

<b>DATE OF DETERMINATION</b>	7 March 2022
<b>DATE OF PANEL DECISION</b>	4 March 2022
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Ryan Palmer and Giacomo Arnott
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 23 February 2022.

#### **MATTER DETERMINED**

PPSHCC-98 – Port Stephens – DA 16-2021-951-1 at 182 and 184 Salamander Way, Salamander Bay – Educational Facility (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 final briefing from Council Officers and the applicant.

The Panel notes that this development involves alterations and additions to an existing school facility.

The Panel notes that the impacts arising from the development have been assessed on the basis of no additional students and no change from existing operational hours. Existing drop-off and pick-up arrangements through the adjoining site are already in place and are proposed to continue. The Panel considers that these matters need to be formally included in any consent.

The Panel is in support of the application subject to additional conditions that address:

- Maximum student numbers
- Existing hours of operation
- Travel and operational management plan including addition of green travel initiatives.

#### **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 in the Council Report and the following additional conditions.

##### *Prior to Construction Certificate*

- (1) The Operational Traffic and Access Management Plan prepared by David Price dated 1/2/2022 is to be amended to include:
  - I. measures to encourage active travel such as End of trip facilities and dedicated bicycle parking area.
  - II. Hours of operation for the school are between 6.30am to 7.00pm Monday to Sunday.
  - III. Details of an agreement for the junior school pick up and drop off zone with the adjoining Rock Church.

This is to be provided to council for approval prior to release of Construction Certificate.

#### *Prior to Occupation Certificate*

- (2) Evidence of a formal agreement between the landowner and The Rock Church for the junior school pick up and drop off zone.

#### *Ongoing operation*

- (3) Student numbers are not to exceed 1,200 without development consent.
- (4) Ongoing operation of the school is to be in accordance with the approved Operational Traffic and Access Management Plan.
- (5) Hours of operation being 6.30am to 7.00pm Monday to Sunday.

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 additional educational facilities in a consolidated and integrated way.
- (2) The impacts of the development are readily able to be mitigated.
- (3) The proposed development provides continued educational facilities in the area to meet the needs of the growing population.






#### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report imposed and the additional conditions relating to:

- The existing cap on student numbers
- Hours of operation as per current operation
- Compliance with the transport and operation plan including amendments to address green travel initiatives.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that those submissions did not raise any concerns about the proposed development.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	 Ryan Palmer
 Giacomo Arnott	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-98 – Port Stephens – DA 16-2021-951-1
2	PROPOSED DEVELOPMENT	Educational Facility – demolition of existing junior school buildings and construction of two-storey school building with associated site works and landscaping
3	STREET ADDRESS	176 Salamander Way SALAMANDER BAY, 182 Salamander Way SALAMANDER BAY, 184 Salamander Way SALAMANDER BAY
4	APPLICANT/OWNER	Owner – St Philips Christian Education Foundation Limited Applicant – Barr Planning
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>State Environmental Planning Policy (Infrastructure) 2007;</li> <li>State Environmental Planning Policy (55) Remediation of Land (SEPP 55);</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2021;</li> <li>State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>State Environmental Planning Policy (Coastal Management) 2018;</li> <li>State Environmental Planning Policy No.64 – Advertising and signage;</li> <li>Port Stephens Local Environmental Plan 2013.</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Port Stephens Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 23 March 2022</li> <li>Written submissions during public exhibition: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 8 December 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sandra Hutton</li> <li><u>Council assessment staff</u>: Emily Allen and Ryan Falkenmire</li> <li><u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley</li> <li><u>Applicant representatives</u>: Rebecca Johnston and Elizabeth Brown</li> </ul> </li> <li>Site inspection: 19 January 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sandra Hutton</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss Council's recommendation: 2 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Ryan Palmer and Giacomo Arnott</li> <li>○ <u>Council assessment staff</u>: Emily Allen and Ryan Falkenmire</li> <li>○ <u>Department staff</u>: Carolyn Hunt, Leanne Harris and Lisa Foley</li> </ul> </li> <li>• Applicant Briefing: 2 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Ryan Palmer and Giacomo Arnott</li> <li>○ <u>Council assessment staff</u>: Emily Allen and Ryan Falkenmire</li> <li>○ <u>Department staff</u>: Carolyn Hunt, Leanne Harris and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Rebecca Johnston</li> </ul> </li> </ul> <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