

**JOINT REGIONAL PLANNING PANEL
HUNTER AND CENTRAL COAST**

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| JRPP No | 2016HCC001 |
| DA Number | 16-2015-837-1 |
| Local Government Area | Port Stephens |
| Proposed Development | <p>Staged development of educational establishment (Medowie Christian School) involving:</p> <ul style="list-style-type: none"> • A concept master plan proposal for alterations and additions to an existing education establishment including intensification of the use; and • Stage 1 of the development – proposed administration building and ancillary drainage, car parking, signage, landscaping and site works. |
| Street Address | 6, 6A and 6B Waropara Rd, Medowie |
| Applicant/Owner | <p>Applicant - State Planning Services Pty Limited</p> <p>Owners - Medowie Christian School Ltd (6B Waropara Rd) Baptist Churches of NSW (6 & 6A Waropara Rd)</p> |
| Number of Submissions | Zero |
| Regional Development Criteria (Schedule 4A of the Act) | The proposal is listed within Schedule 4A of the Environmental Planning and Assessment Act 1979, being private infrastructure (educational establishment) over \$5 million. |
| List of All Relevant s79C(1)(a) Matters | <p>Environmental planning instruments: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 - Koala Habitat Protection • State Environmental Planning Policy No.55 - Remediation of Land) • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Stephens Local Environmental Plan 2013 (LEP2013) <p>Development Control Plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> • Port Stephens Development Control Plan 2014 (DCP2014) |
| List all documents submitted with this report for the panel's consideration | <p>DA documentation and Plans See Attachment 5 – Schedule of Appendices</p> <p>External agency advice Roads and Maritime Services (RMS) Rural Fire Service (RFS)</p> |
| Recommendation | Approval with conditions |
| Report by | Priscilla Emmett (Senior Development Planner) and Brock Lamont (Development Planner) |
| Report date | 22 June 2016 |

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Development consent is sought for a staged development application (No. 16-2015-837-1) for an educational establishment at Waropara Road, Medowie (known as the Medowie Christian School). The application involves:

- **A concept master plan proposal** which involves alterations and additions to an existing educational establishment including intensification of use; and
- **Stage 1 of the development** – including a proposed administration building and ancillary drainage, car parking, signage, landscaping and site works.

The subject site is zoned R5 Large Lot Residential under the Port Stephens Local Environmental Plan (LEP) 2013. Educational establishments are prohibited within the R5 zone under the LEP, however, educational establishments are permissible within the R5 zone under clause 28 of *State Environmental Planning Policy (SEPP) (Infrastructure) 2007*, therefore overriding the provisions of the LEP.

The site currently contains existing school buildings, the Medowie Baptist Community Church and a medical centre / community facility. A large portion of the site to the south east is heavily vegetated. The site comprises three lots with a combined area of 8.1ha and it is surrounded by large lot residential land uses, as well as environmental zoned land to the east. Access is gained by an existing driveway from Waropara Road.

The application was publicly exhibited for a period of 36 days from 22 December 2015 to 27 January 2016 (the application was advertised for an extended timeframe due to the Christmas period). During this time no submissions were received.

The application was referred to the Roads and Maritime Authority (RMS) and the Rural Fire Service (RFS) in accordance to the provisions of s91 of *Environmental Planning and Assessment (EP&A) Act 1979 and SEPP (Infrastructure) 2007*. The RMS provided no objections or conditions of approval for the development. The RFS provided a bushfire safety authority dated 7 June 2016, which included conditions relating to asset protection zones, evacuation and emergency management and design and construction.

The key issues raised in the assessment relate to bushfire, drainage and ecological impacts. Additional information (including design changes) was submitted during the assessment to address the key issues. The final proposal complies with the Planning for Bushfire Protection 2006 guidelines and all stormwater will be directed to the rear of the site into an existing stormwater detention basin, which will be enlarged to accommodate the development. The development will involve the removal of 32 trees as part of Stage 1, however the area of vegetation removal is highly modified land and mitigation measures having been proposed to mitigate potential impacts, including a pre-clearance fauna survey, appropriate relocation of any fauna present, a targeted bat survey and compensatory planting. As a result the development will not result in significant impacts on threatened species, including the Koala and Endangered Ecological Community (*swamp sclerophyll forest*) located in the north eastern portion of the site.

The proposal is referred to the Hunter and Central Coast Joint Regional Planning Panel for determination pursuant to Part 4 'regional development' of *SEPP (State and Regional Development) 2011* and Schedule 4A of the *EP&A Act 1979*. The development involves private infrastructure (educational establishment) with a value over \$5 million (total of \$14,430,556 for the overall concept and \$3,883,690 for stage 1).

The development has been assessed under Section 79C of the *EP&A Act 1979* and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions of consent.

1. RECOMMENDATION

THAT DA 16-2015-837-1 for alterations and additions to an existing educational establishment (Medowie Christian School) at 6, 6A and 6B Waropara Road, Medowie (Lots 22 & 23 DP1036306 and Lot 1 DP868525) be approved subject to the conditions in the attached schedule.

2. INTRODUCTION

This report provides a detailed overview of a staged development proposal for intensification of an existing educational establishment (Medowie Christian School) at 6, 6A and 6B Waropara Rd, Medowie. The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel in accordance with Part 4 'Regional Development' of *SEPP (State and Regional Development) 2011* and Schedule 4A *EP&A Act 1979* as the estimated value of the project exceeds the \$5 million threshold for educational establishment developments.

3. BACKGROUND

Hunter Christian School began operating on the site in 1995 utilising demountable buildings and in 1999 was renamed Medowie Christian School. Development Consent No. 16-2000-1774-1 was issued on 20 June 2001 for the development of a new school on the site. The school currently accommodates 385 kindergarten to year 12 students and 44 staff.

The subject development application was lodged with Council on 15 December 2015 with the main objective to improve the amenity of the facility for staff and students and allow for the future growth of the school.

Local Land Services (LLS) approved the clearing of vegetation associated with an Asset Protection Zone on the site in December 2015 as part of request number 20949/LLS Ref. No HCR 06078. This work was approved under the *Native Vegetation Act 2003* to allow bushfire protection of the demountable classrooms that were installed on the site under clause 29(3) of *State Environmental Planning Policy (Infrastructure) 2007*.

4. SITE DESCRIPTION

The site comprises of three lots (as shown in **Figure 1** below), with a combined area of 8.1ha. The lots are described as follows:

- 6B Waropara Rd (Lot 22 DP1036306) is 4.051 ha and contains the existing school buildings and a large vegetated area at the rear (east) of the site;

- 6 Waropara Rd (Lot 1 DP868525) is 1.618 ha and contains the Medowie Baptist Community Church and a medical centre/community facility use and associated car parking; and
- 6A Waropara Rd (Lot 23 DP 1036306) is 2.431 ha and is located at the rear of 6 Waropara Rd. It does not have street frontage and can be accessed via a 5m right of carriageway over 6 Waropara Rd. This site is heavily vegetated and does not contain any physical built structures.

The combined site has a 201m frontage to Waropara Rd and is surrounded by large lot residential land uses (consistent with the R5 Large Lot Residential zoning of the site and the broader locality). A pocket of E2 Environmental Conservation zoned land is located to the east, or rear of the site (see **Figure 2**).

Figure 1: The subject site

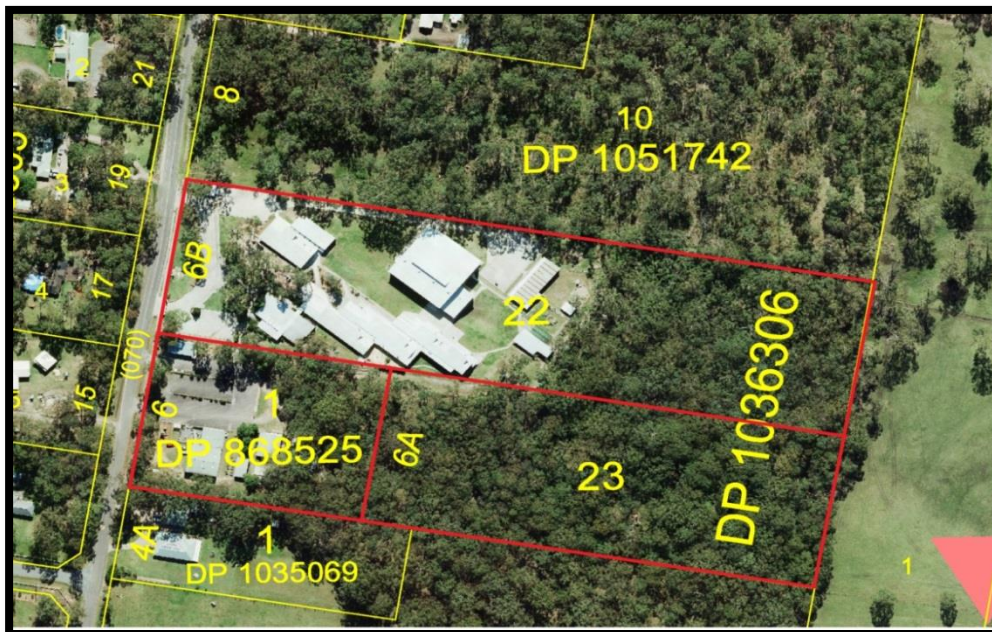


Figure 2: Zoning of the site (R5 Large Lot residential in pink and E2 Environmental Conservation in orange).



The site is subject to a number of environmental constraints (as mapped on Councils' GIS system) including:

- Bushfire (category 1);
- Acid sulphate soils (class 5);
- Koala habitat (buffer and preferred);
- Hunter Water special area (Grahamstown Dam);
- Landscape habitat link;
- RAAF base height trigger area (structures over 45m requires referral to RAAF); and
- Bird strike group B (where certain types of uses should be avoided that attract wildlife in proximity to the RAAF base).

Photos 1 and 2: The front entrance to Medowie Christian School (6B Waropara Rd).



Photo 3: The front entrance to the Medowie Baptist Church site (6 Waropara Rd).



Photo 4: Looking north, with the existing demountable Block E in the background.



Photo 5: The vegetation on 8 Waropara Rd (to the north) and the playground.



Photo 6: Looking east towards the rear of the site (outdoor learning area in the background).



Photo 7: 6A Waropara as viewed from Block D (south east portion of the site).



PROPOSAL

The application involves two components:

1. Master plan concept proposal for a staged development; and
2. Stage one of the development.

5.1 Master Plan Concept Proposal

The master plan concept proposal involves alterations and additions to the existing education facility, resulting in an intensification of the use and includes the following:

- a. Replacement of demountable structures with permanent buildings including a new administration building;
- b. Relocation of a demountable building for improved accessibility;
- c. Refurbishment, replacement, reconfiguration or embellishment of existing facilities;
- d. New classrooms, general learning area and resource centre;
- e. New recreational facilities including hardcourts and nets;
- f. Ancillary site works including:
 - i. Demolition and excavation
 - ii. Removal of 32 trees
 - iii. Landscaping including replacement planting of local endemic species
 - iv. Drainage including enlargement of an existing detention basin adjacent to the northern side boundary
 - v. Car parking including conversion of 2 existing spaces to accessible parking spaces)
 - vi. Building identification signage
- g. Intensification of the existing use involving an increase of:
 - i. 475 additional students (including 50 x pre kinder students and 6 x year 12 students)
 - ii. 19 additional staff

| | |
|----|---|
| | relocation of playground equipment, conversion of existing parking spaces to provide 2 accessible parking spaces and building identification signage. |
| h | Proposed carpark (10 spaces) |
| i | Reconfiguration of existing carpark to accessible car spaces |
| j | Proposed carpark (3 spaces) |
| k | Proposed discovery centre and resource centre building (2 storey) |
| l | Proposed carpark (12 spaces) |
| m | Proposed conversion to Technological & Applied Studies |
| n | Proposed carpark (9 spaces) |
| o | Proposed cricket nets |
| p | Proposed building Block F (Part West – 2 storey, 4 learning spaces) |
| q | Proposed building Block F (Part East – 2 storey, 6 learning spaces) |
| r | Proposed enlargement of existing detention basin |
| s | Proposed maintenance upgrade to existing carpark |
| t | Proposed maintenance upgrade to existing kiss and drop zone |
| u | Proposed refurbishment and reconfiguration of existing spaces in Block D |
| w | Proposed hard playcourt |
| x | Proposed temporary uniform shop |
| y | Removal of temporary uniform shop |
| z | Relocation of existing poultry house |
| aa | Proposed refurbishment of existing Block E |
| bb | Proposed site for relocation of poultry house |

Copies of the plans for endorsement are located within **Attachment 1**.

5.2 Stage 1 Proposal

The first stage of the proposed development involves components A, D, G, H, R and X of the concept proposal, which includes:

- Demolition of the reception and demountable buildings and relocation of playground equipment;
- Construction of a new administration building towards the front of the site, behind the existing bus manoeuvring area;
- Construction of a new staff carpark consisting of 10 spaces to the north west of the administration building and conversion of two existing staff parking spaces (located to the south of the building) to accessible spaces;
- Removal of 32 trees (none listed as preferred koala feed trees in accordance with the Port Stephens Comprehensive Koala Plan of Management);
- Landscaping works including new pedestrian pathways and replacement of local species;
- New signage is to be placed on the administration building, which includes the school logo and is 1m x 1.4m in size;
- Enlargement of the existing detention basin on the northern boundary of the site; and
- A temporary uniform shop is to be located to the west of the west demountable, with dimensions of 7.5m by 4m.

The administration building is partially one and two storeys in height, with a maximum height of 7.8m. A ramp/pathway and stairs provide access into the building, with the main components of the building used by students and parents (including the reception,

sick bay, store rooms, interview rooms and toilets and clerical assistants) being located on the lower level. The remainder of the administration building includes meeting rooms, store rooms, staff offices, staff common room and amenities, which are located on the lower and first floor levels. The building is to be constructed of a mixture of rendered masonry, metal sheeting, and aluminium frame windows in contemporary colours.

5. PLANNING ASSESSMENT

5.1 *Threatened Species Conservation Act 1995 (TSC Act) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

The applicant submitted an Ecological Constraints and Impact Assessment which addressed the ecological impacts of the development. This assessment identified that the Stage 1 development is largely contained within cleared and highly modified land. Approximately 0.08 ha of Blackbutt/ Red Bloodwood/ Scribbly Gum/ Smooth-barked Apple Open Forest - Canopy will be removed by the proposed development. A further 0.01 ha of Garden Vegetation and 0.01 ha of Exotic Grassland will also be removed.

The report has been assessed and it is considered that no significant impact will occur to threatened species, populations or communities listed under the *TSC Act* or *EPBC Act* as a result of the proposed Stage 1 development. Therefore, the preparation of a Species Impact Statement and referral to the Department of Environment under the EPBC Act was not required.

The application has been assessed and considered satisfactory, however it is acknowledged that further assessment of ecological impacts will be undertaken for subsequent development applications proposed as part of the concept proposal to ensure appropriate conditions are imposed under each relevant stage.

5.2 *Environmental Planning and Assessment Act 1979 (EP&A Act)*

5.2.1 Section 23G – Joint Regional Planning Panels

Section 23G and Schedule 4A (6) of the *EP&A Act* requires the Joint Regional Planning Panel (JRPP) to determine applications for private infrastructure and community facilities over \$5 million in value, which includes educational establishments. The capital investment value of the application is shown in the following table:

| Capital Investment Value | |
|--------------------------------------|--------------|
| Concept proposal (excluding stage 1) | \$10,546,865 |
| Stage 1 application | \$ 3,883,690 |
| TOTAL | \$14,430,556 |

In addition, clause 20, 21 and 22 of *State Environmental Planning Policy (State and Regional Development) 2011* require the Joint Regional Planning Panel to be the determining authority for staged development applications, where the development is listed in Schedule 4A of the Act.

5.2.2 Section 83B – Staged development applications

The application has been lodged as a staged development pursuant to Section 83B of the Act. The application has also proposed a concept master plan, as well as stage one

of the development. Sufficient details have been provided for this stage of the development and a detailed assessment has been made under section 79C of the *EPA Act*.

5.2.3 Section 91 – Integrated development

The proposal is integrated development pursuant to Section 91 of the *EP&A Act* as approval is required from the Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997*. Section 100B(1) of the *Rural Fires Act 1997* requires a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose, which includes educational establishments.

The RFS issued a bushfire fire safety authority on 7 June 2016 (**Attachment 2**) subject to a number of conditions including management of asset protection zones, arrangements for emergency evacuation and compliance with relevant Australian Standards and Planning for Bushfire Protection 2006. Specific upgrades were required to Block E to improve ember protection, including enclosing or covering of openings. Conditions have been recommended to reflect the bushfire safety authority from the RFS.

5.2.4 Section 79C Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in s.79C (1) *EP&A Act* as follows:

5.2.4.1 Section 79C(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policy (State and Regional Development) 2011

This policy sets out the functions of regional panels in determining applications for regional development. Clause 20 and 21 of the SEPP require the Joint Regional Planning Panel to be the determining authority for development included in Schedule 4A of the *EP&A Act*. This includes applications for private infrastructure and community facilities over \$5 million in value, which includes educational establishments. The application is therefore submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination.

State Environmental Planning Policy (Infrastructure) 2007

Permissibility

SEPP (Infrastructure) 2007 was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. The SEPP simplifies the process for providing infrastructure in areas such as education, hospitals, roads, railways, emergency services, water supply and electricity delivery. The application has been submitted as an 'educational establishment' under the ISEPP. An educational establishment is defined as:

A building or place used for education (including teaching) being:

- a. *A school*
- b. *A tertiary institution, including a university or a TAFE establishment that provides formal education and is constituted by or under an Act.*

Division 3, Clause 28 of the ISEPP relates to educational establishments and identifies that the development is permissible with consent in the R5 Large Lot Residential zone. The development is therefore permissible on the site.

Traffic generation

Schedule 3 of SEPP relates to traffic generating development and requires certain applications to be referred to the RTA (now known as the RMS). The application was referred to the RMS given it is an educational establishment with over 50 students. The RMS provided a response on 14 January 2016 stating they have no objection or requirements for the development. The RMS considered there will be no significant impacts on the classified (state) road network (refer to **Attachment 3**). In addition, they stated that all matters relating to internal arrangements on site are matters for Council to determine.

State government publications

Clause 32 of the SEPP requires a number of standards to be considered before the application is determined including:

- School Facilities Standards – Landscape Standard – Version 22 (March 2002)
- School Facilities Standards – Design Standard – (Version 1/09/2006)
- School Facilities Standards – Specification Standard – (Version 01/11/2008)

The applicant submitted an architectural design statement indicating that the design of the proposal is satisfactory having regards to the above standards. This has been assessed and it is considered that clause 32 of the SEPP has been met.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No.44 – Koala Habitat Protection, aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline. SEPP 44 encourages Councils to prepare a Comprehensive Koala Plan of Management (CKPOM) to facilitate the processing of development applications on land containing koala habitat.

Port Stephens prepared a CKPOM in accordance with SEPP 44 and the site is mapped as Koala Habitat – Buffer and Preferred. Performance criteria identified within the Plan requires development to give consideration towards minimising impacts on Koalas and native vegetation within preferred habitats and supportive linking areas. None of the 32 trees proposed for removal are listed as preferred koala feed trees in accordance with the Port Stephens Comprehensive Koala Plan of Management.

Stage 1 development complies with the performance criteria listed in Appendix 4 of the Port Stephens CKPOM. The Stage 1 development is not located within an area of Preferred Koala Habitat or habitat buffers and does not require the removal of any preferred koala feed trees. The area of mapped Swamp Sclerophyll Forest (SSF) Ecological Endangered Community (EEC) is largely retained within a conservation zone in the north eastern portion of the site. The report identified that by retaining this high quality habitat, it will act as a corridor providing connectivity between vegetation and resources for threatened and non-threatened species, including Koalas. The subject

master plan concept and stage 1 are considered satisfactory, however it is acknowledged that any subsequent development applications proposed within the concept approval will be subject to further assessment of ecological impacts.

State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55)

Clause 7(1) (b) and (c) of SEPP No.55 require that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed. The applicant submitted a Preliminary Site Assessment that considered the potential for contamination on the site. The assessment identified that localised fill on the site in the area of Stage 1 of the development, could contain contamination (although there were no visual or olfactory signs), through the importation of fill on the site (used to form the levelled areas and the detention pond embankments) and possible use of herbicides and pesticides during weed control on the school grounds.

The assessment noted that the presence or absence of contamination in these areas can only be confirmed by further investigation including environmental and chemical sampling. A condition has been placed on the consent for further investigation to be made on site before a construction certificate is issued for Stage 1 and for the site to be remediated if required. It is considered that the areas of potential contamination identified, once assessed and remediated, will be suitable for the proposed land use. On this basis, the provisions of SEPP 55 have been met.

State Environmental Planning Policy No.64 (Advertising & Signage)

Signage has been incorporated into the design, including an identification sign which contains the school logo located on the western elevation of the administration building. The signage satisfies the aims and objectives of SEPP 64 in respect of compatibility with the desired amenity and visual character of the area, effective communication in the location and appropriateness in terms of design, scale and form for the streetscape setting. All other provisions outlined in SEPP 64 are considered acceptable.

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

Port Stephens Local Environmental Plan 2013 (LEP) applies to land identified upon the 'Land Application Map'. The subject development occurs within this area.

Land Use Table - Zoning

The site is zoned R5 Large Lot Residential under the LEP. The existing use of the site as an educational establishment is defined as:

A building or place used for education (including teaching) being:

- a. A school*
- b. A tertiary institution, including a university or a TAFE establishment that provides formal education and is constituted by or under an Act.*

Educational establishments are prohibited in the R5 zone, however, as previously identified in this report, the development is permissible under clause 28 of *SEPP (Infrastructure) 2007*.

One of the objectives of the R5 zone is to minimise conflict between land uses. The site is an existing educational establishment and the concept proposal and stage 1 of the development have considered the impacts of the proposal on adjacent properties. Sufficient parking has been provided on site and there are ample separation distances between neighbouring buildings, which will minimise the disruption and conflict with the surrounding neighbours.

Clause 4.3 Height of Buildings

The subject site has no maximum height limit under the LEP.

Clause 5.9AA- Trees or vegetation not prescribed by development control plan

The proposal involves the removal of 32 trees as part of Stage 1 of the development. Stage 1 has been designed to retain the majority of the sites native vegetation and can be constructed without significant ecological impacts if the recommended mitigation measures in the ecological assessment are adopted. The mitigation measures include erosion, sedimentation and pollution control; vegetation protection; incorporation of locally occurring native species within the landscape design and pre-clearing and clearing surveys. Conditions have been placed on the consent for Stage 1 of the development to ensure these mitigation measures are implemented as part of the approval.

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing Class 5 Acid Sulphate Soils (ASS). Accordingly, any works within 500m of Class 1, 2, 3 or 4 require consideration under clause 7.1 of the LEP. The applicant submitted a geotechnical report which stated that excavation of up to 2.5m may be required for the construction of the administration building. The report assessed site works associated with Stage 1 of the development and has made a number of recommendations. As such, the application is considered acceptable with regards to this clause and a condition will be placed on the consent in relation to the recommendations contained in the geotechnical report.

Clause 7.2 Earthworks

The earthworks proposed as part of the application, particularly for Stage 1 of the development will not have an adverse impact on the neighbouring uses or on environmental functions or processes. A detailed drainage study and geotechnical report was submitted with the application and no concerns were raised in regards to the impacts of ancillary earthworks associated with the development.

Clause 7.3 Flood Planning

A small portion of the north eastern part of 6B Waropara Rd (where the school currently exists) is mapped as flood prone. This part of the site is currently vegetated and no buildings are proposed in this area. A detailed drainage study has been provided for the

concept proposal and the development is compatible with the flooding constraints of the site.

Clause 7.6 Essential services

Essential services are available to the site including water, electricity, sewage, drainage and vehicular access. Conditions will be included on the consent in regards to connection to Hunter Water services.

Clause 7.8 Drinking water catchment

The site is located within the drinking water catchment and the objective of this clause is to minimise the impacts of development on the quality and quantity of water entering drinking water storages. Sufficient details have been provided as part of the application to demonstrate that the development does not adversely impact on water quality and flows into the catchment. In addition, Hunter Water reviewed the application and provided a letter dated 20 April 2016 stating they have no objections to Stage 1 of the development, based on the MUSIC modelling undertaken for the development and discussion with Council's Development Engineers regarding the stormwater management system. It was noted that subsequent development applications associated with the concept approval will require further assessment by Hunter Water.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There is no exhibited draft environmental planning instrument relevant to the application.

Section 79C(1)(a)(ii) any development control plan (and section 94 plan)

The following sections of the Port Stephens Development Control Plan 2014 (DCP) are relevant to the proposal:

Section A – Part A.12 Development notification

The proposal was advertised and notified for a period of 36 days from 22 December 2015 to 27 January 2016 in accordance with the *EP&A Act*, *EP&A Regs* and Section A of the DCP. The application was advertised for an extended period due to the Christmas period. Council received no submissions during that time.

Section B – General Controls

Part B1 – Tree Management

The proposal involves the removal of 32 trees as part of Stage 1 of the development. Stage 1 has been designed to retain the majority of the sites native vegetation and can be constructed without significant ecological impacts if the recommended mitigation measures in the ecological assessment are adopted. These recommendations have been included in the conditions of consent. In addition, compensatory planting has been proposed on site as part of the landscaping plan. Additional tree clearing on the site to allow for the Asset Protection Zone was approved by the Local Land Service (Request

No. 209/LLS Ref No. HCR 06078) and was completed on site in December 2015. The impact of this clearing work has not been assessed as part of this application.

Part B2 – Natural resources

The impacts of the development upon natural resources, including threatened flora and fauna has been considered as part of the application. The ecological report submitted with the application identified that there are no significant impacts on threatened species, including the Koala and the Endangered Ecological Community (*swamp sclerophyll forest*) located in the north eastern portion of the site as a result of the development. As identified in above sections of this report, the master plan concept and stage 1 of the proposal are considered satisfactory, however further consideration of the ecological impacts would be required in each subsequent development application.

Part B3 – Environmental Management

The application has addressed the environmental management issues in the DCP as follows:

- The RFS have provided General Terms of Approval for the development dated 7 June 2016, which relates to the bushfire constraints on the site;
- The geotechnical report for the development categorises the site as Class 5 acid sulphate soils (low risk) and no works are proposed below 5m;
- A sediment and erosion plan has been submitted to minimise any impacts associated with earthworks on the site;
- The preliminary site assessment identified that the area of potential contamination, once assessed and remediated, if necessary, will be suitable for the proposed land use;
- An acoustic statement was submitted which indicated that the noise impacts on the site will be able to be mitigated and will not cause any adverse impacts on adjacent properties;
- The use of the site is not anticipated to create any significant air quality or odour impacts; and
- The waste management plan submitted with the application addressed the volume, type, storage and disposal of waste associated with the development.

Part B4 – Drainage and water quality

A detailed stormwater drainage study was submitted with the application. All drainage is proposed to be directed to the rear of the site at the lowest point, into the existing stormwater detention basin, which is to be enlarged as part of the Stage 1 development. A detailed assessment of the drainage system and the water quality outcomes of the application have been made and the proposal is consistent with the objectives and requirements of the DCP.

Part B5 – Flooding

A small portion of the site in the north eastern corner is classified as being flood prone. No development is proposed in this location of the site, other than the enlargement of the existing drainage infrastructure and on site detention facilities. The proposal will not cause additional flood risks to the site or to adjacent properties.

Part B6 – Essential services

The site has existing connections to essential services including, water, sewer, electricity and vehicular access. In addition, Hunter Water has reviewed the application and has raised no objections to the development.

Part B9 – Road network and parking

Car Parking Assessment

The existing parking on site includes:

- 47 spaces on 6B Waropara Rd (Lot 22 DP:1036306 - existing school); and
- 52 spaces on 6 Waropara Rd (Lot 1 DP: 868525 - medical centre and place of public worship site).

The parking requirements as listed in Figure BQ of the DCP for the use of the site as an educational establishment include:

| Parking requirements | Accessible parking |
|---|---|
| <ul style="list-style-type: none">• 1 car space per employee• 1 car space per 8 senior high students• 2 bike spaces per 20 employees and students | <ul style="list-style-type: none">• 1 car space per 20 car spaces |

It is noted that there are additional uses on the existing site including the medical centre and the Baptist Church, however, no physical changes are proposed to the parking layout on 6 Waropara (Lot 1 DP868525) as part of Stage 1 of the development.

As the intensification of the site relates primarily to the educational facility, consideration has been made to the additional parking requirements facilitated by the expansion of the school as such:

| Current numbers | Increase in numbers | Proposed total numbers | Parking required |
|-------------------|---------------------|---|---|
| 385 students | 475 students | 860 students (30 seniors and 50 pre kinder) | 3.75 spaces (seniors) 12.5 spaces (pre kinder) |
| 44 staff | 19 staff | 63 staff | 63 spaces |
| 47 parking spaces | 32 spaces | 79 spaces | TOTAL - 79 spaces (including 4 accessible) |

Based on the requirements above, the application meets the vehicular parking requirements of the DCP. The addition of ten parking spaces as part of the Stage 1 development is acceptable and will allow additional parking for the existing staff. No major changes are occurring as part of Stage 1 of the development in terms of internal vehicular access, servicing and circulation.

The DCP requires one bicycle space per every 10 staff/students, equating to 92 spaces on the site. The Traffic Report submitted with the application has stated that strict compliance of these criteria is not safe in the circumstances as Waropara Rd is a rural road formation with no paved footway or on road bicycle facility. The site has sufficient

room to add these facilities at later date if required, and when appropriate facilities are provided in the road system. There are currently 10 bicycle spaces provided on site which are not used to their full capacity. This variation to the bicycle space requirement is considered acceptable in the circumstances of the case.

Traffic Generation

The school shall utilise the set down and pick up facility on the adjoining Church site (with 80 metres frontage) for school buses. This facility can accommodate 13–15 vehicles simultaneously in a typical school SD/PU operation. These existing facilities are considered to have adequate capacity to accommodate the demands of the increase student numbers. Private vehicle movements are considered to increase slightly as a result of Stage 1 and will continue to increase with future stages. The arrival and departure activity will be spread over the four separate ingress and egress driveways available to the site. However Waropara Road has relatively low traffic movements (as determined through traffic survey), the available sight distances from the driveway crossings are considered adequate and vehicle speeds along the road are restricted to 40 kmph. As such, Stage 1 of the proposal is not likely to adversely impact upon traffic movements and traffic safety in the locality. Further traffic analysis will be required to compliment the development applications at future stages in order to continually monitor traffic matters.

Part C8 – Signage

The proposed identification signage is to contain the school logo and will be located on the western elevation of the administration building. The size of the sign and its design and colour scheme is compatible with the proposed building and is suitable for the site.

Port Stephens Section 94A Development Contribution Plan

The application attracts Section 94A Contributions *pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979* and the Port Stephens Section 94A Development Contributions Plan. A contribution of 1% of the cost of development is payable in accordance with clause 25(j) of the *Environmental Planning and Assessment Regulation 2000*. A condition has been included for Section 94A.

5.2.4.2 Section 79C(1)(a)(iia) Planning agreements

No planning agreements are relevant to the proposal.

5.2.4.3 Section 79C(1)(a)(iv) the regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act* and *Regulation 2000*. A BCA Capability Statement has been submitted with the application, which concludes that Stage 1 of the development can achieve compliance with the provisions of the Building Code of Australia 2015. In addition, compliance with AS 2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

Lower Hunter Regional Strategy

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The proposal is generally consistent with the outcomes and actions of the strategy.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy (PSPS) responds to the State Government's Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan by providing local level detail and by incorporating the results of more recent studies, such as the Port Stephens Commercial and Industrial Land Study and the Rural Lands Study. The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes. The PSPS provides the framework for the broad strategic base to manage growth and is supplemented by the development of sub-strategies to provide an additional level of detail for specific areas or issues.

The PSPS recognises that Medowie is the fastest growing planning district and high growth is expected to occur in this locality with the implementation of the Medowie Strategy.

Medowie Strategy

The Medowie Strategy provides local strategic planning guidance for land use planning over the next 20 to 25 years. It estimates a population growth of 6700 to 7800 people in 2200 to 2600 dwellings in new release residential areas in Medowie. The revised Medowie Strategy has recently been on public exhibition (February – March 2016) and is current being reviewed by Council, however the Strategy clearly supports further urban and employment growth in Medowie.

The intensification of the existing school through the concept proposal is compatible with the planning strategies of Council as the school would provide valuable educational and employment opportunities for the community.

5.2.4.4 Section 79C(1)(a)(v) Coastal management plan

No Coastal Management Plan applies to the site or the proposed development.

5.2.4.5 *Section 79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The concept proposal involves intensification of the use of the school through the addition of educational buildings and facilities, which are generally one to two storeys in height. The built form of these facilities are consistent with the existing character of the school and do not impact on the streetscape. In addition, a number of older demountable buildings are being removed from the site and replaced with new, modern structures with greater visual amenity and use of contemporary materials and colour scheme.

There are no significant external impacts associated with the proposal as the changes to the parking layouts are all internal. The application has demonstrated there will be no significant adverse impacts on traffic related issues as part of the development. The site

has sufficient capacity to cater for the additional parking requirements during the later stages of the development.

The development also does not cause any overshadowing or privacy impacts on adjacent properties. The intensification of the school does not result in any significant increase in odour or noise impacts in comparison to the existing facility on the site.

The impacts of the development upon natural resources, including threatened flora and fauna has been considered as part of the application. It has been determined that there will be no significant impacts on threatened species, including the Koala and the Endangered Ecological Community located in the north eastern portion of the site.

The buildings have been designed to minimise tree loss, with the retention of 83 trees and removal of 32 trees from the site as part of the Stage 1 development. None of the 32 trees listed for removal are identified as preferred koala feed trees in accordance with the Port Stephens Comprehensive Koala Plan of Management. The loss of the trees will be compensated through additional planting and landscaping on the site.

The development will have a positive social and economic impact. The intensification of the school through the addition of student numbers and staff will improve the capacity of the school to provide education to the existing and future community. This also aligns with the Medowie Strategy as the population is expected to increase and the demand for such a facility will increase over time.

The development will also improve the amenity of the existing facility and allow for a more productive and cohesive learning environment, with newer and better facilities. In addition, the development when completed will employ more staff. Employment opportunities will also be created during the construction of the development, with flow on economic benefits to local services and facilities.

5.2.4.6 *Section 79C(1)(c) the suitability of the site for the development*

The site has been used as educational establishment since 1999. The site is considered to be suitable for the use and is of sufficient size to enable the intensification of the development without any significant adverse impacts on the neighbours and the character of the locality. The R5 Large Lot Residential zone encourages the orderly and economic use of the land and also aims to protect the environment and conservation of significant flora and fauna on the site. The proposal meets these objectives as well as having many other social and economic benefits.

5.2.4.7 *Section 79C(1)(d) any submissions made in accordance with this act or the regulations*

The application was notified and advertised in accordance to the Regulations and no submissions were received.

5.2.4.8 *Section 79C(1)(e) the public interest*

The concept proposal and Stage 1 of the development are in the public interest, as the development provides an educational facility that enhances and supports community development. The development does not have any significant adverse impacts on the built or natural environment, and has positive social and economic impacts.

6. CONCLUSION

It is recommended that the Hunter and Central Coast JRPP, as the consent authority, approve development consent to 16-2015-837-1 (2016HCC001) for:

- A concept proposal for alterations and additions to an existing educational establishment including intensification of use; and
- Stage 1 development - proposed administration building and ancillary drainage, landscaping, signage, car parking and site works

at Lot 1 DP 886525, Lot 22 and Lot 23 DP 10366306; 6, 6A and 6B Waropara Rd, Medowie, pursuant to Section 80 of the EP&A Act subject to the conditions in **Attachment 4**.

Signed (Assessing Officer)

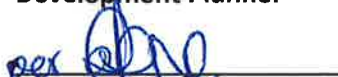


Date: 22.6.2016

Brock Lamont

Development Planner

Reviewed (Supervising Officer)



Date: 22/06/16

Cindy Dickson

Planning and Developer Relations Coordinator

Authorised for submission to JRPP



Date: 22/6/16

Matthew Brown

Manager Development Assessment & Compliance