

DATE OF DETERMINATION	28 October 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 October 2020.

MATTER DETERMINED

PPSSNH-67 – Northern Beaches – DA2019/1274 at 70 South Creek Road, Dee Why for 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 and the matters observed at site inspections 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 cl. 4.3 (Height of Building) 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 Building) of the LEP and the objectives for development in the R2 Low Density 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 outlined below and in the Council Assessment Report.

The proposal is reliant upon a variation to the maximum building height development standard prescribed by clause 4.3 of WLEP 2011, with a maximum variation of 36.82% for the new library and services building and 36% for the new lift core. The new library and services building sits closer to South Creek Road than the existing main structures, however the setback is still in excess of the minimum requirement and the architectural merit of the design will contribute to the streetscape.

The Panel finds the Applicant's written Clause 4.6 request to vary the height of buildings development standard under Clause 4.3 of WLEP 2011 to be well founded. The Panel agrees with the Applicant that the proposed development responds to the topography and the nature of overland flow patterns. The Panel considers the development to be a good response to the context of the site, which includes a number of existing school buildings which themselves breach the LEP height control further than the proposed development.

Additionally, while the proposal results in non-compliance with the minimum parking rate, the development will increase the total number of on-site car parks and will construct a larger pick-up/drop-off area, an additional staff car park and formalised bus parking. Overall, this will improve the traffic flow on the local roads and provide a safer environment for pedestrians and the local residents.

The Panel concurs with Council that the proposed development is a quality architectural response to the context of the site, compatible with the height, bulk and scale of the built form existing on the site. The resultant development will provide a high level of amenity for future staff and students, and will not result in any adverse impacts upon the character of the streetscape or the amenity of adjoining properties. As such, the proposal is consistent with the principles of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and the relevant objectives of the WLEP 2011 and Warringah Development Control Plan 2011 (WDCP 2011) and its approval would be in the public interest.






CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered five written submissions, made during public exhibition, which raised concerns with traffic, parking and light spill.

The Panel considered that concerns raised by the community have been adequately addressed in the Assessment Report, by Council responses during briefing of the Panel and in the conditions of consent.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-67 – Northern Beaches – DA2019/1274
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing school and an increase in student numbers to 1,091.
3	STREET ADDRESS	Lot 1 DP 1215531, 70 South Creek Road DEE WHY NSW 2099
4	APPLICANT/OWNER	Neeson Murcutt + Neille Architects The Pittwater House Schools Ltd
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 No.55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Regional Environmental Plan XXX (Deemed SEPP) ○ Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan • 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: 16 October 2020 • Clause 4.6 Written Request (Height of Building) • Written submissions during public exhibition: 5 • Unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 29 April 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ○ <u>Council assessment staff</u>: Daniel Milliken, Rod Piggot • Final briefing to discuss council’s recommendation: 28 October 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ○ <u>Council assessment staff</u>: Daniel Milliken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report