

DATE OF DETERMINATION	5 June 2023
DATE OF PANEL DECISION	2 June 2023
DATE OF PANEL MEETING	31 May 2023
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurrán, Brian Kirk, Graham Brown, Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 31 May 2023, opened at 9:33am and closed at 10:13am.

MATTER DETERMINED

PPSSNH-347 – DA2022/1649 - 6, 10 Namona Street, North Narrabeen 2101

Alterations and additions to two educational establishments. The works include:

Narrabeen North Public School

Construction of a new part-one and part-two storey administration building, multipurpose hall, staff hub and out-of-school hours care building with associated Covered Outdoor Learning Area

Narrabeen Sports High School

Alterations and additions to Building A3 and new Covered Outdoor Learning Area.

(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 Pittwater Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 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 cl. 4.3 Height of Buildings of the LEP and the objectives for development in the SP2 Infrastructure 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 application for the reasons below and in Council's comprehensive Assessment Report.

The proposal is Crown development and seeks consent for major alterations and additions to two public schools being Narrabeen North Public School (NNPS) and Narrabeen Sports High School (NSHS). The site consists of two allotments adjoining one another on the northern and southern sides of Namona Street.

The proposal includes variations to the height of buildings development standards under the Pittwater LEP of 13.29% for NNPS and 25.8% for NSHS. The Panel concurs with Council that the Applicant's Clause 4.6 written request adequately demonstrates that the proposal achieves the objectives of the development standard and there are sufficient planning grounds to justify the variations sought. The proposed heights do not result in any undue amenity or visual bulk impacts and are compatible with the height of development anticipated by SEPP (Transport and Infrastructure) 2021.

The proposal is the result of extensive consultation between the Applicant, Council and community. The proposed works are sited and designed to avoid adverse impacts to the environmental and heritage values of the land and the amenity of surrounding residential and public land. The proposal does not change student enrolments, staff numbers or car parking for either NNPS or NSHS. It will result in improved amenity and function for the schools and provide flexible spaces to meet the current and future needs of students and staff.



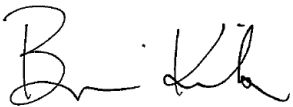

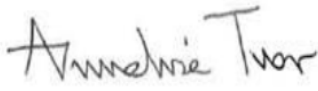
The Panel concurs with Council that the proposal has been properly assessed against relevant planning controls and is suitable and appropriate development for the sites. Accordingly, the Panel believes approval of the proposal is in the public interest.

CONDITIONS

During the public meeting, Council's draft conditions were discussed at length with Council and the Applicant and a number of amendments were agreed between the parties. The Development Application was approved subject to the amended conditions provided by Council on 31 May 2023.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. No members of the public chose to address the Panel during the public meeting. The Panel notes issues of concern included: access during construction & ongoing operation; consultation; heritage; and parking & access. The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurrán
 Brian Kirk	 Graham Brown
 Annelise Tuor	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-347 – Northern Beaches - DA2022/1649
2	PROPOSED DEVELOPMENT	<p>Narrabeen North Public School</p> <p>Removal of 3 trees; Construction of a new part-one and part-two storey administration building, multipurpose hall, staff hub and out-of-school hours care building with associated Covered Outdoor Learning Area (to be known as Building D); New entry pathway from Northern Beaches Indoor Sports Centre car park to new building; New hard and soft landscaping in the vicinity of the new building.</p> <p>Narrabeen Sports High School</p> <p>Removal of 3 trees; Alterations and additions to "Building A3" including: Demolition of existing two (2) storey structure to the west of the existing gymnasium; Construction of a two (2) storey extension to Building A3 comprising new stage to gymnasium, girls and boys amenities and change rooms, storage and first aid room on the ground floor and movement studios, Physical Education (PE) classrooms, amenities and storage on the first floor; Internal alterations to Building A3; New lift access; and New Covered Outdoor Learning Area (COLA)</p>
3	STREET ADDRESS	6, 10 Namona Street, North Narrabeen
4	APPLICANT/OWNER	Joel Lidden/Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Transport and Infrastructure) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ Pittwater Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Pittwater Development Control Plan • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • 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: 15 May 2023 • Clause 4.6 variation request – Height of Buildings • Amended Conditions of Consent: 31 May 2023 • Written submissions during public exhibition: 11
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 14 December 2022 <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>: Adam Susko • Public determination meeting: 31 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Adam Susko - <u>Applicant representatives</u>: Adam croft, Christohper King, David Lewis, Deepthi Murthy, Eddie Naffah, Joel Lidden, Prya Mekala Robert Player, Tessa Pentony, Tom Oliver
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended