

<b>DATE OF DETERMINATION</b>	22 September 2021
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

#### **MATTER DETERMINED**

PPSSSH-74 – SUTHERLAND SHIRE – DA21/0354 at 2-6 PORTER ROAD ENGADINE 2233 – Construction of a multi-purpose hall (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 Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015), that has demonstrated that:

- compliance with cl. 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (building height) of the LEP and the objectives for development in the Zone SP2 – Educational Establishment; and
- 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 as the minor non-compliance is reasonable considering the building form, function and landscape treatment, as well as for the reasons outlined in the council assessment report.






#### **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	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	 Peter Scaysbrook
 Jack Boyd	



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-74 – SUTHERLAND SHIRE – DA21/0354
2	PROPOSED DEVELOPMENT	Construction of a multi-purpose hall
3	STREET ADDRESS	2-6 PORTER ROAD ENGADINE 2233
4	APPLICANT/OWNER	Anthony Manning / Minister for Education and Training
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Crown Development
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land.</li> <li>○ Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation of Land SEPP)</li> <li>○ State Environmental Planning Policy No.64 – Advertising &amp; Signage</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>○ Biodiversity Conservation Act 2016</li> <li>○ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: August 2021</li> <li>• 4.6 variation requests: <ul style="list-style-type: none"> <li>○ Cl4.6 written request – Building Height</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Thursday, 29 July 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook</li> <li>○ <u>Council assessment staff</u>: Evan Phillips, Ben Buchanan, Annette Birchall</li> <li>○ <u>DPIE staff</u>: Leanne Harris, Carolyn Hunt, Michelle Burns</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: Wednesday, 22 September 2021</li> </ul>



		<ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook</li> <li>○ <u>Council assessment staff:</u> Evan Phillips, Ben Buchanan, Annette Birchall</li> <li>○ <u>DPIE staff:</u> Leanne Harris, Carolyn Hunt, Michelle Burns</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report