

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Electronic Meeting held between 23 and 29 June 2016

Panel Members: Garry Fielding (Chair), Kara Krason, John Colvin, Ken Jordan, Bruce MacKenzie

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2016HCC001 – Port Stephens Council – DA16-2015-837-1 [6, 6A & 6B Waropara Rd Medowie] as described in Schedule 1.

Date of determination: 29 June 2016

Decision:

The panel unanimously determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel unanimously agreed to approve the application, subject to the conditions, for the following reasons:

1. The Panel notes that the subject site is Zoned R5 large lot residential under the Port Stephens LEP 2013 which prohibits educational establishments. However the SEPP (Infrastructure) 2007 permits educational establishments under clause 28 and this particular planning policy prevails over the Port Stephens LEP 2013.
2. State Planning
3. The Panel considered that no significant impact will occur to threatened species populations or communities listed under the TSC Act or EPBC Act.
4. The Panel is satisfied that the clearing of vegetation is acceptable. The Local Land Services (LLS) approved the clearing of vegetation associated with an Asset Protection Zone on site in December 2015 as part of request number 20949/LLS Ref HCR 06078. This work was approved under the Native Vegetation Act 2003 to allow bushfire protection of the demountable classrooms installed on the site under clause 29(3) of SEPP (Infrastructure) 2007.
5. The proposal is in the public interest as it provides an education establishment supporting community development in an area of growing population, will enhance the educational environment of students and staff. This development does not have any significant adverse impacts on the built or natural environments and has positive social and economic benefit.

Conditions

The Panel approved the application subject to the conditions and following amendments:

- Conditions 3 amended to read:
This development consent applies to the Concept Proposal and Stage 1 only. This development consent does not authorise the construction, occupation or use of the buildings and works approved under this concept plan with the exception of those included in Stage 1. Separate development applications are to be submitted to the consent authority for assessment and determination with respect to any buildings and works for the further stages of the development.
- Condition 25 amended to read:
Construction work is to be restricted to the following times:-
 - Monday to Friday, 7am to 6pm;
 - Saturday, 8am to 1pm;
 - No construction work to take place on Sunday or Public Holidays.
- New Condition (after condition 5) as follows:
The maximum number of students permitted under this Concept Plan approval is eight hundred and sixty (860).

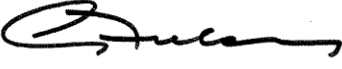



HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

- New Condition (after above) as follows:
The total number of car parking spaces required by this Concept Plan approval is seventy nine (79).
The provision of this car parking is to be realised as required by each stage of the overall development.

Inclusion of an advice is also to be reflected in the conditions of consent. Advice as follows:

Development applications for future stages of the approved Concept Plan are required to provide a Traffic Management Plan demonstrating safe vehicle circulation, traffic safety devices and safe set down and pick up parking areas.

Panel members:

 Garry Fielding (Chair)	 Kara Krason	 John Colvin
Endorsed by email 6/7/16 Ken Jordan	 Bruce MacKenzie	

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2016HCC001 – Port Stephens Council – DA16-2015-837-1 6
2	Proposed development: Medowie Christian School. Staged development for Educational Establishment - Alterations and Additions to an existing education establishment including intensification of use and Stage 1 for proposed administration building and associated works.
3	Street address: , 6A & 6B Waropara Rd Medowie
4	Applicant: State Planning Services Pty Ltd Owner: Medowie Christian School Ltd (6B Waropara Rd Medowie), Baptist Churches of NSW (6 & 6A Waropara Rd Medowie)
5	Type of Regional development: CIV>\$5 million, private infrastructure & community facility
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.44 – Koala Habitat Protection ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Port Stephens Local Environmental Plan 2013 (LEP2013) • Draft environmental planning instruments: None • Development control plans: <ul style="list-style-type: none"> ○ Port Stephens Development Control Plan 2014 (DCP 2014) • Planning agreements: None • Regulations: None • 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> and EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 23 June 2015 Written submissions during public exhibition: None
8	Meetings and site inspections by the panel:
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report