

DATE OF DETERMINATION	29 May 2023
DATE OF PANEL DECISION	27 May 2023
PANEL MEMBERS	Dianne Leeson (Chair), Michael Wright, Penny Holloway, Ned Wales and Pat Miller
APOLOGIES	Stephen Gow
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 May 2023.

MATTER DETERMINED

PPSNTH-156 – Tweed – DA22/0152 at 80 Mahers Lane, Terranora – Extensions to Lindisfarne Anglican Grammar School (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.

Development application

The panel determined to approve the development application pursuant to section 4.16 (3) of the *Environmental Planning and Assessment Act 1979*.

A Deferred Commencement Consent is imposed to require satisfactory redesign of internal Car Park A and provision of a Construction Traffic Management Plan.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined below.

- The proposed development is permissible with consent in the Tweed LEP 2014 R1 General Residential zone and section 3.36(1) of the Transport and Infrastructure SEPP and is generally consistent with the zone objectives.
- The proposed development contributes to the supply of education facilities in the Tweed Shire.
- The site is suitable for the proposed development and is an extension of the existing school. It has manageable constraints and is capable of being adequately serviced.
- Traffic increases will be minimal as the school population remains essentially unchanged. A condition has been imposed to cap the student population at 1,378. This approval formalises previous growth in student numbers.
- Existing local traffic conditions will be improved through provision of dedicated turning lanes on Mahers Lane and installation of regulatory signage.
- On-site parking provision exceeds the DCP requirements reducing impact on Mahers Lane.
- Proposed measures which are the subject of conditions of approval are included in the Habitat Restoration Plan including compensatory planting to offset removal of trees.
- Other issues including Aboriginal cultural heritage, building form and matters relating to safety, security and crime prevention have been satisfactorily addressed subject to imposition of conditions.
- The proposal is in the public interest given enhanced educational opportunities are provided and impacts mitigated.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Insert the following new Condition 1A:
In the event of any inconsistency between the conditions of this approval and the documents referred to in Condition 1, including the Proponent's Statement of Environmental Effects, the conditions of this approval shall prevail.

In the event of any inconsistency between the documents referred to in Condition 1, the later of the documents shall prevail.


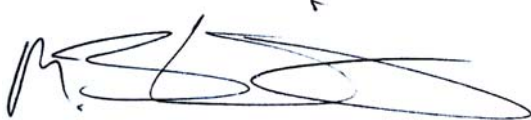



- Insert the following new Condition 121A:
Adjoining property owners and residents on Mahers Lane are to be notified in writing of extracurricular student events (including parent/teacher meetings, special assemblies, student productions, inter-school sporting events and the like) a minimum of 5 days in advance of the event. Details provided to include event date, anticipated start and finish times, and any additional arrangement for the management of traffic to minimise impacts on residents.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Existing traffic congestion and increase in traffic generation
- Inadequate Traffic Report (Year 12 had finished)
- Impact on intersection of Maher's Lane Terranora Road
- Cumulative traffic impact with other residential subdivision on Mahers Lane
- Inadequate notification Process
- Inadequate hydraulic Services,
- Right turn lane into site and whether roadworks included
- Timing/requirements for Broadwater Parkway
- Increased traffic due to roadworks on Scenic Drive
- Mahers Lane & Eaglemont Dr intersection signage
- Parents not to block driveways

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Michael Wright
 Penny Holloway	 Ned Wales
 Pat Miller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-156 – Tweed – DA22/0152
2	PROPOSED DEVELOPMENT	Extensions to an existing school comprising of a senior student centre, new food technology classrooms, increase in student and staff numbers and additional car parking and vehicular access.
3	STREET ADDRESS	Lot 2 DP 1018747 - 86 Mahers Lane Terranora 2486
4	APPLICANT OWNER	Newton Denny Chapelle Lindisfarne Anglican Grammar School
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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Tweed Local Environmental Plan 2014; Tweed Local Environmental Plan 2000; Tweed Coast Comprehensive Koala Plan of Management Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tweed Development Control Plan 2008: <ul style="list-style-type: none"> Section A2 – Site Access and Parking Code Section A15 – Waste Management Section A19 – Biodiversity and habitat management Assessment Report: Lindisfarne School 11 May 2023 Page 2 Section B24 – Area E Urban Release Development Code Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 11 May 2023 Written submissions during public exhibition: five (5)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 20 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ned Wales and Pat Miller <u>Council assessment staff</u>: Judith Evans and Valerie Conway <u>Department staff</u>: Carolyn Hunt and Lisa Foley Site inspection: 21 February 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow, Ned Wales and Pat Miller ○ <u>Council assessment staff</u>: Judith Evans ○ <u>Applicant representatives</u>: Stewart Marquardt (School Principal) <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 24 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Penny Holloway, Ned Wales and Pat Miller ○ <u>Independent assessing officer</u>: Kim Johnston ○ <u>Council assessment staff</u>: Valerie Conwsay ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Foley ● Applicant Briefing: 24 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Penny Holloway, Ned Wales and Pat Miller ○ <u>Independent assessing officer</u>: Kim Johnston ○ <u>Council assessment staff</u>: Valerie Conwsay ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Foley ○ <u>Applicant representatives</u>: Stuart Marquardt, Centra Tondera, Ilona Blackburn, Damian Chapelle, Gavin Kennedy and Brett Dinsdale <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