m and 0.19m, which is equivalent to a variation of 13.3% and 2.2% respectively for the COLA roof and Staff Hub of Building D roof.

The extent of the non-compliance is shown in extracts of the height plane diagram at **Figure 2** and **Figure 3**.

A copy of the Height Plane Diagram is provided in **Appendix 1**.



## 2 The Nature of the Variation

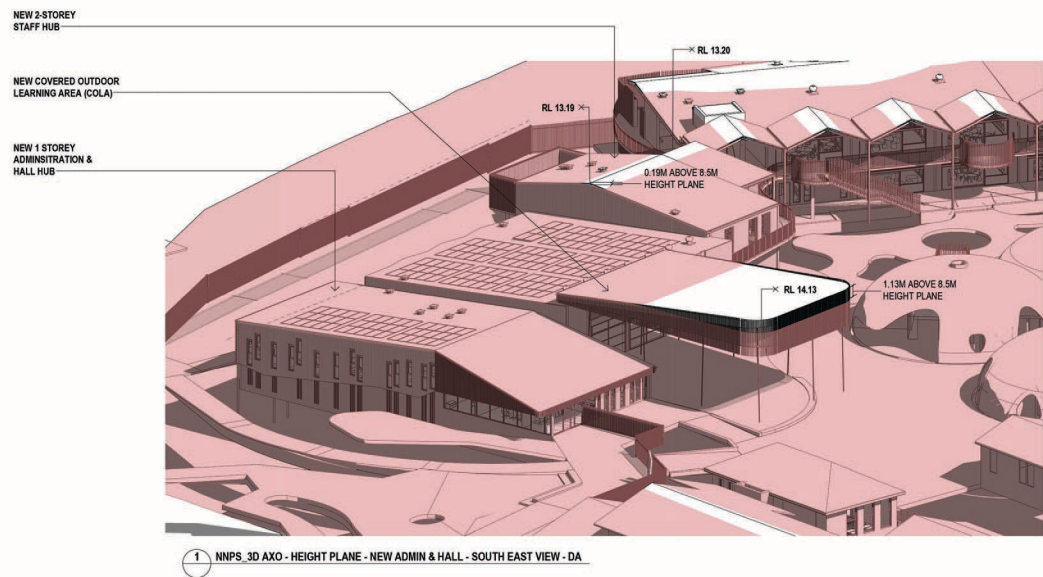


Figure 2 Height plane diagram - South-east view (DesignInc)

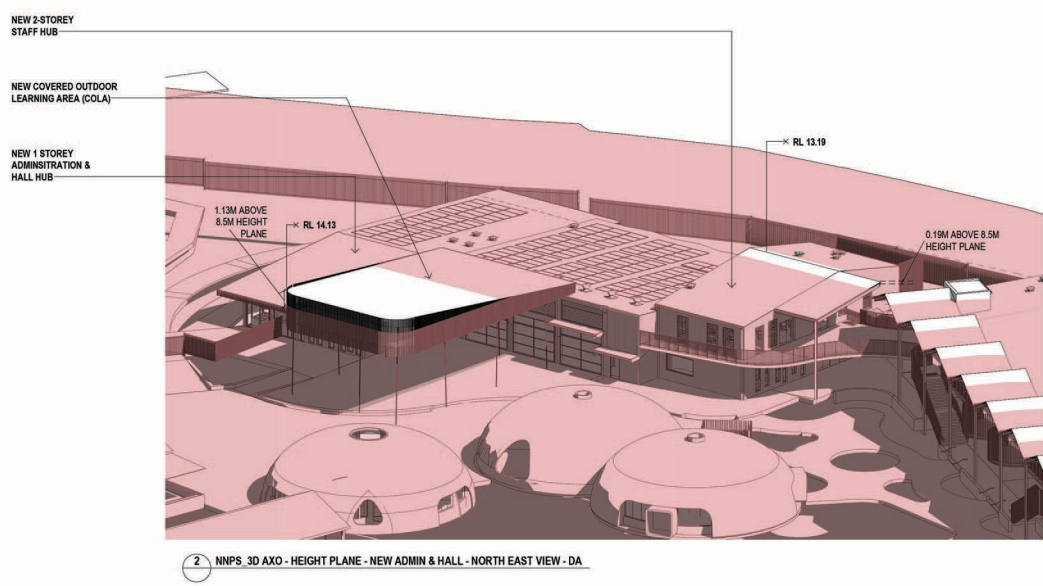


Figure 3 Height plane diagram – north-east view (Design Inc)

## 3 Clause 4.6 Assessment

---

### 3.1 Clause 4.6(1) - Objectives

Clause 4.6(1) of the LEP states the objectives of the clause as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In the Judgment of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (“Initial Action”), Preston CJ ruled that there is no provision that requires the applicant to demonstrate compliance with these objectives or that the consent authority be satisfied that the development achieves these objectives. Furthermore, neither clause 4.6(3) nor clause 4.6(4) expressly or impliedly requires that development that contravenes a development standard “*achieve better outcomes for and from development*”.

Accordingly, the remaining subclauses of clause 4.6 provide the preconditions which must be satisfied before a consent authority may grant development consent to a development that contravenes a development standard imposed by an environmental planning instrument. These preconditions are discussed hereunder.

### 3.2 Clause 4.6(2) – Consent May be Granted

Clause 4.6(2) provides that:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The height of building control in clause 4.3 of the LEP is a development standard, defined in Section 1.4 of the EP&A Act as follows:

*“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (c) *the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,*

The height of buildings development standard is not expressly excluded from the operation of clause 4.6 (see **Section 3.7** and **Section 3.9**).

### 3.3 Clause 4.6(3) – Consent Authority to Consider Written Justification

Clause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This report and information referred to herein, constitute a written request for the purposes of clause 4.6(3) and the following subsections address the justifications required under that subclause.

It will be a matter for the consent authority to consider this written request prior to granting development consent to the DA and as discussed in the Judgment of *Al Maha Pty Ltd v*

## 3 Clause 4.6 Assessment

*Huajun Investments Pty Ltd [2018] NSWCA 245* ('Al Maha') the consent authority or the Court must, in determining the DA, clearly enunciate that it has satisfied itself of the matters in clause 4.6(4). In the case of a consent authority, this might be by way of a statement in the reasons for approval authored by the consent authority.

### 3.4 Clause 4.6(4)(a) – Consent Authority to be Satisfied

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*

The following subsections of this written request address these matters.

#### 3.4.1 Clause 4.6(4)(a)(i) - Written request to adequately address the matters in clause 4.6(3)

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that this written request adequately address the matters in clause 4.6(3) as follows:

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

#### Compliance is Unreasonable or Unnecessary

In his Judgment of *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* ('Micaul') Preston CJ confirmed that an established means of demonstrating that compliance with a development standard is unreasonable or unnecessary is to establish that a development would not cause environmental harm and is consistent with the objectives of the development standard.

It is considered that the potential adverse impacts of the proposed development can be appropriately mitigated or minimised as described in **Table 1**.

**Table 1 Environmental Impact Mitigation and Management**

Issue	Discussion
Streetscape and Visual Impact	Notwithstanding, the exceedance of the 8.5m maximum height of buildings standard, the proposed new 2 storey Staff Hub in Building D and the COLA roof will result in minimal change to the existing streetscape of the NNPS site as viewed from Namona Street and nearby Oak Street due to the positioning of the proposed buildings beyond the densely screened vegetated areas including the Coastal Wetlands located along the southern street frontage and the western and northern site boundaries adjoining the Warriewood Sports Grounds and the Northern Beaches Indoor Sports Centre (NBISC). The position and design of the new school Building D has been carefully considered to retain as many existing trees as possible and to also open up new views and vistas to the existing heritage item Binidomes and create more open play spaces for students at the NNPS site ( <b>Figure 4</b> ). Neighbouring low density residential development is located a substantial distance from the proposed new Building D to the east and south east of the NNPS site along Namona Street and Oak Street and will be generally



### 3 Clause 4.6 Assessment

**Table 1 Environmental Impact Mitigation and Management**

Issue	Discussion
	screened by existing and proposed vegetation and existing school buildings at the site.
Heritage	City Plan have prepared a Heritage Impact Statement for the proposed Narrabeen Education Precinct which concludes that the proposed development, including the construction of the new part 1 and part 2 storey Administration, Building, Multi-Purpose Hall and Staff Hub (Building D) and the COLA will not have an adverse impact on the heritage significance of the Concrete Geodesic Domes (Binidomes A & B) located at the NNPS site and which are identified as a heritage item (Item No. 2270341) under the LEP or the State significance of Building D (SHR #02037). Indeed, the COLA with its higher awning and tree-like slender posts will frame views towards the Binidomes and the landscaped setting of the heritage curtilage particularly as viewed from the main pedestrian entry point to the school from Namona Street ( <b>Figure 5</b> ).
Solar Access and Shadow Diagrams	The shadow diagrams prepared by DesignInc show that the proposed new building will not cast shadows onto adjacent residential properties to the east of the site. Good solar access will be provided to all habitable school spaces within the NNPS site in compliance with NCC Guidelines and in consultations with the ESD Consultant.
Flooding	A Flood Risk and Impact Assessment report has been prepared by BMT for the proposed Narrabeen Education Precinct development. In accordance with the requirements of the LEP and Council's Pittwater 21 DCP, the proposed new buildings at the NNPS site are compliant with the Flood Planning Level (FPL) and Finished Floor Level (FFL) requirements with the proposed administration, multi-purpose hall and Staff Hub building with COLA having a proposed ground FFL of 4.95m AHD and proposed Level 1 FFL of 8.55m AHD. In effect, the proposed new Building D at the NNPS site must be elevated above existing ground level to comply with the Council's FPL and FFL requirements under the LEP and Council's Pittwater 21 DCP which has contributed to the breach of the 8.5m maximum height of buildings standard under the LEP.



**Figure 4 3D Photomontage (DesignInc)**

### 3 Clause 4.6 Assessment

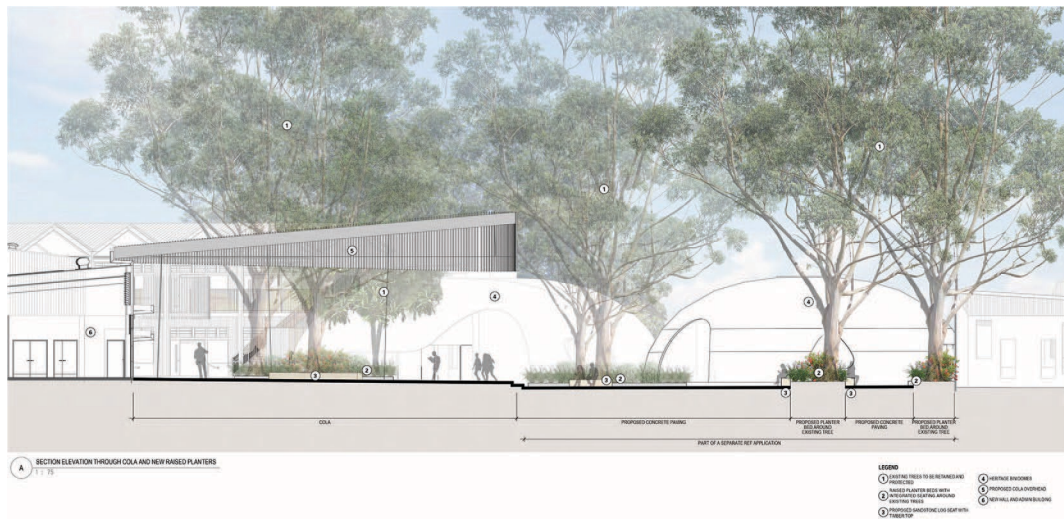


Figure 5 Section through hall and COLA (DesignInc)

Furthermore, the proposed development is considered to be consistent with the objectives of the height of buildings development standard in Clause 4.6 of the LEP as described in **Table 2**.

**Table 2 Assessment against the objectives of the height of buildings development standard**

Objective	Assessment
(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,	The Narrabeen Education Precinct which comprises the NNPS and the NSHS sites have been an established part of the existing and desired future character of the North Narrabeen locality for many years catering for the education needs of the local community. The part one (1) and part two (2) storey Building D will continue to maintain the existing low-density one (1) and two (2) storey built form across the NNPS site. The proposed Building D will be consistent with the desired character of the North Narrabeen locality including neighbouring low density residential housing and the built form of other adjoining and neighbouring non-residential land uses such as the NSHS and the NBISC.
(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,	The proposed Building D is mostly compliant with the 8.5m maximum building height standard under the LEP with only slight incursions above the building height plane in respect to parts of the roof structures. Accordingly, the proposed new school building will be compatible with the height and scale of surrounding and nearby developments within the Narrabeen Education Precinct as well as the wider North Narrabeen locality.
(c) to minimise any overshadowing of neighbouring properties,	The proposed Building D will not cast shadows on any neighbouring residential properties, other non-residential properties or the public domain.
(d) to allow for the reasonable sharing of views,	The proposed new building at the NNPS site will have no adverse view loss impacts on neighbouring properties and accordingly will achieve equitable sharing of views. Indeed, walking from the upgraded Namona Street entrance, the views towards the Binidomes heritage item will be opened up and visually enhanced by the removal of school Blocks H & J and will be framed by the new COLA roof which is set higher than the Binidomes.

### 3 Clause 4.6 Assessment

**Table 2 Assessment against the objectives of the height of buildings development standard**

Objective	Assessment
(e) <i>to encourage buildings that are designed to respond sensitively to the natural topography,</i>	The topography of the NNPS site at its highest point is at the centre of the site where the Binidomes are located and then falls moderate to steeply in a westerly direction. The proposed new school building is placed above the natural ground level and above the predicated Probable Maximum Flood Level as required under the LEP and Council's Pittwater 21 DCP. The east side of the proposed new school buildings marry into the natural ground levels and provide level access into the new proposed building. The proposed NNPS development provides accessible entry paths from the main street entrances at Namona Street and from the out of hours access to the site to the west with the careful location and design of compliant accessible pathways and ramps through the vegetated areas of the site including the Coastal Wetland.
(f) <i>to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.</i>	The proposed new school building and pathways have been designed to minimise the visual impact on the NNPS site including the retention of existing native trees, particularly the Coastal Wetland vegetation and also to have minimal impact on the heritage significance of the Binidomes heritage item located centrally within the school site.

#### Sufficient Environmental Planning Grounds

In the Judgment of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* ("Four2Five") Pearson C indicated there is an onus on the applicant to demonstrate, through the written request, that there are "*sufficient environmental planning grounds*" such that compliance with the development standard is unreasonable or unnecessary. Furthermore, that the environmental planning grounds must be particular to the circumstances of the proposed development rather than public benefits that could reasonably arise from a similar development on other land.

In Initial Action, Preston CJ indicated that it is reasonable to infer that "*environmental planning grounds*" as stated in under clause 4.6(3)(b), means grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in section 1.3 of the EP&A Act.

The site-specific environmental planning grounds that support the proposed variation to the height of buildings development standard in this circumstance are detailed in the SEE and supported by the DA documentation. In addition, it is noted that the design of Building D is governed by the requirements of the Department of Education's *Educational Facilities Standards and Guidelines* (EFSG). The EFSG establishes detailed design requirements for new buildings including minimum floor to ceiling heights and minimum roof pitches that govern the design of building envelopes. Building D has been designed to meet the requirements of the EFSG.

In addition, in Micaul and Initial Action, Preston CJ clarified that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts on neighbouring properties. As summarised in **Table 1**, the proposal satisfactorily manages and mitigates any potential adverse amenity impacts on neighbouring properties.

Accordingly, it is considered that there are sufficient environmental planning grounds to justify the contravention of the height of buildings development standard in this instance.

#### 3.4.2 Clause 4.6(4)(a)(ii) – Public Interest

Pursuant to clause 4.6(4)(b) and as discussed by Preston CJ in Initial Action, if the development is consistent with the objectives of the development standard and the objectives of the zone, the consent authority can be satisfied that the development will be in the public interest.

### 3 Clause 4.6 Assessment

An assessment of the proposed development against the objectives of the height of buildings development standard is provided at **Table 2** and an assessment of the proposed development against the objectives of the SP2 Infrastructure (Educational Establishment) zone (the SP2 zone) expressed in the Land Use Table to clause 2.3 of the LEP is provided in **Table 3**.

Table 3 Assessment against the objectives of the SP2 zone	
Objective	Assessment
<ul style="list-style-type: none"><li>To provide for infrastructure and related uses.</li></ul>	The proposed new administration building, multi-purpose hall, staff hub and COLA is a part of the Narrabeen Education Precinct project for the NSW Department Education that will upgrade and redevelop the NNPS and NSHS on their existing sites to significantly improve education outcomes and support the delivery of modern pedagogical learning for students of the local community.
<ul style="list-style-type: none"><li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li></ul>	The proposed development is consistent with the existing school use of the NNPS site and it will provide a wide range of benefits to educational facilities for the local community.

These assessments demonstrate that the proposed development is consistent with the relevant objectives of the development standard to be varied and the relevant objectives of the SP2 zone within which the development is to be carried out. Accordingly, it follows that the proposed development is in the public interest.

#### 3.5 Clause 4.6(4)(b) –Concurrence of the Secretary

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the *Standard Instrument – Principal Local Environmental Plan* (the SILEP) or SEPP 1 subject to certain conditions.

The LEP adopts clause 4.6 of the SILEP and therefore, that prerequisite of the Notice is met.

Condition 1 of the Notice is not relevant in this instance as the request does not seek to vary a development standard relating to minimum lot size or in one of the zones specified by the notice.

Condition 2 of the Notice provides that concurrence may not be assumed by a delegate of the consent authority (i.e. a Council Officer) if the development will contravene a development standard by more than 10%. In that instance, the application must be determined by the relevant Local Planning Panel (LPP) unless:

- the proposed development is regionally significant development, in which case the relevant regional or Sydney district planning panel will be the consent authority and may assume concurrence (this also applies to State Significant Development which has been delegated to a regional or Sydney district planning panel); or
- a Minister is the consent authority.

The proposed development is regionally significant development and will be determined by the Sydney North Planning Panel (SNPP).

#### 3.6 Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, clause 4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:



### 3 Clause 4.6 Assessment

---

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Furthermore, in Initial Action, Preston CJ clarified that, notwithstanding the Court's powers under Section 39(6) of the Court Act, the Court should still consider the matters in clause 4.6(5) when exercising the power to grant development consent for development that contravenes a development standard.

Accordingly, the proposed contravention of the 8.5m maximum height of buildings development standard at NNPS has been considered in light of clause 4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for the NNPS site and this design is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in **Section 3.4.2**, the proposed contravention of the height of buildings development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard. Accordingly, there would be no significant public benefit in maintaining the development standard in this instance; and
- It is considered that there are no other matters of relevance that need to be taken into consideration by the consent authority.

This is a matter for the Secretary or the Court to address in its written reasons for determining the subject development application.

#### 3.7 Clause 4.6(6) – Subdivision on Certain Land

Clause 4.6(6) is not relevant to the proposed development as it does not relate to subdivision of land.

#### 3.8 Clause 4.6(7) – Keeping of Records

Clause 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

#### 3.9 Clause 4.6(8) – Restrictions on use of clause 4.6

Clause 4.6(8) of LEP states as follows:

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
  - (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4,*
  - (caa) *clause 5.5.*

Clause 4.6(8) is not relevant to the proposed development as it is subject to a DA and does not constitute Complying Development, does not seek to vary any requirements of SEPP BASIX and does not relate to a standard under clause 5.4 or clause 5.5 of the LEP.



## 4 Conclusion

---

The proposed Building D at Narrabeen North Public School (NNPS), 6 Namona Street, North Narrabeen contravenes the 8.5m height of buildings development standard under Clause 4.3 of the LEP.

The height of buildings control under Clause 4.3 of the LEP is a development standard and is not excluded from the application of Clause 4.6.

This written request to vary the development standard has been prepared in accordance with Clause 4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- Notwithstanding the contravention of the 8.5m height of buildings development standard, the proposed new administration building, multi-purpose hall, staff hub and COLA at the NNPS site is consistent with the relevant objectives of the development standard under Clause 4.3 of the LEP and is consistent with the relevant objectives of the SP2 Infrastructure zone and therefore, the proposed development is in the public interest; and
- Notwithstanding the contravention of the 8.5m maximum height of buildings development standard, the building height of the roof sections above the proposed new two (2) storey staff hub in Building D and part of the COLA roof, will not result in any significant adverse environmental harm in that the environmental amenity of neighbouring residential and non-residential properties will be preserved and potential adverse impacts on the amenity (such as overshadowing, bulk and scale, view loss) of the locality will be minimised to a reasonable level.

In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the height of buildings development standard including:

- The extent of the building height variation is relatively minor being attributed to small sections of the roof area of the proposed new 2 storey staff hub in Building D and a section of the COLA roof;
- The variation in the 8.5m maximum height of building standard arises due to the characteristics of the site including the site's topography and the flood planning level requirements of the LEP and the DCP as well as the design requirements of the built form necessitated by the intended school purposes of the proposed new administration building, multi-purpose hall, staff hub and COLA at the NNPS site;
- The exceedance of the 8.5m maximum height of building standard of the COLA roof has been sensitively designed to frame and open up the view corridor from the main pedestrian entry of Namona Street of the Binidomes heritage item and its curtilage and to other existing and proposed school buildings and vegetated open space areas at the site;
- The proposed Building D have been carefully positioned to have minimal environmental impact on existing vegetation including the Coastal Wetlands area and to not have an adverse impact on the significance of the Binidomes heritage item;
- The environmental amenity impacts of the proposal are minimal (if any) or otherwise capable of being mitigated such that the proposal will not impact surrounding private or public land; and
- The positioning, characteristics and design requirements for the proposal at the NNPS site cannot be modified any further to reduce the building height having regard to the dimensions required for fit-for-purpose educational facilities as required under the NSW Department of Education's Educational Facilities Standards and Guidelines (EFSG).

## 4 Conclusion

---

Accordingly, this written request can be relied upon by the consent authority when documenting that it has formed the necessary opinions of satisfaction under clause 4.6(4) of the LEP.

The consent authority can be satisfied that contravention of the development standard does not raise any matter of significance for state or regional environmental planning, there is no public benefit of maintaining the development standard and there are no other relevant matters required to be taken into consideration.

Accordingly, the consent authority can exercise its power pursuant to clause 4.6(2) to grant development consent to the proposed development notwithstanding the contravention of the development standard and assume the concurrence of the Secretary pursuant to the Notice issued on 21 February 2018.



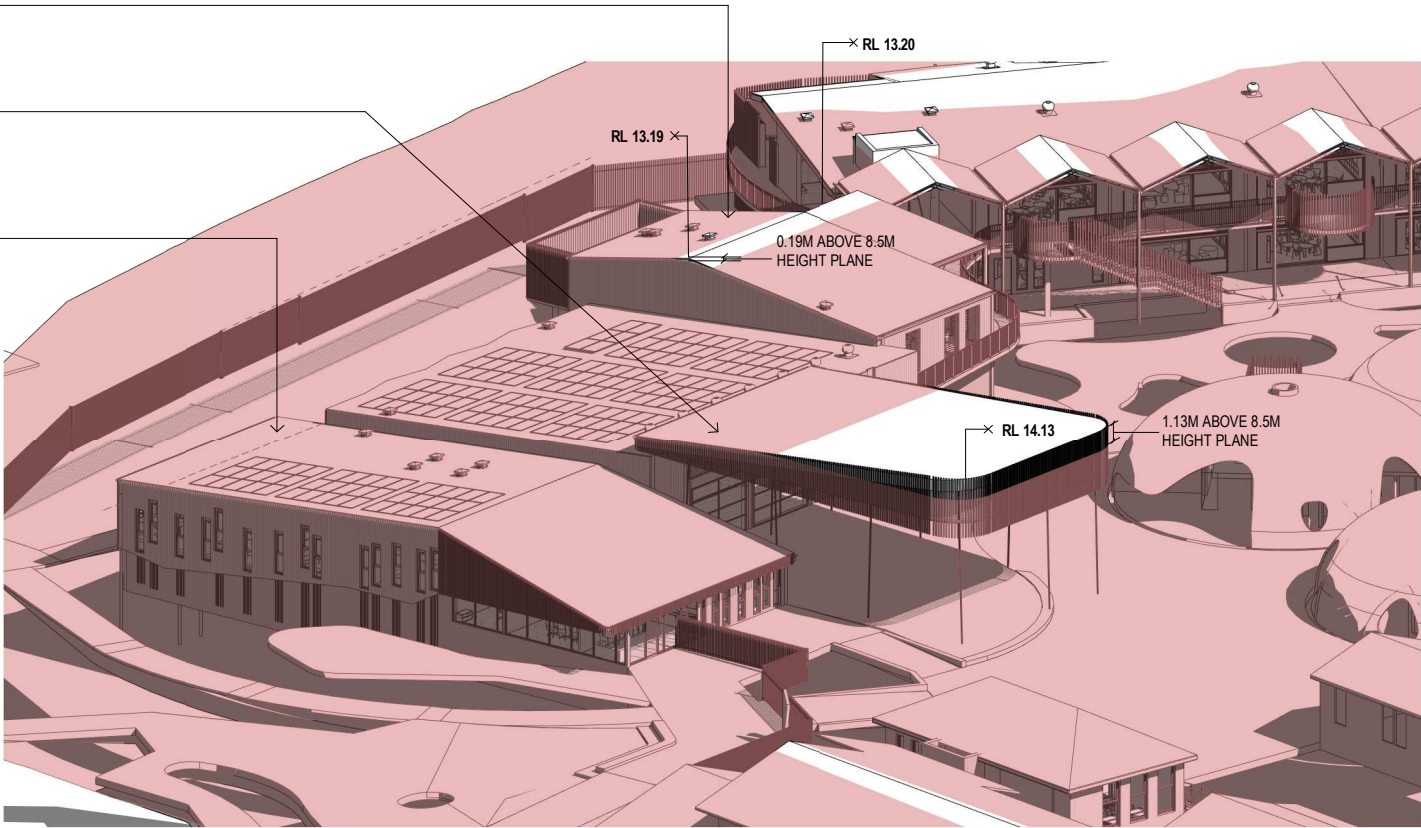
**planning consultants**

# APPENDIX I

NEW 2-STOREY  
STAFF HUB

NEW COVERED OUTDOOR  
LEARNING AREA (COLA)

NEW 1 STOREY  
ADMINISTRATION &  
HALL HUB

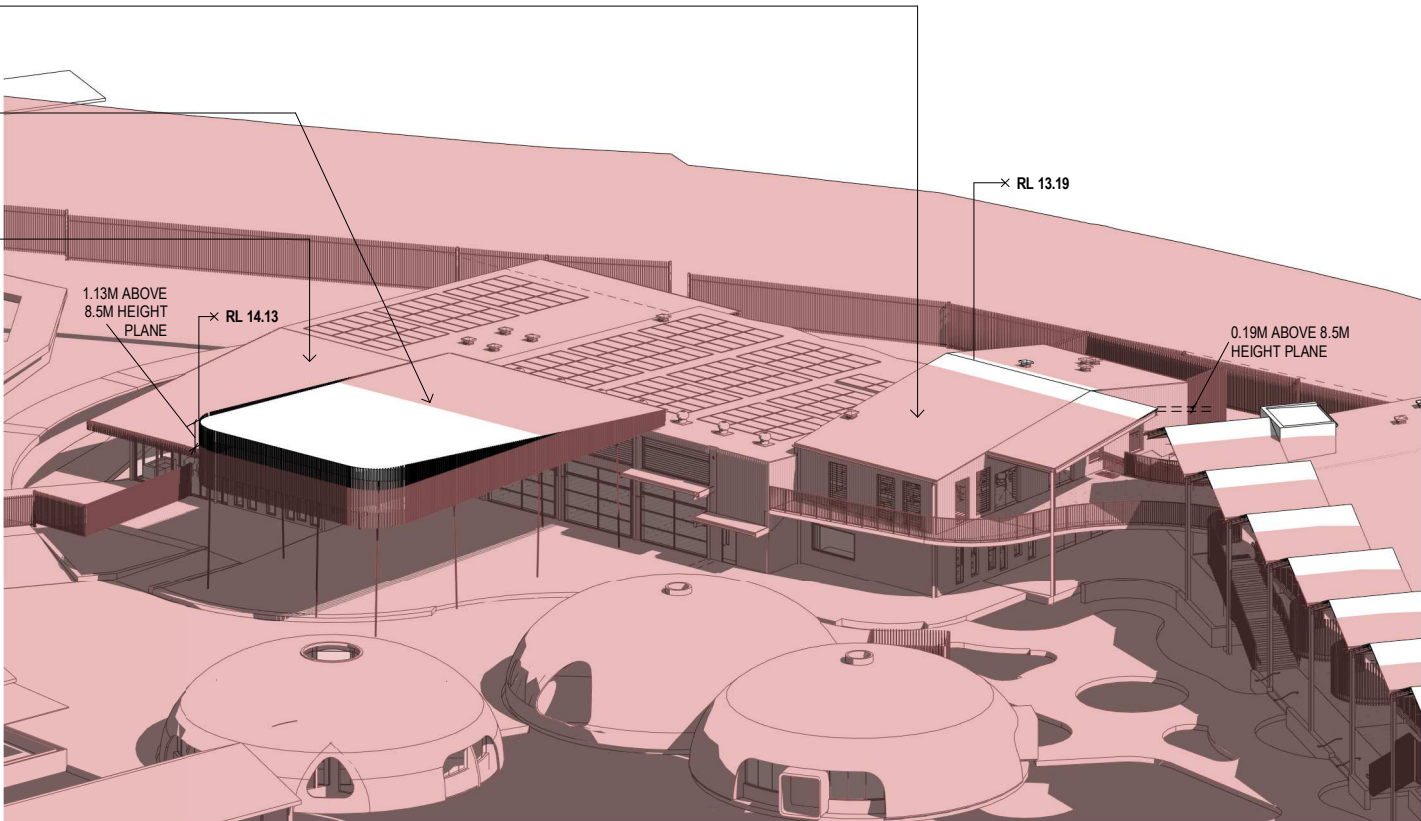


1 NNPS\_3D AXO - HEIGHT PLANE - NEW ADMIN & HALL - SOUTH EAST VIEW - DA

NEW 2-STOREY  
STAFF HUB

NEW COVERED OUTDOOR  
LEARNING AREA (COLA)

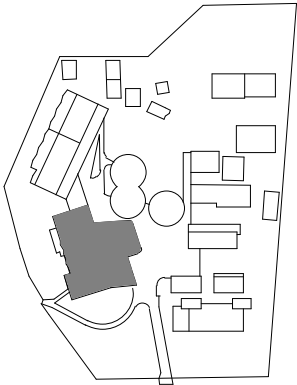
NEW 1 STOREY  
ADMINISTRATION &  
HALL HUB



2 NNPS\_3D AXO - HEIGHT PLANE - NEW ADMIN & HALL - NORTH EAST VIEW - DA

LEGEND

8.5M 3D HEIGHT PLANE



DISCLAIMER.  
This document may not be secure, may be corrupted in transmission or due to software incompatibility and/or may be amended or altered by third parties after leaving DesignInc Sydney Pty Ltd's possession. DesignInc is not responsible for and accepts no liability for such matters.  
Subject only to any conflicting provision within any prior binding agreement by DesignInc Sydney Pty Ltd (such agreement may also contain additional conditions relating to this document and its use ).

- The content of this document is confidential and copyright in it belongs to DesignInc Sydney Pty Ltd. The content is permitted only to be opened, read and used by the addressee.
- Users of this document must carry out all relevant investigations and must examine, take advice as required and satisfy themselves concerning the content, correctness and sufficiency of the attachment and its contents for their purposes.
- To the extent permitted by law, all conditions and warranties concerning this document or any use to which they may be put (whether as to quality, outcome, fitness, care, skill or otherwise) whether express or implied by statute, common law, equity, trade, custom or usage or otherwise, are expressly excluded.
- Any person using or relaying document releases & indemnifies and will keep indemnified, DesignInc Sydney Pty Ltd against all claims, liabilities, loss, costs and expenses arising directly or indirectly out of or in connection with such use or reliance including without limitation, any misrepresentation, error or defect in this document.
- Contractors to use Architectural drawings for set out. Contractors to check and verify all dimensions on site prior to construction / fabrication. Figured dimensions take precedence over scaled dimensions.
- Any discrepancies should be immediately referred to the Architect. All work to comply with N.C.C. statutory authorities and relevant Australian Standards.
- Refer also to the Model Disclaimer on the Cover Sheet.

No	DATE	REVISIONS	BY
A	18/08/2022	DA SUBMISSION	JO

DRAFT

ARCHITECT  
**DesignInc**  
DesignInc Sydney Pty Ltd  
Level 14, 85 Castlereagh Street  
Sydney NSW 2000 Australia  
+61 2 8905 7100  
sydney@designinc.com.au

Nominated Architects  
Ian Armstrong 7260 | Cathryn Drew-Bredin 7269 | Richard Does 8126 | Mary Anne McGirr 10946

CLIENT



PROJECT  
**NARRABEEN EDUCATION PRECINCT**  
NAMONA ST, NORTH NARRABEEN NSW 2101

DETAILS  
DRAWN  
CHECKED  
APPROVED

JO  
RF  
Approver

SCALE  
1:200 @ A1

TITLE  
**3D SITE TOPOGRAPHY HEIGHT PLANE -  
NEW ADMIN & HALL**

DRAWING NUMBER  
**DA-P-0303**

REVISION  
**A**