

## **DETERMINATION AND STATEMENT OF REASONS**

### **HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	26 July 2018
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Kara Krason and Abigail Goldberg
<b>APOLOGIES</b>	Michael Leavey and Cr Chris Burke
<b>DECLARATIONS OF INTEREST</b>	Cr Kyle MacGregor declared a potentially perceived conflict of interest, as he is a casual high school teacher and it could be considered that the proposed primary school additions (at a location where he does not work) may benefit the Department of Education, with whom he is occasionally employed.

Public meeting held at The Erina Centre on 26 July 2018, opened at 2.00pm and closed at 3.40pm.

#### **MATTER DETERMINED**

Panel Ref – 2017HCC025 - LGA – Central Coast Council – DA52629/2017 at 9 Lea Avenue, Wamberal, 5 Lea Avenue, Wamberal and 11 Lea Avenue, Wamberal (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to grant approval, subject to the Crown applicant's confirmation in writing of their verbal agreement of the Conditions (see below), pursuant to Section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*.

The decision for approval was unanimous, although Kara Krason had a dissenting view about one aspect of the proposal (see below).

#### **REASONS FOR THE DECISION**

The Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

The site location for the addition was not ideal for either neighbours nor the retention of trees on the site. However, there were sound and rational site planning reasons to support the location of the building additions, including accessibility, safety and surveillance to accessways, allowance to remove demountables and retention of active and passive open space within the school for children. Many of the trees to be removed were relatively immature and the combination of the building setback, orientation oblique to neighbours,

the screening provided and the nature of the use and hours of use, were such that the privacy impacts to neighbours were, on balance, acceptable.

The Panel was not satisfied with the proposed tree replacement, being of the view at least the same number of trees removed should be replaced on site. Other refinements to conditions were discussed at the meeting, including relating to parking and lighting.

There was some discussion of potential tree removal for a future builder's compound, although that was not part of the proposal before the Panel, and no decision could be made regarding this matter.

Kara Krason felt an additional condition should be imposed to require the demountable classrooms that are proposed to be removed upon completion of the new building and the associated new landscaping/additional open space areas of the areas currently occupied by the classrooms to be carried out within a time period of six months from the date of occupation of the new building. This suggestion did not receive majority support on the basis of allowing some flexibility for the school to undertake the works within its own timeframe to meet its specific needs and therefore was not carried through to the determination.

The proposal (as regulated and mitigated by conditions of consent) will provide positive social and learning benefits, including the provision of Special Education facilities, and some economic benefits from jobs and materials during construction and jobs during operation, without any significant adverse impacts upon others.

In regard to community views and submission, concerns regarding parking were adequately addressed by recommended conditions as amended, which will significantly improve the provision and safety of on-site parking. Other issues raised were not of such significance to warrant refusal (although light spill was also subject to an additional condition) and the Panel otherwise agreed with the assessment of the issues raised by objectors within the Council staff report.

It was noted that one community submission raised questions regarding whether footpaths are provided on Lea Street, and safety considerations in this regard. The Panel discussed this concern and both the Applicant and Council staff confirmed that a footpath is indeed provided on the school side of the street. The Panel was satisfied by this response.

### **CONDITIONS**

The Panel favour approval of the DA, subject to the crown applicant's written concurrence (as verbally agreed at the meeting) to the recommended conditions of consent within the Council staff report to the Panel meeting of 26 July 2018, subject to the following changes:



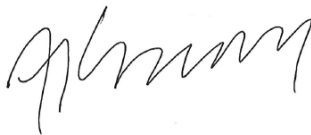
- A new Condition 1.1A to state:  
*1.1A The Tree Management Plan L01 shall be amended to show replacement of 65 trees, after consultation with the Council's Tree Assessment Officer;*

- Replace Condition 2.9(a) to state:

*(a) The provision of access crossings within Lea Avenue to service the existing staff car parking area(s) and driveway accessway in accordance with Council's Civil Design Specifications and AS2890:1.2004 Parking Facilities. This shall include integration of the new compliant accessway with the adjoining footpath kerb and gutter.*

- Deletion of Condition 2.9(b);
- Correction of the word "site" to "sight" within Condition 2.9(c) to read as follows - *The provision of a new two-way width vehicle access crossing to service the temporary builder's compound from the Tumbi Road carriageway. The works shall include adjustment to the existing retaining walls to ensure sufficient sight distance in accordance with The Austroads Guide to Road Design, AS2890.2:2002 Parking Facilities and Council's Civil Design Specifications.*
- Deletion of Condition 2.10 (b) and (c) and replacement with a new condition (and subsequent renumbering of following conditions) to state:
  - (b) *The upgrade of the existing staff parking area fronting Lea Avenue and including the construction of a new additional staff parking area adjacent to the western boundary of the site to accommodate a minimum of forty-one (41) car spaces in accordance with AS2890.1:2004 Parking Facilities. The parking area shall be adequately retained where necessary, sealed, delineated by direction line marking, line marked, appropriately signposted, include lighting and required accessible car parking space(s) and connect to the new vehicular access crossing(s) within Lea Avenue. The car park spaces shall also include the provision of wheel stops and safety barriers where required to be designed by a Structural Engineer. Note: All retaining structures and safety barriers shall be certified upon completion of the works by the designing structural engineer.*
- A new Condition 5.11 to state:
 

*5.11 The Building Management System for the new building works shall ensure internal lighting is turned off after hours and when rooms are not in use (except with regard to emergency lighting).*

PANEL MEMBERS	
 <p>Jason Perica (Chair</p>	 <p>Kara Krason</p>
 <p>Abigail Goldberg</p>	

### SCHEDULE 1

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	Panel Ref – 2017HCC025 - LGA – Central Coast Council – DA52629/2017
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Educational Establishment
<b>3</b>	<b>STREET ADDRESS</b>	Lot 12 DP 589255, Lot 11 DP 589255, Lot 22 DP 545060, 9 Lea Avenue, Wamberal, 5 Lea Avenue, Wamberal and 11 Lea Avenue, Wamberal
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant - EJE Architecture  Owner – Wamberal Public School
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	<b>Crown development over \$5 million</b>
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments and legislation: <ul style="list-style-type: none"> <li>○ Environment Planning and Assessment Act 1979 – Section 4.15, Section 4.33</li> <li>○ Roads Act 1993</li> <li>○ Rural Fires Act 1997</li> <li>○ Water Management Act 2000</li> <li>○ Water Management (General) Regulation 2011</li> <li>○ State Environmental Planning Policy No 71 – Coastal Protection</li> <li>○ State Environmental Planning Policy (Coastal Management 2018)</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ Gosford Local Environmental Plan 2014</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Gosford Development Control Plan 2013</li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></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>• 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>

<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 6 July 2018</li> <li>• Written submissions during public exhibition: 4</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> </ul> </li> </ul> <p>On behalf of the applicant – Ross Read, Glen Spicer, Michael Abbott and Aaron Manderson</p>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting 25 January 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 26 July 2018.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Abigail Goldberg,</li> <li>○ <u>Council assessment staff</u>: Karen Hanratty</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report