

DATE OF DETERMINATION	Thursday, 10 May 2018
PANEL MEMBERS	Michael Leavey (Chair), Kara Krason, John Griffin, Peter Epov and David Keegan
APOLOGIES	Jason Perica
DECLARATIONS OF INTEREST	None

Public meeting held at MidCoast Council office in Taree on 10 May 2018, opened at 3.00pm and closed at 5.15pm.

MATTER DETERMINED

2017HCC060 – Mid-Coast Council – DA87/2018 AT 10 Smith Street, Old Bar (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 adjourned during the meeting to deliberate on the matter and formulate a resolution. As part of the deliberations the panel sought verbal acceptance from the applicant to the proposed additional condition, which was given.

The Panel determined to support the clause 4.6 variation to building height and to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, with changes to conditions of consent as detailed below.

The decision to support the application was unanimous, and the decision to delete condition 12 relating to the s.7.12 (*former s.94A*) condition was by the majority (3:2) with Michael Leavey, Kara Krason and John Griffin in favour of deleting the condition and against the decision were Peter Epov and David Keegan.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel considered the written request under clause 4.6 of Greater Taree LEP 2010 in relation to the variation of the maximum height development standard in Clause 4.3 and is satisfied in respect of the matters set out in Clause 4.6(4);
- The proposal will replace existing demountable classrooms and will provide improved facilities for students and social benefits for the local community;
- The proposal has architectural merit and provides an appropriate design response for the site and its setting;
- Matters relating to coastal hazards have been satisfactorily addressed and considered in the submitted application documents and the assessment report;
- The Panel noted that the applicant has agreed to the proposed conditions, with the exception of proposed condition 12, and that written acceptance has been received from the applicant to the additional condition relating to removal of the demountable classrooms;
- To ensure that the demountable classrooms are removed and the site is made good in a timely manner;
- The majority of the Panel (Leavey, Krason & Griffin) noted the proposal is for crown development where the applicant has not agreed to proposed condition 12, and were of the opinion that the proposal provides replacement classroom facilities which will not in itself increase the capacity of the school. On this basis, and having regard to section 4.33 of the *Environmental Planning and*

Assessment Act 1979, the majority of the panel did not support the imposition of condition 12. The majority of the Panel also considered that the deletion of Condition 12 would not result in a 'significantly adverse financial impact' on the Council, having regard to section 2.26(a) of the *Environmental Planning and Assessment Act 1979*.

- Peter Epov and David Keegan disagreed with the majority decision to delete Condition 12 on the basis that there is a need for local community infrastructure to be provided in Old Bar in accordance with the Council's infrastructure contributions plan, and the proposal should contribute towards this.





CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- deletion of Condition 12 (and renumbering of subsequent conditions); and
- insertion of a new condition as follows:

Following Occupation of the Building

27. Within 3 months of occupation of the new building, the 7 demountable buildings identified as 'removed demountable' on the plans are to be removed from the school site, with the area to be made good and landscaped within 6 weeks of their removal.

PANEL MEMBERS	
 Michael Leavey (Chair)	 Kara Krason
 John Griffin	 Peter Epov
David Keegan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC060 – Mid-Coast Council – DA87/2018
2	PROPOSED DEVELOPMENT	Alterations and additions to Old Bar Public School
3	STREET ADDRESS	10 Smith Street Old Bar
4	APPLICANT OWNER	Conrad Gargett NSW Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$5m – Crown Development
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> NSW Rural Fires Act 1997 State Environmental Planning Policy No 14 – Coastal Wetlands State Environmental Planning Policy No 26 – Littoral Rainforests State Environmental Planning Policy No 71 – Coastal Protection State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land Draft State Environmental Planning Policy (Educational and Child Care Facilities) 2017 Draft State Environmental Planning Policy (Coastal Management) 2016 NSW Coastal Policy 1997 Greater Taree Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Greater Taree Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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	<ul style="list-style-type: none"> Council assessment report: 27 April 2018 Written submissions during public exhibition: nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Virginia Marsden On behalf of the applicant Pat Daly
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection on 10 May 2018 Final briefing meeting to discuss council's recommendation, 10 May 2018, 2.30pm. Attendees: <ul style="list-style-type: none"> Panel members: Michael Leavey (Chair), Kara Krason, John Griffin, Peter Epov and David Keegan Council assessment staff: Petula Bowden and Bruce Moore
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report