

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	11 November 2022
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Giacomo Arnott and Leah Anderson
APOLOGIES	None
DECLARATIONS OF INTEREST	Ryan Palmer declared a conflict of interest, as his children attend the school which is the subject of this determination application.

Papers circulated electronically on 2 November 2022.

MATTER DEFERRED

PPSHCC-122 – Port Stephens – DA 16-2022-97-1 at 12 Sproule St, Nelson Bay – alterations and additions to existing school (as described in Schedule 1).

The Panel has had the benefit of a number of detailed briefings and has inspected the site. Arising from the Panel's deliberation of the matter and the fact that the proposal involves changes to the operation of the existing school use and introducing a new use to the site, the Panel requires further information regarding:

- Subdivision plan;
- Drop-off / pick-up arrangements;
- Stormwater solution;
- Landscape outcomes on eastern boundary; and
- Clarification of Acoustic assumptions and mitigation measures.






This information is required before the Panel can determine the matter.

REASONS FOR DEFERRAL

1. The Panel resolved to defer the determination of the matter for the following information:
 - a). A plan of subdivision that is fully dimensioned and identifies all the relevant easements, ROW, restrictions and burdens on each lot that are required for the development.
 - b). A plan detailing the location, length and capacity of the designated drop-off and pick-up points. The plan is to include the length and location of the bus bay.
 - c). An updated Traffic Management Plan that references the drop-off and pick-up plan and management arrangements and morning bus management.
 - d). Details of the extent of works for the stormwater option that does not rely on an easement.
 - e). Revised landscape plans that demonstrate that the proposed landscape outcomes are achievable along the eastern boundary – this will require an understanding of the location of in-ground infrastructure, any easement restrictions and proposed species.
 - f). Clarification that the acoustic modelling has taken into account existing school functions.
2. The revised information as referred to above is to be submitted to Council within 21 days from the date of this deferral record. If the revised information from the applicant is not provided within the time frame, the Panel may determine the DA based on the information currently at hand.
3. The Council is to prepare a supplementary report and revised conditions if necessary for the Panel's consideration. Council is requested to update their assessment within 2 weeks of the receipt of revised information.

When this information has been received, the Panel will determine the matter electronically.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	 Giacomo Arnott
 Leah Anderson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-122 – Port Stephens – DA 16-2022-97-1
2	PROPOSED DEVELOPMENT	Alterations and additions to existing educational establishment (St Michael's School, Nelson Bay) including refurbishment of grounds and buildings, removal of existing demountable buildings, new centre based child care including out-of-school hours care, new admin building, new car park, subdivision, landscaping, fencing and associated civil works.
3	STREET ADDRESS	LOT: 2 DP: 216064 12 Sproule Street NELSON BAY
4	APPLICANT OWNER	CKDS Architecture Pty Ltd Trustees of the Roman Catholic Church
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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts—Regional) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Port Stephens Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Port Stephens Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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: 2 November 2022 Written submissions during public exhibition: seven (7)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 31 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Giacomo Arnott <u>Applicant</u>: Ben Rapley, David Crofts, Phill Samaras and John Tobin <u>Council assessment staff</u>: Dylan Mitchell <u>Department staff</u>: Carolyn Hunt and Lisa Foley Briefing: 6 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair) and Leah Anderson <u>Council assessment staff</u>: Dylan Mitchell, Ryan Falkenmire and Isaac Lancaster <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley

		<ul style="list-style-type: none"> • Site inspection: 29 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair) and Sandra Hutton ○ <u>Council assessment staff</u>: Ryan Falkenmire ○ <u>Applicant</u>: Ben Rapley, Phill Samaras, Helen Bourne and John Tobain • Final briefing to discuss Council's recommendation: 9 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Giacomo Arnott and Leah Anderson ○ <u>Council assessment staff</u>: Dylan Mitchell and Ryan Falkenmire ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Submitter Briefing: 9 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Giacomo Arnott and Leah Anderson ○ <u>Council assessment staff</u>: Dylan Mitchell and Ryan Falkenmire ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley ○ <u>Submitter</u>: David Straw <p><u>Note</u>: Submitter briefing was requested to provide the Panel with clarification on written submissions</p> • Applicant Briefing: 9 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Giacomo Arnott and Leah Anderson ○ <u>Council assessment staff</u>: Dylan Mitchell and Ryan Falkenmire ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives</u>: Ben Rapley, David Crofts, Phill Samaras, Kurt Daley and Ray Bowen <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