

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

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| DATE OF DETERMINATION | 26 July 2018 |
| PANEL MEMBERS | Jason Perica (Chair), Kara Krason and Abigail Goldberg |
| APOLOGIES | Michael Leavey and Cr Chris Burke |
| DECLARATIONS OF INTEREST | 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 – 2017HCC041 - LGA – Central Coast Council – DA53070/2017 at 20 Havenview Road, Terrigal (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 approve the development application pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

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

The site planning was sound, particularly for a site with some constraints and limited street frontages.



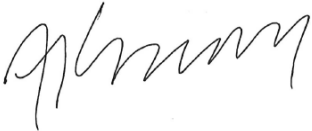
The Panel had regard to the applicants' Clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Gosford Local Environmental Plan 2014 ('the LEP'). Given the location, the height of adjoining buildings within the site, the compatibility of form, the slope of the land and overall topography, separation distances and design measures, orientation and height of surrounding development, the design benefits of emphasising the arrival point to the school, the lack of negative impacts associated with the proposed height, the zoning objectives and height objectives, and some public benefits, the Panel was satisfied regarding the proposed height. The Panel formed the view that the proposal applicant's written request satisfactorily addressed required matters within clause 4.6 of the LEP and it was considered that compliance with the height limit was unnecessary and unreasonable in this case.

The proposal will provide positive social and learning benefits, and some economic benefits from jobs and materials during construction and jobs during operation, without any significant adverse impacts upon others. It was noted the Crown applicant had agreed to the recommended conditions.

In terms of considering community views, it was noted no submissions were made.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, subject to correction of the date of the approved plan L05 to be 04/04/2018 (as agreed by the Crown applicant).

| PANEL MEMBERS | |
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|  Jason Perica (Chair |  Kara Krason |
|  Abigail Goldberg | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | Panel Ref – 2017HCC041 - LGA – Central Coast Council – DA53070/2017 |
| 2 | PROPOSED DEVELOPMENT | New Administration Building and Homebase Block |
| 3 | STREET ADDRESS | Lot A DP 187957, Lot B DP 33217, Lot 1 DP 588831, Lot 28 DP 28877, 20 Haven view Road, Terrigal |
| 4 | APPLICANT/OWNER | Applicant - TSA Management Pty Ltd Owner – Terrigal Public School |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Crown development over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none">• Environmental planning instruments:<ul style="list-style-type: none">○ Environment Planning and Assessment Act 1979 – Section 4.15, Section 4.33○ Roads Act 1993○ Water Management Act 2000○ State Environmental Planning Policy No 71 – Coastal Protection○ State Environmental Planning Policy (Coastal Management 2018)○ State Environmental Planning Policy (State and Regional Development) 2011○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 |

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| | | <ul style="list-style-type: none"> ○ Gosford Local Environmental Plan 2014 • Development control plans: <ul style="list-style-type: none"> ○ Gosford Development Control Plan 2013 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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 • 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: 18 May 2018 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Ross Read, Glen Spicer, Michael Abbott and Aaron Manderson |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and briefing meeting 25 January 2018 • Final briefing meeting to discuss council's recommendation, 26 July 2018. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Abigail Goldberg ○ <u>Council assessment staff</u>: Karen Hanratty |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |