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| DATE OF DETERMINATION | 12 February 2024 |
| DATE OF PANEL DECISION | 12 February 2024 |
| DATE OF PANEL BRIEFING | 8 February 2024 |
| PANEL MEMBERS | Carl Scully (Chair), Amelia Thorpe, Joseph Cordaro and Kevin Hoffman |
| APOLOGIES | Alice Spizzo and Anthony Bazouni |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 30 January 2024.

MATTER DETERMINED

PPSSEC-284 – Canada Bay – DA2023/0135 – 5 Stanley Street, Concord – Demolition of some existing structures, construction of a new combined facility catering for administration, staff areas, General Learning Spaces, Support Classrooms, Specialty Classrooms, a new Hall and Canteen, refurbishment of the existing library, landscaping and perimeter fencing (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 Canada Bay Local Environmental Plan 2013 (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 R3 Medium Density Residential 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 in the Council Assessment Report.





The development is in the public interest and the Panel noted that there were no community submissions during the exhibition period.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

| PANEL MEMBERS | |
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|  Carl Scully (Chair) |  Amelia Thorpe |
|  Joseph Cordaro |  Kevin Hoffman |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSEC-284 – Canada Bay – DA2023/0135 |
| 2 | PROPOSED DEVELOPMENT | Demolition of some existing structures, construction of a new combined facility catering for administration, staff areas, General Learning Spaces, Support Classrooms, Specialty Classrooms, a new Hall and Canteen, refurbishment of the existing library, landscaping and perimeter fencing |
| 3 | STREET ADDRESS | 5 Stanley Street, Concord |
| 4 | APPLICANT/OWNER | NSW Department of Education (c/- Barker Ryan Stewart) NSW Department of Education |
| 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canada Bay Development Control Plan 2022 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 24 January 2024 List any clause 4.6 variation: Cl. 4.3 (Height of Buildings) Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Kick-Off Briefing: 31 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), <u>Applicant representatives</u>: Lisa Wrightson, Sherwin Rasquinha, Jarred Statham, Sarah Kelley, Robert Crestani, Daniel Smith, Luke Jacobs, Florian Mehler <u>Council assessment staff</u>: Edna Sorensen and Nima Salek <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis Briefing: 09 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe and Alice Spizzo <u>Council assessment staff</u>: Edna Sorensen <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis Site inspection: 08 February 2024 |

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| | | <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Joseph Cordaro, Kevin Hoffman ○ <u>Council assessment staff</u>: Edna Sorensen ○ <u>Applicant representatives</u>: Victor Newby and Robert Iamundi <ul style="list-style-type: none"> • Applicant Briefing: 08 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Joseph Cordaro, Kevin Hoffman ○ <u>Applicant representatives</u>: Lisa Wrightson, Luke Jacobs, Ben Miller, Robert Crestani and Shane Lee ○ <u>Council assessment staff</u>: Edna Sorensen ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss Council's recommendation: 08 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Joseph Cordaro, Kevin Hoffman ○ <u>Council assessment staff</u>: Edna Sorensen ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |