

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 December 2023
DATE OF PANEL DECISION	18 December 2023
DATE OF PANEL MEETING	12 December 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Alan Tickle
APOLOGIES	David West
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 12 December 2023, opened at 2:00pm and closed at 2.25pm.
Papers circulated electronically on 5 December 2023.

MATTER DETERMINED

PPSHCC-145 – MidCoast – DA2022/0390 at 1/-/1264355 – Taree Christian College – Forster – Educational Facility – Kindergarten to Year 8 (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 has had three (3) briefings on this matter in November 2022, March 2023 and September 2023 and inspected the site in March 2023.

Issues in respect to traffic, carparking, drop off/pick up, road safety, servicing, stormwater and intensity of development have been identified on a number of occasions over the course of the assessment period.

The Council report has recommended that the matter be deferred.

The Panel considers the site is suitable for use as a school. However, the functions and requirements of such a use need to be able to be accommodated on site and not result in impacts to the surrounding streets. The Panel considers that the intensity of the development as currently proposed has unacceptable impacts in terms of traffic and carparking, servicing, and streetscape presentation. These are not new issues. The proposal needs to be reduced in intensity.

The Panel is not satisfied that the site is suitable for the intensity of the proposal and that the traffic impacts can be managed and mitigated. The proposal does not provide for the functions on site needed to support the development.

The proposal in its current form warrants refusal.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the following reasons:

1. The site is not suited for the intensity of the development proposed.
2. The proposed development will result in unreasonable traffic impacts in terms of circulation, inadequate carparking, drop off/pick up, bus parking and servicing.
3. The proposed development provides inconsistent traffic analysis and requires updated information in respect to stormwater.
4. The proposed development is not in the public interest as it will result in unnecessary impacts on the surrounding street network.
5. The streetscape presentation of the proposal is incompatible with the character of the area.

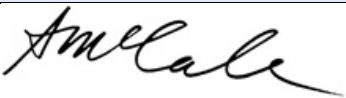
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic volumes and parking
- Noise
- Visual Impacts and Privacy
- Habitat / tree removal
- Cost of the development and appropriate planning pathway
- Stormwater
- Impacts on property values

The Panel notes that several submissions were supportive of the proposal.

The Panel considers that concerns raised by the community have been adequately addressed and no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Alan Tickle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-145 – MidCoast – DA2022/ 0390
2	PROPOSED DEVELOPMENT	Taree Christian College – Forster – Educational Facility – Kindergarten to Year 8
3	STREET ADDRESS	1/-/1264355
4	APPLICANT/OWNER	Site Research and Development Pty Ltd Taree Christian School
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Great Lakes Local Environmental Plan 2014 • Great Lakes Development Control Plan 2014 • Draft environmental planning instruments: Nil • Planning agreements: 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	• Council assessment report: 12 December 2023 • Written submissions during public exhibition: 15 • Verbal submissions at the public meeting: ○ On behalf of the applicant – Stuart Murray • Total number of unique submissions received by way of objection: 10
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Preliminary Briefing: 2 November 2022 ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, David West, Alan Tickle ○ <u>Council assessment staff</u>: Bruce Moore, Kieran Woodall, Prue Tucker ○ <u>Applicant representatives</u>: Stuart Murray, Gavin Maberley-Smith, Bob Staniland; Sean Morgan ○ <u>DPE</u>: Carolyn Hunt, Lisa Foley • Site inspection: 22 March 2023 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, David West ○ <u>Council assessment staff</u>: Bruce Moore, Keiran Woodall, Pru Tucker ○ <u>DPE</u>: Leanne Harris • Council Briefing: 12 September 2023 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Alan Tickle ○ <u>Council assessment staff</u>: Bruce Moore ○ <u>DPE</u>: Leanne Harris; Holly McCann • Final briefing to discuss Council's recommendation: 12 December 2023

		○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, David West (part), Alan Tickle ○ <u>Council assessment staff</u>: Adam Matlawski, Martin Tooze ○ <u>DPE</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	N/A