

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

Panel Reference	2016HCC058
DA Number	2016/01131
Local Government Area	Newcastle
Proposed Development	Alterations and additions to school including a new assembly hall / gymnasium, class rooms, storeroom, change room, kitchen, access lift, walkway and associated site works
Street Address	78 Havelock Street, Mayfield (San Clemente High School)
Applicant/Owner	<p>Applicant - The Trustees of the Roman Catholic Church, Diocese of Maitland Newcastle</p> <p>Owners - The Trustees of the Roman Catholic Church, Diocese of Maitland Newcastle</p>
Date of Lodgement	10 October 2016
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	The proposal is listed within Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , being a community facility (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 (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 - Remediation of Land • Newcastle Local Environmental Plan 2012 <p>Development Control Plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> • Newcastle Development Control Plan 2012 • Section 94A Development Contributions Plan 2009
List all documents submitted with this report for the panel's consideration	<p>Appendix A - Conditions of consent</p> <p>Appendix B - Documents submitted with the application</p>
Report by	Newcastle City Council
Report date	16 March 2017

Yes

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

A development application (DA 2016/01131) has been lodged with Council, seeking consent for alterations and additions to a high school, known as San Clemente. The proposed building works include:

- Construction of a new assembly hall /gymnasium.
- A new class room building, storeroom, change room, kitchen, access lift, walkway and associated site works.

The proposal was placed on public exhibition for a period of 14 days from 26 October 2016 in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and Section 8 of Newcastle Development Control Plan 2012. No submissions were received during the notification period.

The key issues raised in the assessment relate to:

- Visual impact of the new assembly hall / gymnasium and school additions on the existing heritage building.

The application is recommended for approval as the proposed development will have a positive social and economic benefit for the local and broader community by improving the amenity and facilities of the school for staff, students and parents. The use of the site as an educational establishment is permissible and is in the public interest.

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Part 4 'regional development' of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposed development is listed within Schedule 4A of the EP&A Act, as '*private infrastructure and community facilities over \$5 million*', being an educational establishment. The proposed development has a capital investment value of \$6,171,000.00.

No external referrals were required.

1. INTRODUCTION

This report provides a detailed overview of the development proposal for alterations and additions to San Clemente High School at 78 Havelock Street, Mayfield. The proposed works include a new assembly hall gymnasium, class rooms and associated site works.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel in accordance with section 23G and Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as the development is a type classified as '*private infrastructure and community facilities over \$5 million*', being an educational establishment.

2. BACKGROUND

The earliest recorded building on the site is identified as a two-storey Victorian terrace (circa 1860) known as 'Redcliff'. The Catholic Church purchased the site in 1919 and it has been used as a school since 1922, with significant alterations and additions having been undertaken to the site over the ensuing years. The school is known as San Clemente Catholic High School.

The subject development application was lodged with Council on 10 October 2016, with the main objective being to improve the amenity and facilities of the school for the school community, including staff, students and parents. The lack of a hall facility within the school that is suitable for gathering of the school population and accommodating indoor sport activities has led to the submission of the proposed development.

3. SITE DESCRIPTION

The subject site is known as 78 Havelock Street, Mayfield (Lot 1 DP 81888). The site measures approximately 539.5m² and is located on the southern side of Crebert Street, near the corner of Havelock Street. A number of school buildings are currently located on the site as shown in **Figure 1** below.

The subject property is listed as a heritage item (local item '*San Clemente School*') in the Newcastle Local Environmental Plan 2012 and is within the vicinity of other listed heritage items (local items '*St. Columbans Church*' at 39 Church Street and '*Bella Vista*' at 105 Crebert Street, Mayfield). **Photo 1** indicates the location of the site where the proposed works are to be undertaken.

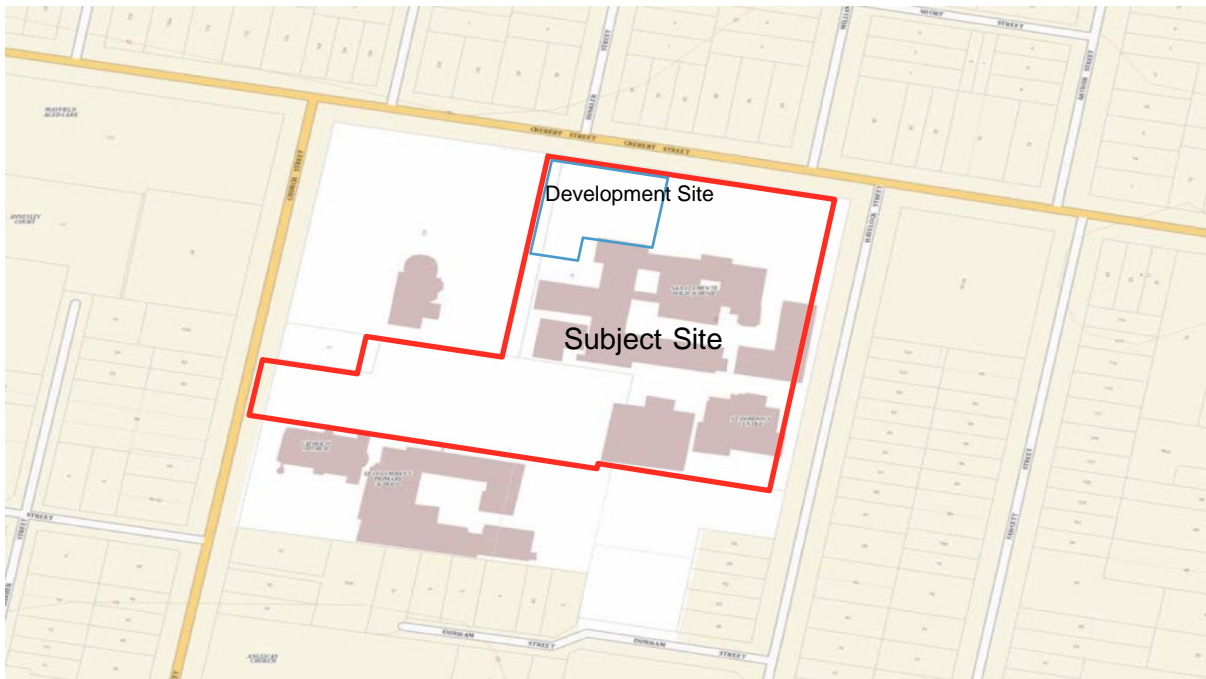


Figure 1: The location of the site and the current footprint of the school buildings, with the site outlined in red and the development site outlined in blue.



Photo 1: View towards the western portion of the development site showing a classroom building (to be retained) and the demountable classrooms that are to be demolished.

4. PROPOSAL

The proposed development includes:

- The construction of a school hall, change rooms, storeroom, and four classrooms. The new facilities are to be located in the front curtilage of the existing school, towards the west of the main administration building and adjacent to the Crebert Street frontage and western boundary.
- The proposed hall has an internal height of 7m to allow for sporting activities such as basketball to occur in the hall. A small kitchen is also to be located within the hall to assist with catering of school functions and a lift has been provided to access the hall due to the topography of the site.

- Four classrooms are to be located to the south of the hall. They are aligned to be adjacent to the existing three storey classroom block on the site and are proposed to be two storeys in height.
- The reconfiguration of the pedestrian entrance, which addresses the Crebert Street frontage. The changes to the entrance will improve the visual amenity and functionality of this area and will assist in establishing a positive entrance experience for the proposed hall and the school as a whole.

Photomontages of the proposed development are included in **Figures 2 and 3** below.



Figure 2: Photomontage of the proposed school hall and entry forecourt as viewed from Crebert Street.



Figure 3: Photomontage of the proposed classroom building and school hall.

The proposal will not change the operation and management of the school. The location and times of pedestrian access to and from the site will also not change. Vehicular access will however be removed from the Crebert Street entrance point.

The development will not increase the overall capacity of the school as there is no proposal to accommodate additional students. The proposed hall building does not provide any additional teaching spaces and the four new classrooms are replacing demountable buildings. While the hall will be used predominantly for school activities during normal school hours, it is also proposed to be used for special events outside of school hours such as presentations.

The hall has been designed to minimise potential impacts on nearby residences and includes a foyer to allow people to gather outside of the main hall area without having to stand outside the building. Furthermore, the foyer entrance is setback from the street frontage to move this point away from the public domain and minimise any impacts on neighbours.

The proposed hall and classrooms will not generate any deliveries or servicing requirements. The current service access to the site, via Havelock Street, will be maintained.

5. PLANNING ASSESSMENT

5.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

5.1.1 Section 23G – Joint Regional Planning Panels

Section 23G and Schedule 4A (clause 6) of the EP&A Act requires the Joint Regional Planning Panel (JRPP) to determine applications for community facilities over \$5 million in capital investment value, which includes educational establishments. The application submitted to Council nominates the capital investment value of the project as \$6,171,000.00. The application is to be determined by the Hunter and Central Coast Regional Planning Panel.

5.2 Section 79C Evaluation

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

5.2.1 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 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

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. The ISEPP 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 the type of development permitted with consent as such:

- '1) Development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone.*
- 2) Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
 - (a) development for the purpose of educational establishments—on land on which there is an existing educational establishment'*

The site is located within the R2 Low Density Residential zone, which is listed as a prescribed zone in the ISEPP. Educational establishments are therefore permissible on the subject site.

Traffic generation

Schedule 3 of ISEPP, relates to traffic generating development and requires certain applications to be referred to Roads and Maritime Services (RMS). The application was not required to be referred to the RMS as it relates to an existing educational establishment and there is no change to student numbers or current school operations. All matters relating to internal arrangements on site are matters for Council to assess.

State government publications

Clause 32 of the ISEPP 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. Based on an assessment of the submitted information, it is considered that the requirements of clause 32 of the ISEPP have been met.

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

This policy requires consideration to be given to previous uses on the site and whether the site needs to be remediated for future uses. 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.

Council records indicate that the subject site is unlikely to be contaminated, having been occupied by the school over many years. In addition, Council records do not show any record of contamination or of potentially contaminating activities occurring at the subject site.

Regional Environmental Plan

There is no regional environmental plan that is relevant to this proposal.

Newcastle Local Environmental Plan 2012

Clause 1.3 – Land to which Plan applies

Newcastle Local Environmental Plan 2012 (LEP) applies to land identified upon the 'Land Application Map' contained in the LEP. The subject development occurs within this area.

Clause 2.3 Land Use Table - Zoning

The site is zoned R2 Low Density Residential under the LEP. The existing use of the site as an educational establishment is permissible in the zone and complies with the relevant zone objectives which include:

to enable other land uses that provide facilities or services to meet the day to day needs of residents.

However, the permissibility of the proposed development is established by the ISEPP.

Clause 4.3 Height of Buildings

The subject site has no maximum height limit under the LEP. However it is noted that the surrounding residential areas have a maximum height control ranging from 8.5m to 10m.

Clause 4.4 Floor Space Ratio

The subject site has no maximum prescribed Floor Space Ratio under the LEP due to it being a heritage item. However it is noted that the surrounding residential areas have a maximum FSR ranging from 0.6:1 to 0.9:1.

Clause 5.10 Heritage Conservation

A Statement of Heritage Impact (SoHI) has been submitted in support of the proposed development. The submitted SoHI has been undertaken in accordance with the NSW Heritage Office publications, *Assessing Heritage Significance and Statements of Heritage Impact*, together with the Australia ICOMOS, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*.

The proposed hall building at San Clemente High School is considered to be of minimal impact on the heritage significance of the existing buildings. The provision of the new hall will assist with the retention of the school and, as a consequence, the heritage buildings will be retained and maintained into the future.

The proposed building is located at the lowest natural ground level of the site and is separate to the heritage buildings. The external presentation of the proposed building has been designed to include elements that are sympathetic to the design of the

heritage buildings, coupled with contemporary structural systems and glazing, rather than copying the heritage buildings.

The building envelope of the heritage buildings will not be changed and the proportions are not affected. The siting of the proposed buildings is considered acceptable in terms of retaining the principal view to and from the heritage buildings. The overall setting for the heritage buildings will be modified, but with minimal impact.

The proposal has been assessed by Council's Heritage Advisor and is considered to be acceptable. In reaching this recommendation the following comments were provided:

'It is considered that the proposed alterations and additions as detailed are acceptable having regard to the heritage significance of the site and surrounding precinct. The new building will sit comfortably within the school landscape and not dominate or detract from the visually significant main school buildings. The modern architectural design response to the site is also considered to be appropriate and duly respectful to its surroundings.'

The removal of a number of semi mature trees will assist in opening up the vista and views of the School from the Havelock and Crebert streetscapes. On a wider scale, the new school building will not adversely impact upon the significance of any adjoining listed place.'

In summary, the development is considered to have no substantial adverse impact on the heritage significance of the site and meets the objectives of this section of the DCP.

Clause 6.1 Acid Sulfate Soils

The site and all surrounding properties are identified as Class 5 Acid Sulphate Soils. The proposal it is considered to be acceptable in respect to Acid Sulphate Soils and no further information is required.

Clause 6.2 Earthworks

The applicant submitted a geotechnical report which stated that excavation of up to 3m in depth may be required for the construction of the new school hall. The report assessed site works associated with development and has made a number of recommendations. As such, the proposal is considered to be acceptable.

5.2.2 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.

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

The main planning requirements of relevance in the Newcastle Development Control Plan 2012 (DCP) are discussed as follows:

3.11 Community Services

This section of the DCP applies to various land uses including educational establishments. Having regard to the provisions and objectives of this section of the DCP, the proposal is considered to be acceptable having regard to character and location of surrounding buildings, views, access and existing vegetation and topography.

4.04 - Safety and Security

The proposed development is considered to be consistent with the principles of Crime Prevention through Environmental Design (CPTED) as appropriate measures are in place with regard to allowing for casual surveillance, access control, territorial reinforcement and space management.

4.05 Social Impact

The provision of improved school facilities on the site will result in positive social and economic outcomes for the school community. The neighbours have also been considered in the design of the hall, through locating the entrance to the hall further into the site to minimise noise impacts.

5.01 Soil Management

A Sediment and Erosion Management Plan has been submitted with the application to minimise sediments being removed from the site during the construction period. Proposed conditions are recommended to be placed on the consent to ensure that such measures are in place for the entire construction period.

5.02 - Land Contamination

There is no history of the site being used for contaminating activities and there is no evidence to suggest that there are any residue materials on the site of a contaminating nature. Notwithstanding, an Environmental Management Plan will be required for the demolition phase of the development (removal of the demountable buildings) to ensure the safe handling and disposing of potentially contaminated materials that may be uncovered during this process.

5.03 Tree Management

The proposal involves the removal of eight trees (see **Figure 4**). Five trees are located on the subject site and have been assessed as having either a low or moderate retention value. These trees are required to be removed as they are located within the building footprint or are in close proximity to the footprint. It is noted that three trees located on the adjoining Bella Vista site are also proposed to be removed due to their poor state and proximity to the development site. Permission for their removal has been obtained from the owner of the Bella Vista property.

A landscape concept plan has been submitted with the application which proposes replacement trees and associated shrubs towards the north western corner of the subject site and along the northern boundary. The overall outcome is considered to be acceptable having regard to the loss of the existing trees and the replacement landscaping.

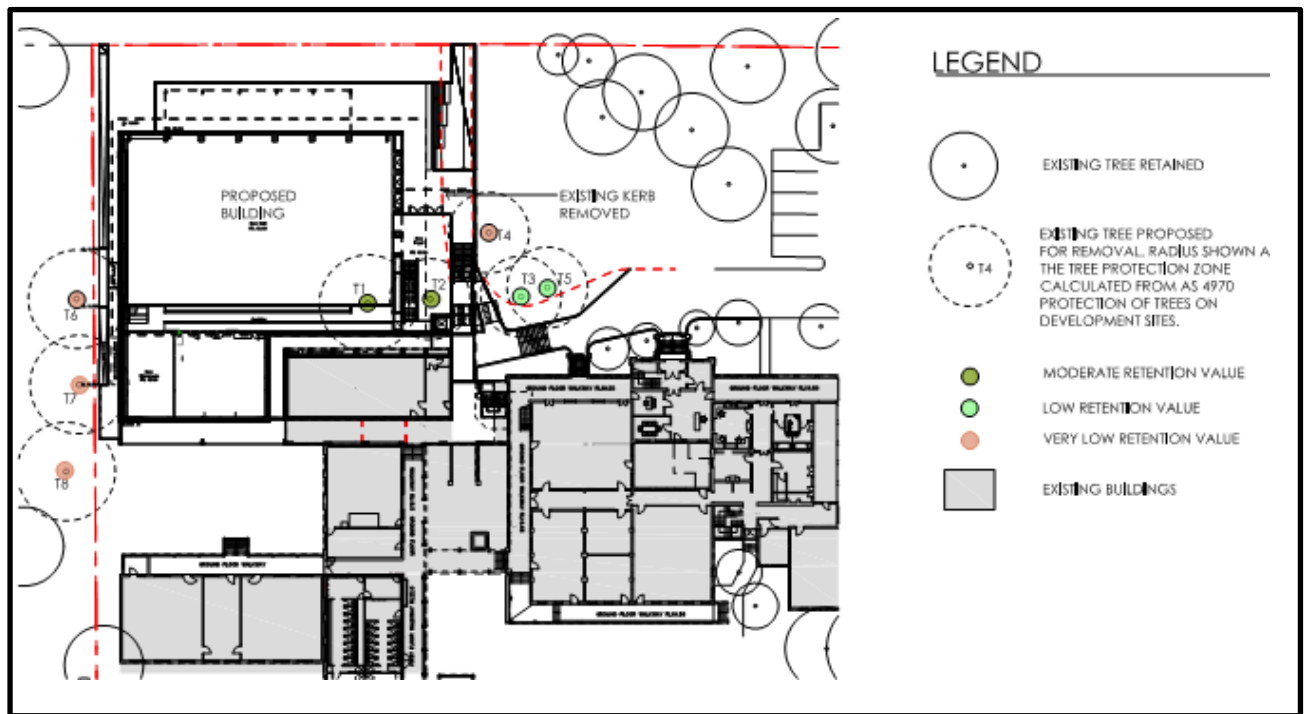


Figure 4: Site plan showing trees proposed to be removed

5.05 and 5.07 Heritage Items and Heritage Conservation Areas

As previously stated under clause 5.10 of the LEP, the site is listed in Heritage Schedule 5 of the Newcastle Local Environmental Plan 2012, identified as being a locally listed heritage item, number I261.

The subject site is not listed on the State Heritage Register, The National Heritage Register, The Commonwealth Heritage Register, The Register of the National Estate or the Heritage Register of the National trust of Australia (NSW).

An assessment of the development with regard to the impact on the significance of the heritage item has been provided under clause 5.10 of the LEP.

7.01 Building Design Criteria

The proposal is acceptable in terms of character, streetscape, visual appearance and material, height, bulk and scale. The overall impact in terms of views and outlook are also considered acceptable in this instance.

7.02 Landscape, Open Space and Visual Amenity

A landscape concept plan prepared by a landscape architect who meets the requirements of the DCP has been submitted. Compensatory planting is proposed to replace the trees that are to be removed as a result of the proposed development.

7.03 Traffic, Parking and Access

The proposal has been assessed by Council's Senior Development Officer (Engineering) and the following comments have been provided:

'Vehicular access

The site currently has a number of vehicular accesses off Havelock Street and Crebert Street. The development does not seek to amend the vehicular accesses to Havelock Street. However it seeks to remove the Crebert Street access. The net result is an improved access arrangement to the site through the removal of a redundant access. This reduces conflict points on the road network and results in a net gain of one on street car space. Therefore it has a positive impact on the road network and no objection is raised to this minor change to the access arrangements. The footpath and kerb at the redundant access is to be reinstated and this will be addressed by a recommended condition of consent.

Traffic generation

The proposal does not increase student or staff numbers at the school and therefore is unlikely to increase peak traffic volumes around the school. Traffic may increase as a result of the use of the hall outside school hours. However this would not coincide with the road network peak and overall would not adversely impact on the local road network. Provided the out of hours use of the hall is for school related activities there is no nexus for road improvements or special conditions given the existing use of the site as a school. The use of the hall by non-school related activities should however be prohibited unless a separate development application supported by a traffic assessment is approved. This is addressed by an advice attached to the recommended conditions of consent.

Parking demand

The school currently provides a total of 28 car spaces for staff use and as no additional staff or students result from the proposal there is no nexus to seek additional on-site car parking.'

Overall, the proposed development is considered to be suitable for local traffic conditions, with adequate pedestrian safety and traffic management measures incorporated into the design.

7.05 Energy Efficiency

The proposal is considered to be acceptable in terms of energy efficiency. At the construction certificate stage the application will be required to demonstrate compliance with Section J of the Building Code of Australia with regard to energy efficiency.

7.06 Stormwater

The proposed development is considered satisfactory in this regard. The proposal can comply with Council's policies relating to stormwater management. Appropriate conditions have been recommended to ensure that the development meets the specified standards.

7.08 Waste Management

A Site Waste Minimisation and Management Plan has been submitted with the application. The Plan is consistent with the requirements of this section.

8.00 - Public Participation

The application was notified for a period of 14 days and no submissions were received.

Newcastle 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 Newcastle Section 94A Development Contributions Plan. A contribution of 1% of the cost of development would be payable to Council as determined in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000*.

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

No planning agreements are relevant to the proposal.

5.2.5 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*. In addition, compliance with AS 2601 – Demolition of Structures is included in the recommended conditions of consent for any demolition work. The proposal can comply with Building Code of Australia and this can be addressed in documentation at Construction Certificate stage.

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

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

5.2.7 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 proposed development is considered to have a positive impact on the amenity and character of the area. The built form of the proposed facilities are compatible with the existing character of the school and do not unduly impact on the streetscape. In addition, a number of older demountable buildings are being removed from the site and replaced with modern structures with greater visual merit.

There are no external impacts associated with the proposal as the changes to the parking layouts are all internal. The application has demonstrated the proposed development will not generate significant adverse impacts on traffic.

The proposed development does not cause any overshadowing or privacy impacts on adjacent properties.

The proposed development does not result in any significant increase in odour or noise impacts when compared to the existing facilities and operations on the site. The proposal has been assessed by Council's Senior Environment Protection Officer and is considered acceptable in respect of noise impacts, subject to the inclusion of

recommended conditions. In reaching this conclusion, Council's Senior Environment Protection Officer provided the following comments:

'A noise assessment was carried out by Reverb Acoustics dated August 2016 in support of the proposed development. The noise assessment demonstrated that provided certain recommendations are applied, compliance with day and evening criteria is achievable. The Noise Impact Assessment recommended that no amplified music is permitted in the hall. It also recommended when the hall is to be used for sporting events the northern doors and windows (facing residential receivers) are to be shut during the day and evening criteria (i.e. 7am to 10pm). These requirements will be addressed by conditions of consent.'

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

The site has been used as an educational establishment since the 1920s. The site is considered to be suitable for the use, and is of sufficient size to enable the proposed development to occur without any significant adverse impacts on the neighbours and the character of the locality.

The proposal will generate social and economic benefits through the inclusion of modern school facilities that will be used by the broader school community.

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

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

5.2. 10 Section 79C(1)(e) the public interest

The proposed development does not raise any significant general public interest issues beyond the matters already addressed in this report.

Overall, the proposed development will have an acceptable impact on the surrounding natural and built environment and has positive social and economic benefits. Approval of the application is considered to be in the public interest as it will provide additional school facilities that enhance and support community development.

6. CONCLUSION

Subject to a number of relevant conditions as recommended in the attached draft condition schedule, the proposal is considered to be acceptable against the heads of considerations under section 79C of the *Environmental Planning and Assessment Act 1979*.

7. RECOMMENDATION

THAT the Hunter and Central Coast JRPP, as the consent authority, determine to grant development consent to DA2016/01131 (2016HCC058) for alterations and additions to a school, including an assembly hall / gymnasium, class rooms, storeroom, change room, kitchen, access lift, walkway and associated site works

at 78 Havelock Street, Mayfield, pursuant to Section 80 of the EP&A Act, subject to the conditions in Appendix A.