

ADDENDUM TO COUNCIL ASSESSMENT REPORT OF 2 NOVEMBER 2022

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-122 & 16-2022-97-1
PROPOSAL	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.
ADDRESS	LOT: 2 DP: 216064 12 Sproule Street NELSON BAY
APPLICANT	CKDS Architecture Pty Limited
OWNER	Trustees of the Roman Catholic Church
DA LODGEMENT DATE	23 February 2022
APPLICATION TYPE	Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private Infrastructure and Community Facilities – Educational establishments and childcare centres
CIV	\$8,152,406
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>Port Stephens Local Environmental Plan 2013</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Total Submissions: 7 Unique Submissions: 7

ORIGINAL DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1 – Recommended Conditions of Consent Attachment 2 – Council Childcare Planning Guidelines Compliance Table Attachment 3 – Architectural Plans Attachment 4 – Civil Plans Attachment 5 – Landscape Plan Attachment 6 – Geotechnical Assessment Attachment 7 – Noise Impact Assessment Attachment 8 – Additional Noise Impact letter Attachment 9 – Traffic Management Plan Attachment 10 – Flora and Fauna Assessment Report Attachment 11 – Waste Management Plan Attachment 12 – Disability Access Report Attachment 13 - Preliminary Contamination Assessment
ADDENDUM DOCUMENTS SUBMITTED FOR CONSIDERATION	Amended Attachment 1 – Recommended Conditions of Consent Amended Attachment 5 - Landscape Plans Amended Attachment 9 - Amended Traffic Management Plan Attachment 14 - Cover Letter Response from Applicant Attachment 15 - Additional Acoustic Letter Attachment 16 - Wahgunyah Rd Stormwater Attachment 17 - Revised Subdivision Plan Attachment 18 - Wahgunya Road Traffic Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	9 November 2022
PLAN VERSION	10
PREPARED BY	Dylan Mitchell – Principal Development Planner
DATE OF ORIGINAL REPORT	2 November 2022
DATE OF ADDENDUM REPORT	15 December 2022

EXECUTIVE SUMMARY

This addendum modifies and supplements the Council Assessment Report of 4 March 2020, submitted to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination of Development Application (DA) 16-2022-97-1 for alterations and additions to existing educational establishment (St Michael's School, Nelson Bay) at 12 Sproule Street, Nelson Bay.

The purpose of this addendum is to address the additional information requested by the HCCRPP following the deferral of DA 16-2022-97-1 - PPSHCC-122 on 11 November 2022. The reason for deferral was to request further information from the applicant regarding the following:

- Updated Subdivision Plan;
- Drop-off / pick-up arrangements;
- Details of stormwater solution;
- Landscape treatment on the eastern boundary; and
- Clarification of acoustic assumptions and mitigation measures.

Amended plans and additional information have been submitted by the applicant to address the matters raised by the HCCRPP in the Record of Deferral.

The recommended conditions of consent have been updated to reflect the amendments made to the proposal.

The additional information has been assessed, with regard to the matters raised by the HCCRPP in the record of deferral and under Section 4.15 of the EP&A Act and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to the amended conditions of consent.

RECOMMENDATION

That Development Application DA 16-2022-97-1 for alterations and additions to an educational establishment, construction of a centre based child care facility including OOSH care and one into two lot subdivision at 12 Sproule Street Nelson Bay (LOT: 2 DP: 216064) be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the amended draft conditions of consent.

INTRODUCTION

This addendum report provides a detailed overview of the amended plans and additional information submitted by the applicant to address the HCCRPP reasons for refusal at its determination meeting on 11 November 2022.

BACKGROUND

The reasons for deferral as detailed in the Record of Deferral are as follows:

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.

AMENDED PROPOSAL

Amended plans and additional information have been submitted in response to the matters raised by the HCCRPP. The amended plans and additional information include a subdivision plan, amended drop-off and pick-up bays and bus bays, amended traffic management plan, design details for the installation of drainage infrastructure on Wahgyunah Road, amended landscape plans and additional acoustic assessment. Further details of the amended proposal are discussed below.

The amended proposal also includes a request from the applicant to include a condition, which caps the school student numbers at 420 students. This is not supported by Council, given the application and associated specialist reports appear to all have been prepared based on the number of students being 399 students. A condition of consent has been included limiting the maximum number of students to 399.

Subdivision Plan

The amended application includes a revised subdivision plan including right of carriageways to enable the following:

- Right of access over the childcare centre car park, benefitting the church to allow for cross utilisation of parking;
- Driveway access to the childcare centre and OOSH;
- Right of access to the school staff car park benefitting the childcare centre and OOSH;
- Right of access to the school play area for the childcare centre and OOSH; and
- Creation of a 7m landscape buffer zone between the existing stormwater easement and the proposed water/sewer easement along the eastern boundary to provide an appropriate area for the offset planting and retainment of the existing eucalyptus tree located within the south eastern corner of the site.

Drop-off / pick-up arrangements

The amended proposal includes an updated Traffic Management Plan (TMP) and a Traffic Plan sketch, detailing the proposed pick-up and drop off procedures for the school.

The following additional information is included within the amended TMP, in response to the matters raised during the HCCRPP determination meeting:

- The School is serviced by five (5) bus routes.
- In the morning the buses utilise the existing bus zone located along the Wahgunyah Road school frontage for staggered drop off between 8:25am to 8:51am.
- In the afternoon four (4) of the buses are waiting within the existing bus zone located along Wahgunyah Road school frontage with the fifth bus arriving at 3:15pm after the previous four buses have departed.
- Morning drop-off is currently located between the current school crossing and bus zone in a 'Kiss and Go' arrangement which complies with the current 'no parking' street signage and regulations.
- The arrangement will be modified to suit the relocated school crossing to align with the new school entry with the 'no-parking' located between Primary Crescent and the school crossing.
- Afternoon pick-up is undertaken by the students being organised into lines in front of the school hall before being escorted from the school gate in following order;
 - Bus Group 1-4 are escorted to each bus based on the order they have arrived (Overseen by dedicated staff member).
 - Walkers, bike, and scooter riders.
 - 'Meet & Greet'. This is utilised by Parents/Caregivers who have parked in Wahgunyah Street and meet the student at the school gate.
 - Car pick-up on the Northern side of Wahgunyah Rd (Pirralea Reserve Gardens). Students are escorted in one group across Primary Crescent to awaiting Parents/Caregivers.
 - Car pick-up on the Southern side of Wahgunyah Rd. Students are escorted in one group across Wahgunyah Road to awaiting Parents/Caregivers.
 - Bus Group 5 is escorted to bus service S413 once arrived at 3:15pm.

The above operations are illustrated in the below Traffic Plan (**Figure 1**).

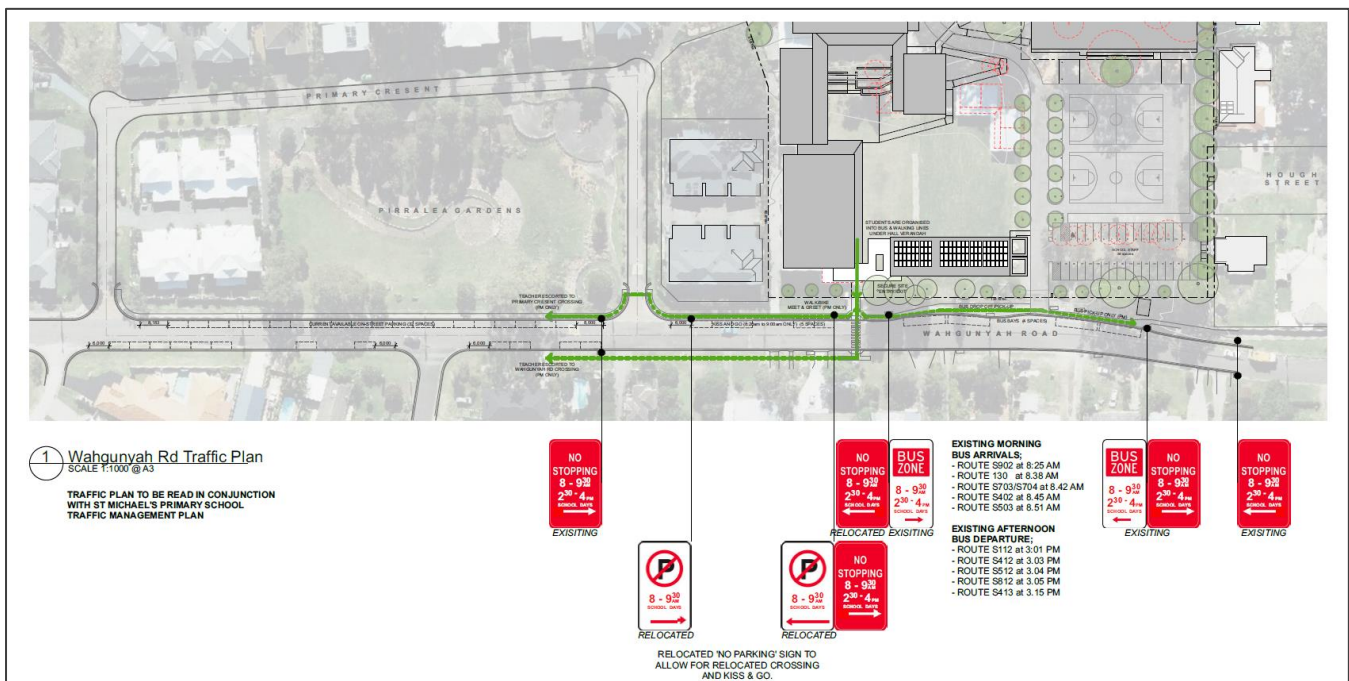


Figure 1: Wahgunya Rd Traffic Plan

The amendments to the TMP indicate that currently a peak of 4 buses would arrive at the site at the same time during the afternoon pick-up. The amended TMP and Figure 1 above illustrates the areas of the road shoulder currently used to facilitate the bus pick-up. The 4 bus spaces extend over the Wahgunyah Road Carriageway, which would result in some queuing of vehicles whilst the buses are

loading. The amended proposal does not propose any works within the road verge to rectify this historic deficiency.

Details of stormwater solution

An External Site Connection Sketch has been provided by Northrop Engineering to detail the required works within the Wahgunyah Road reserve if an easement cannot be established over the existing stormwater line currently running through Lots 1-3 DP1098930. The Wahgunyah Road works are shown in **Figure 2** below.

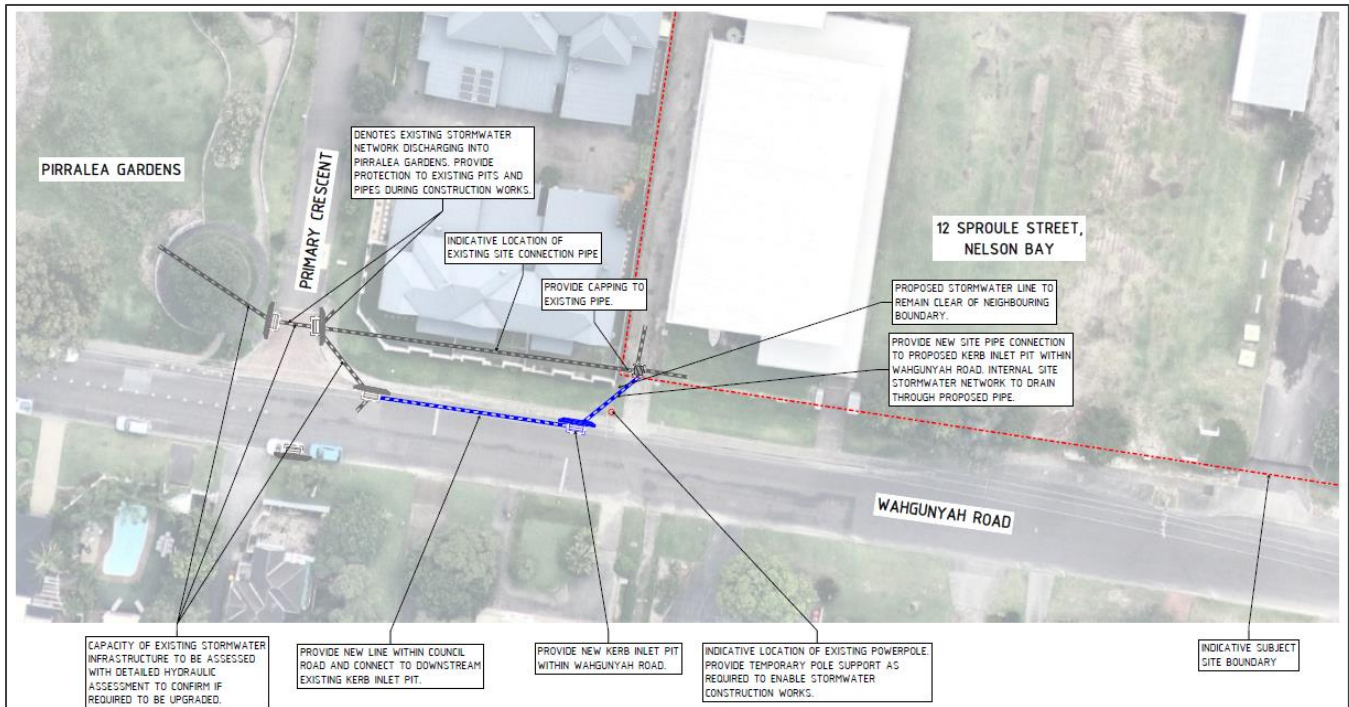


Figure 1: Proposed stormwater works within Wahgunyah Road Reserve

The proposed stormwater works within the Wahgunyah Road Reserve would not result in any adverse environmental impacts, noting that the road reserve is cleared of any significant vegetation.

Landscape outcomes on the eastern boundary

The amended proposal includes changes to the landscaping treatment previously proposed within the existing stormwater easement on the eastern boundary. The proposal now includes landscape plantings offset from the easement in a 7m wide strip. The landscape strip includes a mix of small trees (elaecarpus), shrubs (syzigium, grevillea & Lomandra) and ground covers (Liriope), with root barriers either side of the plantings to ensure the adjacent easements are not impacted by intrusion from tree roots. A new condition of consent has been included to ensure the tree root barrier is installed along with landscape plantings prior to the issue of an Occupation Certificate.

Clarification of acoustic assumptions and mitigation measures

A letter from Reverb Acoustic dated 25th November confirms the acoustic modelling has taken into account existing school functions noting there is no intensification of school children numbers on the play area adjacent to residences along the eastern boundary between the proposed staff car park and EEC/OOSH building. Accordingly, the letter confirmed the 1.8m high colourbond fence at this location is considered an appropriate and improved acoustic treatment given there is currently no impervious fencing at this location.

PLANNING ASSESSMENT

This revised assessment considers only those matters relevant to the amended development. The remaining assessment remains unchanged from the original Council Assessment Report of 2 November 2022.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.15 Evaluation

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

The amended development is consistent with the provision of the Port Stephens Local Environmental Plan 2013 (PSLEP) and all relevant SEPPs applicable to the proposal.

Port Stephens Local Environmental Plan 2013

The original assessment against the Port Stephens Local Environmental Plan 2013 (PSLEP) remains unchanged as a result of the amended proposal. The amended proposal is consistent with the provisions of the PSLEP.

Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft instruments relevant to the amended proposal.

Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)

Port Stephens Development Control Plan 2014

The amended proposal is consistent with the provisions of the Port Stephens Development Control Plan 2014 (DCP).

The following sections of the DCP are relevant to the amended proposal:

B1 – Tree management

The landscape amendments result in the loss of additional 1 eucalyptus tree, which is located immediately adjacent the existing drainage easement. The loss of 1 additional tree is acceptable given 52 replacement plantings are proposed, which will provide increased canopy coverage compared with the 16 total trees proposed to be removed as part of the development. The proposed tree removal and offsetting is consistent with the Port Stephens Tree Technical Specification and therefore accords with the requirements of Chapter B1.

B3 - Environmental Management

A letter from Reverb Acoustic dated 25th November confirms the acoustic modelling has taken into account existing school functions noting there is no intensification of school children numbers on the play area adjacent to residences along the eastern boundary between the proposed staff car park and EEC/OOSH building. Accordingly, the letter confirmed the 1.8m high colourbond fence at this location is considered an appropriate and improved acoustic treatment given there is currently no impervious fencing at this location. Councils Environmental Health Officer supported these findings.

B8 – Road Network and Parking

The amended subdivision plan includes right of carriageways, reflecting the proposed cross utilisation of the upper car park.

The amended Traffic Management Plan (TMP) includes addresses drop off and pick up arrangements of children by parents. The amended TMP also includes clarification regarding bus time tabling and confirms the proposed bus drop off zones currently available for bus pick up and drop off. The additional information also includes a Traffic Plan sketch, detailing the pick-up and drop off procedures for the school.

The above operations are illustrated in the below Traffic Plan (**Figure 3**).

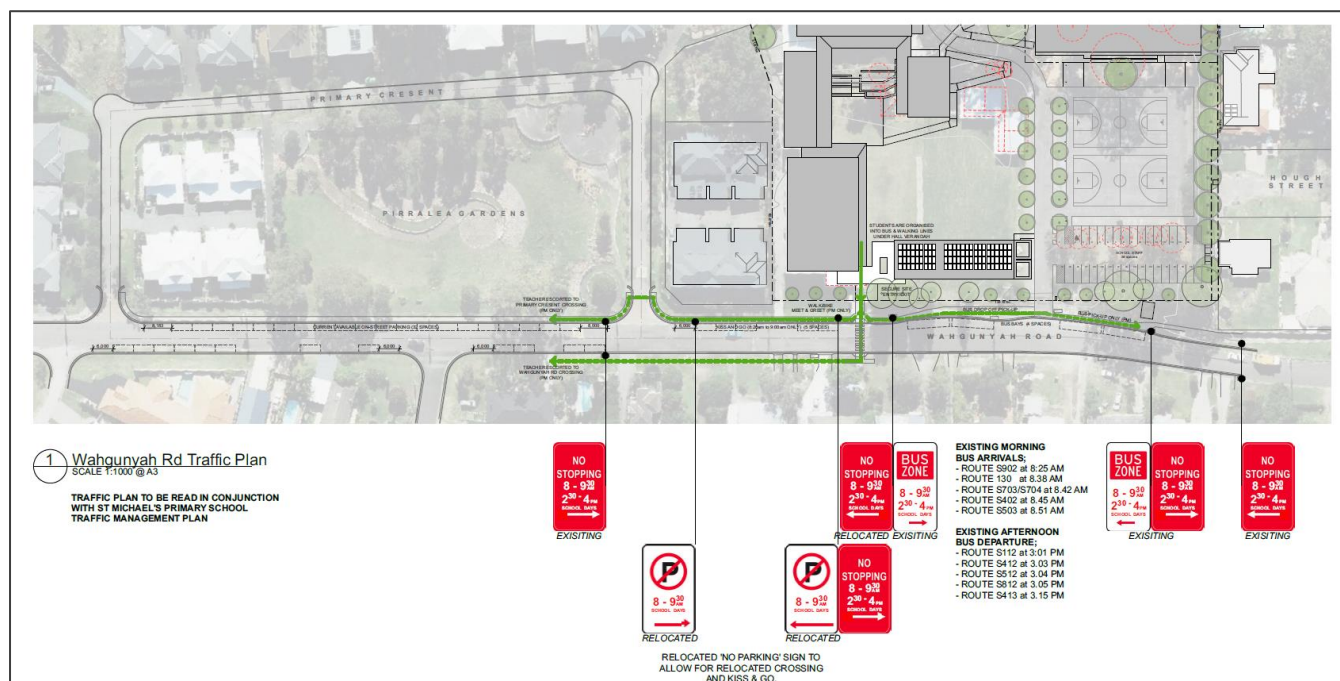


Figure 3: Wahgunyah Rd Traffic Plan

The amended TMP indicates that currently a peak of 4 buses would arrive at the site at the same time during the afternoon pick-up. The amended TMP and Figure 3 above illustrates the areas of the road shoulder currently utilised to facilitate bus pick-ups. The 4 bus spaces extend over the Wahgunyah Road carriageway, which would result in some queuing of vehicles whilst the buses are loading and unloading. The amended proposal does not propose any works within the road verge to rectify this historic deficiency.

Despite the historic deficiency, the applicant notes the proposed development does not involve an intensification of the school facility, noting that there are no additional classrooms proposed and there would be a net loss of classroom gross floor area. Moreover, the maximum number of students is not proposed to increase as a result of the proposal. For this reason, the nexus for the imposition of extensive road widening works and relocation of public assets required to widen the bus parking are not considered required under this proposal. Should a future DA be submitted which increases the floor area of classrooms or maximum student numbers, the demand for the bus services would increase and therefore warrant a full reconsideration of the traffic plan and bus queuing area.

Notwithstanding the above, should the Panel be minded to rectify this historic deficiency as part of this development, a condition requiring upgrades to the Wahgunyah Road carriageway to improve bus queuing has been provided as part of the recommended conditions (condition 2.0(10b)).

On this basis, the amended proposal accords with the requirements of chapter B8.

1.1.1 Section 4.15(1)(a)(ia) Planning agreements

There are no planning agreements that are relevant to the proposed development.

1.1.2 *Section 4.15(1)(a)(iv) the regulations (and other plans and policies)*

There are no matters within the regulations that are relevant to the determination of the amended application.

Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The likely environmental impacts of the development relating to the natural and built environments, and social and economic impacts remain generally unchanged from that identified in the original Council Assessment Report of 2 November 2022.

Section 4.15(1)(c) the suitability of the site for the development

The site is suitable for the amended development for the reasons identified within the original Council Assessment Report of 2 November 2022.

Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

The amended proposal does not involve any substantial change to environmental impacts or material changes from those plans originally notified. Accordingly, no further re-notification or advertising is required.

Section 4.15 (1)(e) the public interest

The amended proposal is considered to be in the public interest for the reasons identified within the Council Assessment Report of 2 November 2022.