To: Hunter and Central Coast Regional Planning Panel

From: Robert Eyre

Subject:Proposed removal of (5) demountable buildings and construction of a three storey resources hub within the grounds of the Central Coast Adventist School

Date: 13 April 2023

Ref**:** PPSHCC-152 (DA/3119/2022)

The Panel discussed the planning report on the above application at its meeting on 12 April 2023 and requested additional information on;

1. State Environmental Planning Policy (Resilience and Hazards) 2021

2. Clarification on whether contributions under s7.12 Contribution Plan apply.

3. Amendment to conditions 4.5 and 9.3.

4. The addition of a new condition to limit student numbers to a maximum of 1,100.

**1. State Environmental Planning Policy (Resilience and Hazards) 2021**

* *Chapter 2 – Coastal Management*

The site is located within the Coastal Use Area and the Coastal Environment Area and is therefore subject to the provisions of subsections 2.10 and 2.11 of Chapter 2 – Coastal Management of *State Environmental Planning Policy (Resilience and Hazards) 2021* (‘SEPP RH’). The development is not likely to have an adverse impact on the matters referred in in either ss2.10 or 2.11. The development is not considered likely to cause increased risk of coastal hazards on the site or other land and the site is not subject to the coastal management program for the purposes of Division.5. A summary of considerations is included below.

Section 2.10 - Development on land within the coastal environment area

Consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

 **Section 2.10 SEPP RH considerations**

|  |  |
| --- | --- |
| **Matters for Consideration** | **Compliance**  |
| *(a)  the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment* | The proposal is not likely to cause adverse impacts on the biophysical, hydrological, or ecological environment.  |
| *(b)* *coastal environmental values and natural coastal processes* | The proposal will not impact on the geological and geomorphological coastal processes.  |
| *(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1* | The proposal will not result in an adverse impact on the water quality of the marine estate and does not drain to a sensitive lake contained in Schedule 1. |
| *(d)  marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms* | The proposal will not result in an adverse impact on native vegetation or fauna, undeveloped headlands, and rock platforms.  |
| *(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,* | The site does not have frontage to any foreshore, beach, headland or waterways. |
| *(f)  Aboriginal cultural heritage, practices and places* | There are no identified aboriginal cultural heritage items on the site. |
| *(g) the use of the surf zone.* | Not Applicable. No frontage to any beach/surf zone.  |

 There have been no adverse impacts identified in the consideration of ss2.10(1) that would engage the further considerations under ss2.10(2).

 Section 2.11   Development on land within the coastal use area

 Consent must not be granted unless the consent authority has considered the following:

 **Section 2.11 SEPP RH Considerations**

|  |  |
| --- | --- |
| **Matters for Consideration** | **Compliance** |
| *(a) whether the proposed development is likely to cause an adverse impact on the following:**i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,* *ii. overshadowing, wind funnelling and the loss of views from public places to foreshores,* *iii. the visual amenity and scenic qualities of the coast, including coastal headlands,* *iv. Aboriginal cultural heritage, practices and places,* *v. cultural and built environment heritage,*  | The site does not have frontage to any foreshore, beach or waterway and is not visible from any foreshore or beach. The proposal will not cause an adverse impact on access, overshadowing, wind funnelling or view loss form public places to any foreshore.The proposal does not impact the visual amenity or scenic quality of the coast.There are no known objects, areas, or items of heritage significance on the land, and no potentially adverse impacts on cultural or environmental heritage have been identified. |
| 1. *(b) is satisfied that*
2. *i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
3. *ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
4. *iii. if that impact cannot be minimised—the development will be managed to mitigate that impact,*
 | There have been no adverse impacts identified in the consideration of ss2.11(1) that would engage the further considerations under ss2.11(2). |
| *(c)has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development* | The bulk and scale of the proposed development is considered satisfactory for its type and location.  |

• Chapter 4 – Remediation of Land

The provisions of SEPP RH - Chapter 4 (Remediation of Land) have been considered in the assessment of the development application.

Section 4.6 of SEPP RH requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A review of the land use history, aerial photographs and an inspection of the site has not revealed any evidence of potentially contaminating land uses being carried out on the site.

The site has been used as a school since 1973 and the past use is unlikely to have resulted in contamination of the site. The proposed resources hub is to replace 5 existing demountable school buildings in the same location.

A Geotechnical report was submitted with the application which identifies that:

* Slopes across the site are generally flat being less than 5%.
* No evidence of slope instability.
* Very low risk of instability.
* Unlikely risk of ASS.
* The site is suitable for the proposed development.

The development application has been reviewed by Council’s Environmental Health Officer who advises;

“*The current and historic land uses are not potentially contaminating; therefore, the site is considered suitable for the continued use as an educational facility*.”

The development and the land is not otherwise mentioned in ss4.6(4) and accordingly the provisions of ss4.6(2) are not engaged by the proposal and consent may be granted. The proposal is considered consistent with the provisions of Chapter 4 of the SEPP.

**2. Clarification on whether contributions under s7.12 Contribution Plan apply.**

The development is subject to the Central Coast Council Regional Section 7.12 Development Contributions Plan 2019. Development exceeding $200,000.00 would be subject to a levy equivalent to 1% of the value of the development.

Pursuant to cl 1.5 – Are there any exemptions to the levy? the following development would be exempt from the contribution;

* Alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in gross floor area or intensification of the current land use;

While the proposal is not an intensification of the current use in that student numbers are not proposed to be increased, the proposed development does involve the enlargement, expansion and increase in GFA and is therefore not exempt from the contribution plan. This has been confirmed by Council’s Contribution Officer.

The contribution required under condition 2.7 is applicable.

**3. Amendment to conditions 4.5 and 9.3.**

It is recommended that conditions 4.5 and 9.3 be amended to read as follows:

Condition 4.5

“Prepare and submit to Council for approval a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Transport for NSW accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

* Ingress and egress of construction related vehicles to the development site.
* Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
* Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
* Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
* Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
* Control of pedestrian and vehicular traffic where pre-construction routes are affected.
* Temporary Road Closures.
* School operations during construction including management of drop-off/pick up times and locations.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or Transport for NSW where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions. Any review must be approved by the Council.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.”

Condition 9.3

“Hours of school operation (excluding community, recreational and school related activities) are permitted between the following times:

* Monday to Friday: 8:00am to 6:00pm.

Any variation to these permitted times of operation requires the prior consent of the Council.”

**4. The addition of a new condition to limit student numbers to a maximum of 1,100.**

## It is recommended that a new condition 9.4 be added to read;

“9.4. The maximum number of students shall be limited to 1,100.”

## Contact and authors

|  |  |
| --- | --- |
| Contact: robert.eyre@centralcoast.nsw.gov.au Name: Robert EyreTitle: Principal Development Planner Residential Assessment | Signature *R A Eyre* |