

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	20 April 2022
DATE OF PANEL DECISION	20 April 2022
PANEL MEMBERS	Sandra Hutton (Chair), Juliet Grant, Sally Halliday and Aaron Cook
APOLOGIES	Alison McCabe
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 March 2022.

MATTER DETERMINED

PPSHCC-113 – Maitland – DA/2021/1576 at 75-81 Chelmsford Drive, Metford – alterations and additions to an educational establishment (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel had the benefit of a final briefing from Council officers and applicant representatives.

The Panel notes that this development involves alterations and additions to an existing school facility. The impacts of the development have been assessed based on no additional students and no change to existing operations including to traffic and parking demand and management including drop off and pick up arrangements and no change from existing operational hours. The Panel considers that these matters need to be formally included in any consent. The Panel reviewed additional particulars on operational hours provided by Council and the applicant, and has consolidated and amended them, with ad hoc usage outside core hours provided for where consistent with an approved Plan of Management that minimises impacts to surrounding residential amenity.

As part of its deliberations, the Panel made specific enquiries around the adequacy of the nominal 1.5m setback to the eastern residential boundary for a three-storey building height. The applicant, via the Council, provided additional particulars to give context to the height, bulk and scale of the proposed addition relative to the existing adjoining church building. In the specific circumstances of that boundary interface, adjoining buildings, privacy treatment and physical separations, the Panel was ultimately satisfied with the siting, setback, height, bulk and scale of the additions, and for the reasons supported by Council in the assessment.

Given the nature of the proposed addition and the importance of elevational detail, materials and colours, the Panel considers a condition requiring those design outcomes to be retained is warranted.

The applicant sought the Panel to review recommended Condition 7, to revise the timing on when registration of a related approved boundary adjustment must be finalised. The Panel notes that the building proposed as part of this DA relies upon completion of a boundary adjustment, inclusive of any works to achieve Building Code compliance between the existing and proposed buildings. Whilst conscious of programming implications, the Panel is of the view the boundary adjustment should be completed before the consent for the new building becomes operative. This requirement is incorporated into the consent.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions in the Council Report and the following amended and additional conditions.

1. Insert new Schedule 1, to provide for deferred commencement consent for registration of the boundary adjustment the new building relies upon:

SCHEDULE 1

DEFERRED COMMENCEMENT

In accordance with Section 4.16(3) of the Environmental Planning Assessment Act 1979 this Consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon the receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this Consent.

In accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, a twelve (12) months period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/details. If not, then the 'deferred commencement' will lapse, and a new development application will be required.

1. *The submission of evidence of the registration of the boundary adjustment approved via DA2021/1412 is provided.*
2. Insert 'Schedule 2' title after new Schedule 1, to capture operative consent conditions.
3. Delete condition 7, as this is no longer required.
4. Insert new condition, to reinforce proposed design outcomes:

DESIGN QUALITY OF DEVELOPMENT

#. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building without the approval of Council.

5. Delete Condition 19 and replace with amended condition:

HOURS OF OPERATION

19. The hours of operation of the school shall be in accordance with the following:

Core Operational Hours	
<i>Time Period</i>	<i>Activities</i>
<i>Monday - Friday 7.30am – 7.00pm</i>	<ul style="list-style-type: none">• <i>Heavy loading of staff and students onsite.</i>• <i>Out of School Hours Care</i>• <i>Extra-Curricular onsite activities</i>• <i>Sports team training</i>

Fringe Operational Hours	
<i>Time Period</i>	<i>Activities</i>
<i>Monday-Friday 5.30am-7.30am 7.00pm – 10.00pm</i>	<ul style="list-style-type: none">• <i>Staff commencing their duties before school and working after school;</i>• <i>Activities accommodated by an approved Plan of Management</i>

Occasional weekend activity 7.30am-6.30pm	
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Activities that may occur during fringe operational hours, occasional weekend activity and infrequently where outside the fringe operational hours are to be subject to an approved Plan of Management that considers impacts on residential amenity of the neighbourhood, may include:

- *Parent-teacher conferences;*
- *School musicals and other performances;*
- *Parent Information evenings;*
- *Sport team training;*
- *School community events and celebrations;*
- *Formals and Graduations;*
- *Community events;*
- *External and school users of the sports courts and proposed gymnasium for representative level training.*
- *Ad hoc events, arrivals and departures;*

6. Insert new condition, to reinforce existing operations relied upon in the assessment:

OPERATIONAL PLAN OF MANAGEMENT

#. Prior to the issue of an Occupation Certificate, an Operational Plan of Management shall be prepared and submitted to the Council for approval, outlining the following specific items that minimise impacts to the public road network and surrounding residential amenity:

- *Operational details including maximum student numbers and hours of operation*
- *Nature and management of activities during fringe operational hours, weekends and infrequently if outside those hours*
- *Traffic, Access and Car Parking Arrangements for the site;*
- *Waste Management, including the storage and the collection of waste.*

Ongoing operation of the school is to be in accordance with the approved Operational Plan of Management.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and for the following reasons:

1. The proposed development provides for additional educational facilities in a consolidated and integrated way, without an increase in student numbers or change to operational details.
2. The impacts of the development are readily able to be mitigated.
3. The proposed development provides continued educational facilities in the area to meet the needs of the student population.





CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with amendments as specified above relating to:

- Deferred Commencement requiring registration of the boundary adjustment relied upon;
- Reinforcing design quality elements, details, material, finish and colours;
- Documenting hours of operation and continuing operational details relied upon for transparency and ensuring that consideration is given to surrounding residential amenity

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Sandra Hutton (Chair)	 Juliet Grant
 Sally Halliday	 Aaron Cook

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-113 – Maitland – DA/2021/1576
2	PROPOSED DEVELOPMENT	Education Establishment – Alterations and Additions
3	STREET ADDRESS	75 Chelmsford Drive, Metford and 83-85 Chelmsford Drive, Metford
4	APPLICANT/OWNER	Paynter Dixon / Maitland Christian School
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Transport and Infrastructure) 2021○ State Environmental Planning Policy (Biodiversity and Conversation) 2021○ State Environmental Planning Policy (Planning Systems) 2021○ State Environmental Planning Policy (Resilience and Hazards) 2021○ Maitland Local Environmental Plan 2011• Draft environmental planning instruments: Nil• Development control plans:<ul style="list-style-type: none">○ Maitland Citywide Development Control Plan 2011• 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

		<ul style="list-style-type: none"> 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: 7 April 2022 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 9 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and Juliet Grant <u>Council assessment staff</u>: Kristen Wells, Kristy Cousins and Stuart Reid <u>Applicant</u>: Clive Furnass, Matthew Green, Alan Standen, Nick Healey and Lorelle Fitzpatrick Department staff: Alexandra Hafner and Lisa Foley Site inspections: <ul style="list-style-type: none"> <u>Sandra Hutton</u>: 4 April 2022 <u>Sally Halliday</u>: 2 April 2022 <u>Aaron Cook</u>: 7 April 2022 Final briefing to discuss council's recommendation: 7 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Sandra Hutton (Acting Chair), Juliet Grant, Sally Halliday, Aaron Cook <u>Council assessment staff</u>: Kristen Wells, Kristy Cousins and Marc Hope <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley Applicant Briefing: 7 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Sandra Hutton (Acting Chair), Juliet Grant, Sally Halliday, Aaron Cook <u>Council assessment staff</u>: Kristen Wells, Kristy Cousins and Marc Hope <u>Department staff</u>: Carolyn Hunt and Lisa Foley <u>Applicant representatives</u>: Clive Furnass, Nick Healey and Lorelle Fitzpatrick <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report