

DATE OF DETERMINATION	16 August 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Peter Bascomb, Peter Beer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

PPSSTH-79 – SNOWY MONARO – 10.2021.40.1 at 6339 Kosciuszko Road JINDABBYNE NSW 2627 – New Educational Establishment - Stage 1 - Learning Hub (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 Snowy River Local Environmental Plan 2013 (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 R1 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 Panel. In its decision decided to include a new condition requiring the minor relocation of the temporary access road to avoid the removal of two native trees.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

1. Include a new condition:

Re-alignment of Temporary Access Road





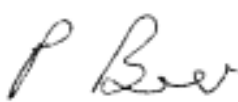
Revised plans showing a relocation of the temporary access road to avoid the removal of Trees 2.1 and 2.3 in Plan DA006 Rev 1 prepared by Munns Sly Moore Architects shall be submitted for the approval of Council prior to the issue of a CC. The removal Trees identified as 2.1 and 2.3 is not approved under this consent.

2. Amend Condition PCW_04 Construction Site Management Plan:

- insert after the word “works,” in the first sentence, the words:

the plan is to be consistent with the recommendations in the Detailed Site Investigation Report prepared by Robson Environmental and

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	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 Peter Bascomb
 Peter Beer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-79 – SNOWY MONARO – 10.2021.40.1
2	PROPOSED DEVELOPMENT	New Educational Establishment - Stage 1 - Learning Hub
3	STREET ADDRESS	Snowy Mountains Grammar School 6339 Kosciuszko Road JINDABBYNE NSW 2627
4	APPLICANT/OWNER	Applicant: Dabyne Planning Pty Ltd Owner: Snowy Mountains Grammar School Ltd
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 (Educational Establishments and Child Care Facilities)2017 ○ SEPP (State and Regional Development) 2011 ○ Snowy River Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Snowy River Development Control Plan 2013 • 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: 21 June 2021
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Wednesday, 4 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Peter Bascomb, Peter Beer ○ <u>Council assessment staff</u>: Sarah Brown, John Gargett ○ <u>DPIE staff</u>: Sung Pak, Michelle Burns
9	COUNCIL RECOMMENDATION	Approval with conditions
10	DRAFT CONDITIONS	Attached to the council assessment report