

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

DATE OF DETERMINATION	19 April 2023
DATE OF PANEL DECISION	17 April 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Juliet Grant, Greg Flynn and Tony Tuxworth
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 April 2023.

MATTER DETERMINED

PPSHCC-152 - Central Coast - DA/3119/2022 - 12 Penrose Cres, Erina - 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 kick off briefing and final briefing from Council and the applicant. The development involves alterations and additions to an existing educational establishment. The site adjoins Erina Fair and is located within a broad commercial area.

The assessment of any impacts arising from the development have been assessed on the basis of no additional students. There are existing drop off and pick up arrangements off Penrose Crescent and Karalta Lane. The Penrose Crescent arrangement will be temporarily relocated to Karalta Lane during construction.

The Panel requested additional information and amended conditions from Council in respect to:

- Coastal and contamination provisions and consideration of relevant clauses in SEPP (Resilience and Hazards)
- Amendment to condition 4.5 to require Council approval of the Construction Management Plan
- S7.12 Plan requirements
- New conditions regarding student numbers
- Revised condition regarding hours of operation to reflect current use of the site

The Panel has considered the further information provided in Council's memo dated 13th April 2023.

The proposal represents an upgrade to existing facilities to service the educational needs of the existing student population. The Panel is satisfied that the proposal is acceptable and that any impacts can be reasonably managed.

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 attached to the Council assessment report with the following amendments.

1. Condition 4.5 being deleted and replaced to read:

“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.”

2. Condition 9.3 being deleted and replaced to read:

“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.”

3. The addition of a new Condition 9.4 to read as follows:

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

The decision was unanimous.

REASONS FOR THE DECISION

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

1. The proposed development provides for improved educational facilities in an integrated way.
2. The site is suitable for the development.
3. The impacts arising from the development are readily able to be mitigated.






CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- Amendment to condition 4.5 to require Council approval of the CMP
- Addition of condition 9.4 to limit student numbers
- Amendment to condition 9.3 to reflect hours of use

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	
 Alison McCabe (Chair)	 Roberta Ryan
 Juliet Grant	 Tony Tuxworth
 Greg Flynn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-152 - Central Coast - DA/3119/2022
2	PROPOSED DEVELOPMENT	Removal of five (5) demountable buildings and construction of a three storey resources hub within the grounds of the Central Coast Adventist School
3	STREET ADDRESS	12 Penrose Crescent, Erina (Lot 82 DP 1108157)
4	APPLICANT/OWNER	Seventh-day Adventist Schools (North New South Wales) Ltd
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 (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Central Coast Local Environmental Plan 2022 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Central Coast Development Control Plan 2022 • 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: 18 January 2023 • Council supplementary report: 13 April 2023 • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 1 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Tony Tuxworth and Greg Flynn ○ <u>Applicant representatives</u>: Jane Johnson, Tony Kent, Karen Davis, Sarah Schoffel, Brad Delapierre and Ian Harris ○ <u>Council assessment staff</u>: Robert Eyre ○ <u>Department staff</u>: Leanne Harris and Kate McKinnon • Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 8 April 2023 ○ <u>Tony Tuxworth</u>: 6 April 2023 ○ <u>Greg Flynn</u>: 4 April 2023 • Final briefing to discuss Council's recommendation: 12 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Juliet Grant, Greg Flynn and Tony Tuxworth ○ <u>Council assessment staff</u>: Robert Eyre and Emily Goodworth ○ <u>Department staff</u>: Lisa Foley • Applicant Briefing: 12 April 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Juliet Grant, Greg Flynn and Tony Tuxworth ○ <u>Council assessment staff</u>: Robert Eyre and Emily Goodworth ○ <u>Department staff</u>: Lisa Foley ○ <u>Applicant representatives</u>: Tony Kent, Karen Davis, Matthew Green, Brad Delapierre and Sarah Schoffel <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