

23 February 2021

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Dear Chair

PPSHCC – 32 – City of Newcastle Council – DA2019/00966
Proposed alterations additions to Educational Establishment St James Catholic Primary School, Kotara South
Our ref: APM/THE979-00005

We refer to the above matter and to the Record of Deferral issued by the Panel on 2 December 2021. Notwithstanding that the applicant indicated that it would provide additional information by the end of February 2021 the Council has insisted on this information being provided by today. That has, at least to some extent, restricted the applicant's capacity to comprehensively respond to the Panel's correspondence.

The applicant has now undertaken some further traffic assessment. This additional traffic assessment has had to wait until the resumption of the 2021 school year and further survey was conducted on 11 February 2021 by SECA Solution. A supplementary report from SECA Solution is **attached** which addresses the issues identified in the Reasons for Deferral section of the Record of Deferral. Our client has provided a response to each of the items identified in Section 1 of the Reasons for Deferral below.

- 1. Identify and quantify the opportunity to reduce the reliance on the quantum of a street parking in surrounding streets beyond the school's frontage and better match the quantum of current on street parking relied upon by existing operations, and minimise congestion in Vista Parade. This will need to include, but not be limited to:**
 - a. Identify how parking on land not forming part of the application (ie 37 spaces within the opposite church site) can be considered;**

The car parking at the St Philip's Church located on Lot 12 DP607174 (**Lot 12**) has been used as part of the operation of the School for at least the last 15 years. The applicant has not been able to find any record of the development consent having been issued for the church and associated carparking. The school has been able to successfully manage the use of those car parking facilities with no regulatory issues having been raised by the Council. The proposal involves continuing the

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arrangements with those car parking facilities as they have always operated. If the Panel and the Council regard it as necessary, the development application can be amended to include the use of Lot 12 for the purpose of carparking associated with the School. The use of the Church car park is included in the Traffic Management Plan (which our client's consultant has endeavoured to keep simple and easily implementable) for the School and provides arrangements that ensure that the carparking is available for school use during morning and afternoon pickups on school days. The Church land is in common ownership with the School land and the existing landowner's consent can be relied on to include Lot 12 in the DA. The proposal has always anticipated use of that car park and any requirement to include that land in this DA does not involve a substantive amendment that would warrant re-exhibition of the DA. That approach would be consistent with the provisions of the Council's Community Participation Plan.

Although the development consent for the Church has not been able to be located, if there is such a consent, then the Panel would be entitled to include a condition under s4.17(1)(c) of the *Environmental Planning and Assessment Act 1979* requiring the modification of the Church consent to ensure the interaction between the land uses is properly managed.

b. Identify road infrastructure works and road environment changes that could occur within Vista Parade (between Princeton and Grayson) and to the site access and internal design to maximise the attractiveness and efficiency of on-site solutions;

This issue has been addressed in the SECA Solution's report attached. Having considered the traffic environment SECA have not identified any additional road infrastructure changes that would provide a material improvement in the traffic environment around the School. There has been no technical traffic issue identified arising from the development application and, at its highest, the traffic issue that exists is one associated with amenity. While amenity impacts are important for the Panel to consider these impacts must be balanced against the benefits that the proposed expansion of the school creates. While there are some short term amenity impacts created by the proposal they are consistent with what would ordinarily be regarded as the urban environment and provide a significant public benefit allowing additional children from the neighbourhood to have access to a catholic education without having to travel to other schools in the area. The current arrangement proposed in the development application, subject to the implementation of the proposed Traffic Management Plan, provide the best practically available outcome for the local traffic environment.

c. Broader consideration of the function of Vista parade to service the school and its activities, inclusive of land ownership both sides of the street. This should include a review of carriageway and road reserve widening (and associated works) to provide additional on street capacity, reduced queuing and the like. This may also include widening of the on site access to provide for both left and right turn out movements concurrently and review of proposed on site operations;

See attached report from SECA Solution.

- d. Provide baseline traffic counts of usage and flow of Vista Parade and any streets where on street parking is being considered as part of the response and analysis (not for SIDRA analysis) to articulate a baseline that impacts and works can be analysed against;**

See attached report from SECA Solution.

- e. Identify what reduction in on street parking expansion beyond Vista Parade may arise from these works;**

See attached report from SECA Solution.

- f. Where reliance is sought on expanded on street parking arising from the proposed development, provide:**

- i. a plan identifying the location of on street parking expansion;**
- ii. in each location, provide appropriate observations on availability of that parking during peak periods (ie that it is not otherwise utilised for parking associated with existing activities for example of Nesbitt Park or limits flexibility in use of those over time);**
- iii. in each location, provide sections/information that demonstrate how on street parking sought to be relied upon, will not disrupt two way traffic flow within the street environment, without reliance on weaving in and around parked cars or slowing flow to one way at times (or quantify the impacts of that weaving in terms of road network efficiency and justify why that is acceptable);**

See attached report from SECA Solution.

- g. Identify changes to capacity/intensity or nature of the proposal to achieve the objective of limiting on street parking footprint expansion and mitigation of traffic impacts;**

See attached report from SECA Solution.

- h. A detailed Traffic Plan of Management, which also clearly identifies what is in the applicant's control and what relies on Council actions eg parking limits;**

See attached draft Traffic Management Plan prepared by SECA Solution. The applicant would accept a condition requiring a Traffic Management Plan to be finalised to the Council's satisfaction prior to the issue of an occupation certificate. It would also accept a condition that requires implementation of the Traffic Management Plan at all times during the operation of the proposed Development. This approach, notwithstanding the increase in the number of children attending the school, should result in an overall improvement to the traffic environment in the vicinity of the School. The proposed plan does not rely on any Council actions.

- i. Identify measures that will mitigate impacts on the surrounding residential area; and**

See the attached report from SECA Solution and the associated draft Traffic Management Plan.

j. **Review the retention of vegetation along the western boundary.**

The applicant has considered the opportunity to retain the vegetation along the western boundary of the development site. Having reviewed the options, it would be very difficult for that vegetation to be retained while ensuring the overall functionality of the proposed development. A BDAR has been prepared for the proposed development and the applicant has indicated it will accept a condition offsetting the vegetation loss in accordance with the requirements of the *Biodiversity Conservation Act 2016 (BC Act)*. If the Panel is not satisfied that compliance with the offset requirements of the BC Act addressing this concern, the applicant would accept a condition requiring the proposed landscape plan to be amended to provided mature compensatory planting of the species of trees that will need to be removed along the western boundary of the project. This revised plan could be provided prior to the issue of a construction certificate and should address any residual concerns about the removal of vegetation.

We note the Panel's comments that it could not support the application in its current form. In the applicant's submission the supplementary information that has been provided with this letter should address the concerns that the Panel has raised and would justify the grant of development consent subject to stringent and appropriate conditions. The proposed development involves the provision of a significant community asset that will have significant benefits for the local community. While there are some manageable short term amenity impacts associated with traffic generated by the proposed development those impacts are vastly outweighed by the significant benefits of the project. Overall the site is suitable for the proposed development and it is in the public interest for development consent to be granted to the development application.

If the Panel requires any further information or justification for the project. Our client would be happy to address the Panel further prior to determination if there are any outstanding issues.

Yours faithfully



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