



DATE OF DETERMINATION	1 July 2022
DATE OF PANEL DECISION	1 July 2022
DATE OF PANEL MEETING	29 June 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown and Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 29 June 2022, opened at 10:00am and closed at 10:20am.

Papers circulated electronically on 21 June 2022.

MATTER DETERMINED

PPSSNH-300 - DA2021/2457 – Northern Beaches Council, 33 Myoora Road, Terrey Hills – Alterations and additions to a 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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Warringah Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with Clause 4.3 (Height of Buildings) 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 Clause 4.3 (Height of Buildings) of the LEP and the objectives for development in the RU4 Primary Production Small Lots 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 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the DA for the reasons outlined below and in Council's Assessment Report.

The application seeks consent for additions to the German International School Sydney (GISS), including the construction of a two-storey science centre, additions to an existing two-storey administration building, tree removal and associated landscaping and earthworks.

The proposal involves a 1.7m (20%) breach of the 8.5m height development standard and a clause 4.6 written request for a variation was submitted. The breaching element is limited to a small section of the roof of the south-west corner of the science centre and is a direct result of the topography of the land and the saw tooth roof form.

The Panel concurs with Council that the presentation of a sustainably designed timber clad building with a 20m front setback and landscape planting to the street provides a desirable presentation in the streetscape and the bushland character. Despite the minor height non-compliance, the proposal will not result in any unreasonable natural environment, visual or amenity impacts to neighbouring sites or visual impacts on the streetscape or the locality. Accordingly, the Clause 4.6 variation is considered well founded and supported.

The development is Integrated Development under s100B of the Rural Fires Act 1997 and General Terms of Approval (GTAs) have been issued by the RFS.

The Panel agrees the proposal has been properly assessed and is consistent with the objectives of the DCP, zone objectives and aims of the LEP, objectives of relevant EPI's and the EP&A Act 1979.

The design of the development is consistent with the design principles contained within SEPP (Education) 2017 and the proposal will not result in any unreasonable amenity impacts to neighbouring properties.

The proposal does include the removal of seven (7) high values trees and replanting with forty (40) new trees and associated landscape works. On balance, despite the breach with the 70% WDCP Landscaped Open Space and Bushland Setting provision, the objectives of the control are satisfied and a sufficient quantity and quality of hard and soft landscaping is provided.



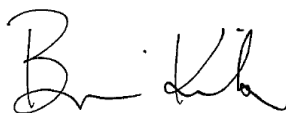


In summary, the Panel concurs with Council that approval of the school additions would be in the community interest.

CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Graham Brown
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-300 - DA2021/2457 – Northern Beaches Council
2	PROPOSED DEVELOPMENT	Alterations and additions to a school
3	STREET ADDRESS	33 Myoora Road, Terrey Hills
4	APPLICANT/OWNER	Knut Menden German International School Sydney
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 Educational Establishments and Child Care Facilities 2017 ○ State Environmental Planning Policy 44 - Koala Habitat Protection ○ State Environmental Planning Policy 55 - Remediation of Land ○ State Environmental Planning Policy 64 - Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • 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 received: 21 June 2022 • Clause 4.6 Exceptions to Development Standards (Clause 4.3 – Height of Buildings) • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 11 May 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Anne-Marie Young • Final briefing to discuss council's recommendation: 29 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown and Annelise Tuor ○ <u>Council assessment staff</u>: Anne-Marie Young, Michael French
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report