

DATE OF DETERMINATION	16 April 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey, Cr. Ryan Palmer and Cr. Paul Le Mottee
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 10 April 2018 and 16 April 2018.

MATTER DETERMINED

2017HCC036 – Port Stephens – 16-2017-647-1 at 176 Salamander Way, Salamander Bay (see 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 approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

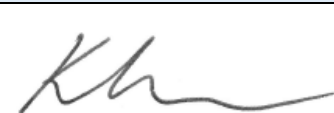
REASONS FOR THE DECISION

The Panel generally agreed with the balance of environmental considerations as outlined in the Council staff assessment report and supplementary material. The Panel particularly noted:

- The proposal was suited to the site, which already contained a school and was zoned appropriately;
- The use will support the education of the local population;
- Any impacts on potential koala habitat were minimised as no vegetation is proposed to be removed and the existing site is largely cleared of vegetation;
- Parking for staff and students is appropriate with some planned flexibility for modest expansion, and an appropriate condition has been imposed to ensure car parking is in place prior to occupation of the new building;
- The scale was appropriate in the context of the site and the applicable planning controls;
- The site adjoins LEP identified wetlands and the submitted stormwater management plan includes adequate quality and quantity controls as required by the Council's policy;
- The proposal is for a special fire protection purpose and the RFS has issued a bushfire safety authority and relevant requirements have been included as a condition and schedule of consent;
- A general lack of impacts to neighbours; and
- Overall, the proposal will be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with no amendments.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Cr. Ryan Palmer
 Cr. Paul Le Mottee	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC036 – Port Stephens – 16-2017-647-1
2	PROPOSED DEVELOPMENT	Demolition of existing building and construction of a three storey educational establishment building
3	STREET ADDRESS	176 Salamander Way, Salamander Bay
4	APPLICANT OWNER	Schreiber Hamilton Architecture Pty Ltd (Trading as SHAC) St Philips Christian Education Foundation Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy No 44 – Koala Habitat - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 - State Environmental Planning Policy (State and Regional Development) 2011 - Port Stephens Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Port Stephens Development Control Plan 2014 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000 and the Rural Fires Act 1997</i>. - 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	- Council assessment report: 19 April 2018 - Written submissions during public exhibition: zero - Memorandum addressing car parking numbers and timing of construction: 12 April 2018 - Memorandum addressing SEPP 44: 16 April 2018
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Electronic determination between 10 and 16 April 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report