

## HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Maitland City Council on Thursday 8 September at 2.00 pm

Panel Members: Jason Perica (Chair), Kara Krason, Michael Leavey, Peter Blackmore, Bob Geoghegan

Apologies: Nil Declarations of Interest: Nil

### Determination and Statement of Reasons

**2016HCC029 – Maitland – DA13-1109 at 24 Heritage Drive Chisholm as described in Schedule 1.**

**Date of determination:** 8 September 2016

#### **Decision:**

The Panel determined to approve the Modification Application under Section 96(2) 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. The Panel also had regard to a briefing paper from Council staff dated 8<sup>th</sup> September 2016.

#### **Reasons for the panel decision:**

The Panel agreed with the environmental assessment and balancing of considerations as outlined in the Council Assessment Report. This included considerations relating to “substantially the same development”, noting the proposed modification in the context of the whole school site and the nature and location of the proposed changes. The Panel was satisfied the proposal did not radically transform the approved development and was able to be assessed under Section 96(2) of the EPA Act 1979. However the panel was of the view greater certainty was required regarding managing traffic impacts associated with the proposed modification.

The Panel was also satisfied about the natural and built form impacts of the proposed modification on surrounding land, and that the site was suitable for the proposal and proposed use. The Panel had regard to the zone objectives and was of the opinion the proposal was consistent with the zone objectives.

The proposal as modified represents rational and orderly planning, including for the surrounding Urban Release Area. The main potential impact related to traffic and parking impacts, and these impacts were addressed in the assessment report before the Panel. The Panel did, however, believe that a more systematic approach to reviewing traffic impacts was warranted as the school expanded in population beyond the existing approved capacity to the ultimate capacity approved by the modification, having regard to appropriate accessibility and traffic safety and the changing nature of the area. This is reflected in the amended wording of conditions as approved by the panel.

**Conditions:** The Modification application was approved subject to the conditions appended to the Council Assessment Report, as summarised in a more recent briefing paper dated 8<sup>th</sup> September 2016, with the following changes to Conditions 2, 7B, 21A, 21B, 21C and deletion of Advice I

### CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$91,905** shall be paid to the Council. This amount is to be updated by the Council to reflect the increased scope of work within the section 96 application and written evidence of this updated amount (and payment) shall be provided to the certifying authority prior to the issue of any construction certificate.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council S94A Levy Contributions Plan 2006.

Payment of the above amount shall apply to Development Applications as follows:

- Building work only - prior to issue of the Construction Certificate.
- Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.
- Where no construction certificate is required - prior to issue of an Occupation Certificate.

The above "contribution" condition has been applied to ensure that:

- i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94A of the Environmental Planning and Assessment Act, 1979.
- ii) Council's administration expenses are met with respect to the processing of the application.

- 7B.** The maximum number of students permitted under this consent for the Primary School is 630 students subject to the requirements of Condition 21A and 21B being implemented.

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**21A.** Upon enrolments reaching 420 students the applicant shall prepare and submit to Council for approval a further Traffic ~~Assessment and~~ Management Plan to identify the likely impacts and subsequent road upgrade requirements (if any) associated with the growth of the school. This e-assessment shall be prepared in accordance with the RTA Guide to Traffic Generating Developments 2002 and is to include, but not limited to, the following:

- a) Identify all relevant vehicular traffic routes and intersections for access to/from the subject area,
- b) Current traffic counts for all of the above traffic routes and intersections,
- c) The anticipated additional vehicular traffic generated from the proposed ~~stage-~~ increase in student numbers beyond 420,
- d) The distribution on the road network of the trips generated by the proposed development. The predicted traffic flows are to be shown diagrammatically to a level of detail sufficient for easy interpretation,
- e) Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. The study shall also give consideration to the cumulative traffic impacts of other proposed and approved developments in the area,
- f) On the basis of the above identify any necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network (to include consideration to restricting turning movements left in/left out only and providing turning facilities on Heritage Drive). Preliminary concept drawings for such works shall be submitted for any identified road infrastructure upgrades. Any upgrades will be required to the satisfaction of ~~RMS and~~ Council at the full cost to the developer.

*Condition Added .....*

**21B** Prior to the issue of the Occupation Certificate for each new stage the Traffic ~~Assessment and~~ Management Plan shall be implemented as per Condition 21A. and is to be resubmitted for approval viewed annually, or when the student population reaches 520 and 630, whichever occurs first. A copy of the annual review is to be made available to Council upon request.

*Condition Added .....*

21C A traffic management plan for the construction phase to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted and approved by Council prior to the issue of the construction certificate

### Panel members:

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|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <br><b>Jason Perica (Chair)</b> | <br><b>Kara Krason</b>   | <br><b>Michael Leavey</b> |
| <br><b>Peter Blackmore</b>      | <br><b>Bob Geoghegan</b> |                                                                                                                |

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### SCHEDULE 1

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| 1  | <b>JRPP Reference – LGA – Council Reference:</b> 2016HCC029 – Maitland – DA13-1109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2  | <b>Proposed development:</b> Education Facility; Section 96(2) Modification to alter approved building plans for wings A & B, amend the capacity of the school and on-site car parking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3  | <b>Street address:</b> 24 Heritage Drive Chisholm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4  | <b>Applicant/Owner:</b> Diocese of Maitland Newcastle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5  | <b>Type of Regional development:</b> Section 96(2) Modification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6  | <b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• EPA Act 1979 and associated regulation 2000</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Maitland Local Environmental Plan 2011</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Maitland Local Environmental Plan Draft 2016</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Maitland Citywide Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: 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> and EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul> |
| 7  | <b>Material considered by the panel:</b><br>Council Assessment Report Dated 18 August 2016 and briefing paper dated 8 <sup>th</sup> September 2016<br>Written submissions during public exhibition: 0<br>Verbal submissions at the panel meeting: Support- Mr Tim Blackall On behalf of the applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8  | <b>Meetings and site inspections by the panel:</b><br>Briefing Meeting – 8 September 2016<br>(previous site inspection)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 9  | <b>Council recommendation:</b> Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 10 | <b>Draft conditions:</b> As per Assessment Report and modified by the panel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |