

RECORD OF DEFERRAL

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DEFERRAL	Thursday 17 May 2018
PANEL MEMBERS	Garry West (Chair), Stephen Gow, Susan Budd, Simon Richardson
APOLOGIES	Pamela Westing & Shannon Burt
DECLARATIONS OF INTEREST	None

Public meeting held at Byron Shire Council 70-90 Station Street Mullumbimby on 17 May 2018, opened at 1.30pm and closed at 1.45pm.

MATTER DEFERRED

2017NTH030 – Byron – DA10.2017.509.1 at Kingsley Street Byron Bay (AS DESCRIBED IN SCHEDULE 1)

REASONS FOR DEFERRAL

The Panel resolved unanimously to defer the determination of the above DA because a Traffic Impact Assessment had not been completed to consider the traffic implications of the potential increase in capacity of up to 60 students.

The Panel submitted an amendment to Condition 2 to read as follows:

“That the total enrolment at the School does not exceed its current level (679 students).”

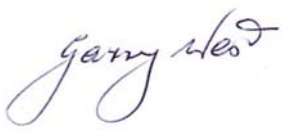
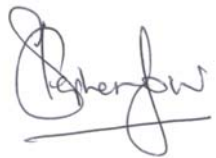


The Panel note that the Applicant may request that this consent be modified in order to allow the notional additional capacity from the development (being an additional 60 students) to be realised, provided that the request is supported by a Traffic Impact Assessment for that additional capacity, in accordance with the following Council requirements:

- a) *a brief description of the development in terms of proposed land use and trips generated;*
- b) *a brief description of the existing operational conditions of the road network in the immediate vicinity of the development;*
- c) *analysis of the operation of the accesses and parking arrangements for the development;*
- d) *analysis of the parking demand and supply of the development;*
- e) *analysis for the mobility impaired;*
- f) *analysis of the operation of the first intersection, as a minimum, on either side of the accesses;*
- g) *a conceptual geometric layout of the access arrangements, including any nearby driveways and intersections; and*
- h) *professional opinion on the expected traffic impact based on a site observation during expected critical peak hour and the analysis conducted.”*

The Panel is aware that as a crown development the condition can only be changed with the consent of the NSW Department of Education.

Further, the Panel resolved that if the Applicant does not agree to this revised condition, Council's draft condition 2 be replaced by an Advising to similar effect.

When this information has been received, the panel will determine the matter electronically unless the Panel considers that another public meeting is warranted.

PANEL MEMBERS	
 Garry West (Chair)	 Stephen Gow
 Susan Budd	 Simon Richardson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH030 – Byron – DA10.2017.509.1
2	PROPOSED DEVELOPMENT	Alterations and additions to Byron Bay Public School including removal of five demountable buildings, removal of twelve trees, demolition of classroom building 'L', construction of a new two storey classroom building containing ten home base rooms, covered walkway, new play area and associated landscaping.
3	STREET ADDRESS	Lot 1 in DP 805037, Lot 1 Section 43 in DP 758207, Lots 2 Section 43 in DP 758207, Kingsley Street Byron Bay
4	APPLICANT OWNER	Conrad Gargett (on behalf of NSW Department of Education) NSW Department of Education
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"> State Environmental Planning Policy No.44 – Koala Habitat Protection State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy No.71 – Coastal Protection State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Byron Local Environmental Plan 2014 Draft environmental planning instruments: Coastal Management State Environmental Planning Policy (Draft) Development control plans: <ul style="list-style-type: none"> Byron Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 92 & 94 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: 3 May 2018 Written submissions during public exhibition: nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – NIL Object – NIL On behalf of the applicant – Johannes John, Senior Project Manager
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 17 May 2018 Final briefing meeting to discuss council's recommendation, 17 May 2018, [time]. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Garry West (Chair), Stephen Gow, Susan Budd, Simon Richardson <u>Council assessment staff</u>: Ben Grant, Planner; Chris Larkin, Manager Sustainable Development
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report