

DATE OF DETERMINATION	16 August 2023
DATE OF PANEL DECISION	15 August 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Tony Tuxworth declared a conflict of interest as the applicant is a former client.

Papers circulated electronically on 1 August 2023.

MATTER DETERMINED

PPSHCC-188 – Central Coast Council – DA/671/2023 - 2 Hicks Lane, Tumby Umbi - Alterations & Additions to 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 has had the benefit of an initial and final briefing with the applicant and Council. The proposed works are internal to the site and involve demolition of existing buildings including existing demountables and construction of new and enlarge buildings internal to the site and new landscape space.

The application involves the removal of seventeen (17) trees to accommodate the new building adjoining the existing block G. The development, in addition to new classrooms, seeks to improve accessibility across the site which has several changes in topography. This includes the introduction of a lift.

The number of students and staff is not proposed to increase. Drop off/pick up arrangements are understood to be functioning adequately, noting that these generally occur on site, in the car park area.

Stormwater management was raised as a concern. The management of stormwater from the site is acceptable in that it does not result in further impacts on adjoining properties. The Panel has asked Council officers to contact the submitter as the stormwater issues raised may relate to existing drainage infrastructure in the road reserve. A construction management plan is required to be prepared to manage construction related impacts of the proposal.

The school is located within a landscaped and vegetated setting, particularly when viewed from surrounding streets. This setting will be maintained. The location of the seventeen (17) trees to be removed are internal to the site, surrounded by buildings, and are required to be removed in this instance to allow for the new buildings and improved accessibility. In the circumstances of this case, having regard to the broader vegetated setting of the site and the proposed landscape plan, the Panel considers that this is acceptable.

The proposed development will not result in unreasonable impacts on the surrounding environment and will result in improved educational facilities that fit with the character of the area. The Panel notes that the noise assessment addressed daytime noise arising from the mechanical plant. Condition 6.3. has been amended to require mechanical plant to operate only between the daytime hours of 7:00 AM and 6:00 PM.

The report has considered and referenced the relevant provisions of:

- EPA Act 1979 and EPA Regulation 2021
- SEPP (Transport & Infrastructure) 2021
- SEPP (Biodiversity & Conservation) 2021
- SEPP (Resilience & Hazards) 2021
- Central Coast LEP 2022 and Central Coast DCP 2022

The Panel in its determination has considered the provisions of s4.15 EPA Act 1979 and the relevant SEPP's and LEP's applicable to the development as assessed in the Council report. The Panel considers that the proposal is suitable for the site and appropriately responds to its context. The Panel considers that the impacts arising from the development can be appropriately managed and mitigated.

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 conditions in the Council report and amended as follows.

1. Condition 6.3. being amended to add the following sentence:
"Mechanical plant is to operate only between the daytime hours of 7:00 AM and 6:00 PM".

The decision was unanimous.

REASONS FOR THE DECISION

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

- (i) The site is suitable for the development and will provide improved educational facilities to the surrounding community.
- (ii) The Panel is satisfied that the General Terms of Approval have been obtained for the NSW Rural Fire Service in accordance with section 4.47 (2) of the EPA Act 1979 and are included as conditions to be attached to the consent (condition 1.3).
- (iii) The provision of SEPP (Biodiversity & Conservation) 2021 at chapter 4, s4.9 (2) have been considered and satisfied.
- (iv) The provisions of SEPP (Resilience & Hazards) 2021 s4.6 have been considered and satisfied.
- (v) The provisions of SEPP (Transport & Infrastructure) 2021 at chapter 3 have been considered and satisfied.
- (vi) The provisions of the Central Coast Local Environmental Plan 2022 have been considered and satisfied.


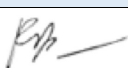

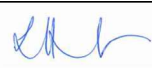
CONDITIONS

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

- (i) Condition 6.3. amended to restrict the operational hours of the mechanical plant.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that one written submission was made during public exhibition and has been considered. Conditions regarding construction management have been included.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Greg Flynn	 Lynette Hunt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-188 – Central Coast – DA/671/2023
2	PROPOSED DEVELOPMENT	Alterations & Additions to Educational Establishment
3	STREET ADDRESS	2 Hicks Lane, Tumbi Umbi 2261
4	APPLICANT OWNER	Caladines Town Planning Pty Ltd The Trustees of the Roman Catholic Church for the Diocese of Broken Bay
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 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: Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 3 August 2023 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 14 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Greg Flynn <u>Applicant representatives</u>: Allan Caladine, Toby Wetherill, Lee Daltry, Keith Cookson, Zane Rault and Marcel Arendse <u>Council assessment staff</u>: Alexandra Hafner and Emily Goodworth <u>Department staff</u>: Leanne Harris, Lisa Foley Site inspections: <ul style="list-style-type: none"> <u>Alison McCabe (Chair)</u>: 14 July 2023 <u>Greg Flynn</u>: 4 August 2023 Final briefing to discuss Council's recommendation: 9 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt <u>Council assessment staff</u>: Alexandra Hafner, Emily Goodworth and Ryan White <u>Department staff</u>: Leanne Harris, Lisa Foley and Holly McCann

		<ul style="list-style-type: none"> • Applicant Briefing: 9 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt ○ <u>Council assessment staff</u>: Alexandra Hafner, Emily Goodworth and Ryan White ○ <u>Department staff</u>: Leanne Harris, Lisa Foley and Holly McCann ○ <u>Applicant representatives</u>: Allan Caladine, Toby Wetherill and Michael McGrath <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