

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

JRPP No	2017HCC036
DA Number	16-2017-647-1
Local Government Area	Port Stephens
Proposed Development	Demolition of Existing Building and Construction of a Three Storey Educational Establishment Building
Street Address	176 Salamander Way, Salamander Bay
Applicant/Owner	Applicant – Schreiber Hamilton Architecture Pty Ltd (Trading as SHAC) Owners - St Philips Christian Education Foundation Limited
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 s4.15(1)(a) Matters	Environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> • State Environmental Planning Policy No.55 - Remediation of Land) • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Stephens Local Environmental Plan 2013 (LEP2013) Development Control Plan: s4.15(1)(a)(iii) <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	Attachment 1 – Development Plans Attachment 2 – RFS General Terms of Approval Attachment 3 – Recommended Conditions of Consent Attachment 4 – Schedule of Appendices: <ul style="list-style-type: none"> • A – DA Cost Plan • B – Statement of Environmental Effects • C – Additional Bushfire Info • D – Additional Bushfire Info • E – Revised Stormwater Calculations • F – Geotechnical Investigation report
Recommendation	Approval with conditions
Report by	Samuel Harvey (Senior Development Planner)
Report date	19 April 2018

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Development consent is sought for a development application (No. 16-2017-647-1) for an educational establishment building at Salamander Way, Salamander Bay (St Philip's Christian College). The application involves the demolition of an existing building (Senior School Technics Building) and construction of a three storey educational establishment building.

The site is zoned SP2 Infrastructure – School / Child Care Centre. Additions and alterations to an existing educational establishment are permitted with consent within the SP2 Infrastructure Zone. The proposed development is in keeping with and promotes the zone objectives.

The site currently operates as an education establishment, known as St Philips Christian College. A number of uses are carried out to the North of the subject site, including a place of public worship and a child care centre. Vegetation currently borders the subject site to the east, south and west.

The application was notified in accordance with DCP2014, ending 16 October 2017. During this time no submissions were received.

The application was referred to the Rural Fire Service (RFS) in accordance with the provisions of s4.46 of *Environmental Planning and Assessment (EP&A) Act 1979*. The RFS provided a bushfire safety authority dated 2 March 2018, which included conditions relating to asset protection zones, evacuation and emergency management and design and construction.

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.

The development has been assessed under Section 4.15 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 16-2017-647-1 for Demolition of Existing Building and Construction of a Three Storey Educational Establishment Building at 176 Salamander Way, Salamander Bay (Lot 1 DP847022), be approved subject to the conditions in the attached schedule.

2. INTRODUCTION

This report provides a detailed overview of the demolition of an existing building and construction of a three storey educational establishment building at 176 Salamander Way, Salamander Bay (Lot 1 DP847022).

3. BACKGROUND

St Philips Christian College began operating in 1996, approved under Development Consent No.16-1996-864-1. The proposal was approved to be developed in multiple stages. The overall development encompassed multiple buildings for Junior School, Middle School and Senior School learning. Additionally, a library, quad area, administration buildings and sporting facilities and services were approved. The educational establishment has obtained separate development consent aimed to intensify the use of the site. Development approvals include:

- Additions and Alterations – Library Building
- Three Classrooms and Public Amenities
- Four Demountable Classrooms
- Additions and Alterations – Pergola and Walkway
- Additions and Alterations – Construction of Educational Establishment Building (Junior School Building)
- Additions and Alterations – Construction of a Trade Training Centre
- Additions to Educational Establishment – Shade Structure
- Construction of a Car Park, Playground Extension of Relocation of Fire Trail

The subject development application was lodged with Council on 13 September 2017 with the main objective to cater for additional senior students and to provide modern facilities and services to enable an improved environment to facilitate learning.

4. SITE DESCRIPTION

The subject site is located south of Salamander Way in Salamander Bay. The site is 2.64ha in size and currently contains a number of buildings and demountable classrooms, drop off areas and recreational areas.

North of the subject site contains a number of uses, including a church and child care centre. Vegetation currently borders the subject site to the east, south and west.

A carpark associated with St Phillips Christian College and relocation of the existing fire trail to the south to allow future expansion of the College sporting facilities was recently approved. The area of the proposal was consistent with the current zoning boundaries. The proposal is illustrated below.

Figure 1: The subject site.



Figure 2: Zoning of the site (SP2 Infrastructure - School/ Child Care Centre)

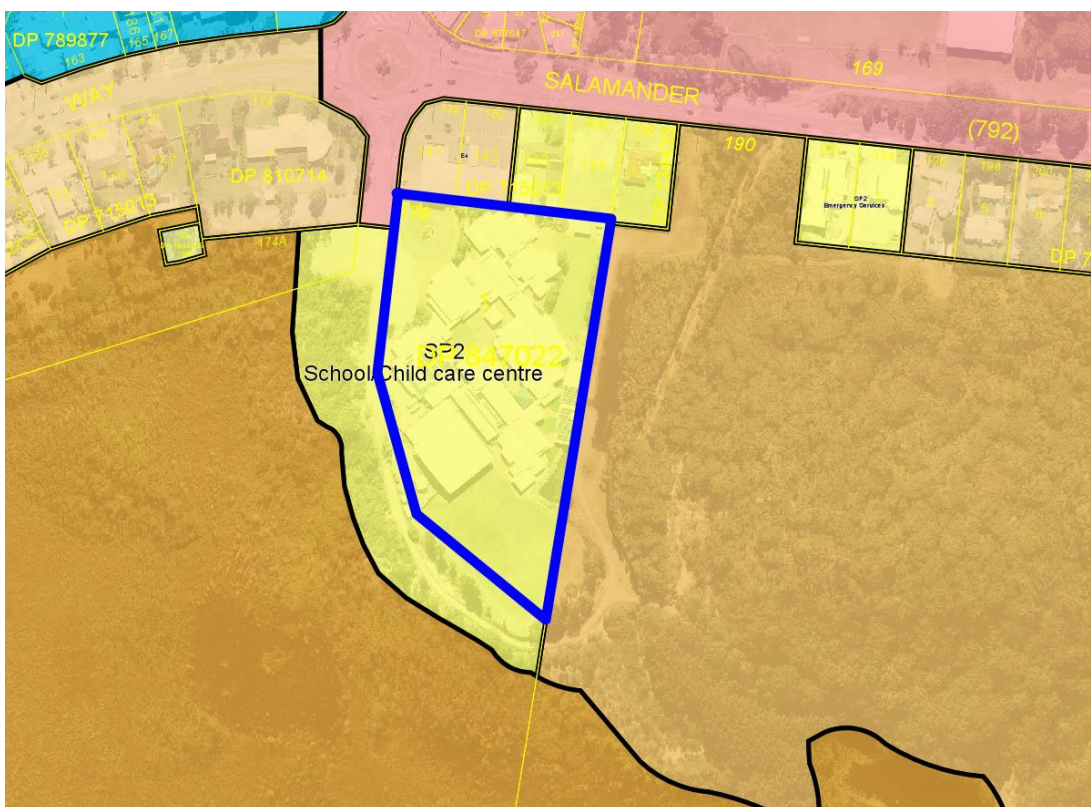
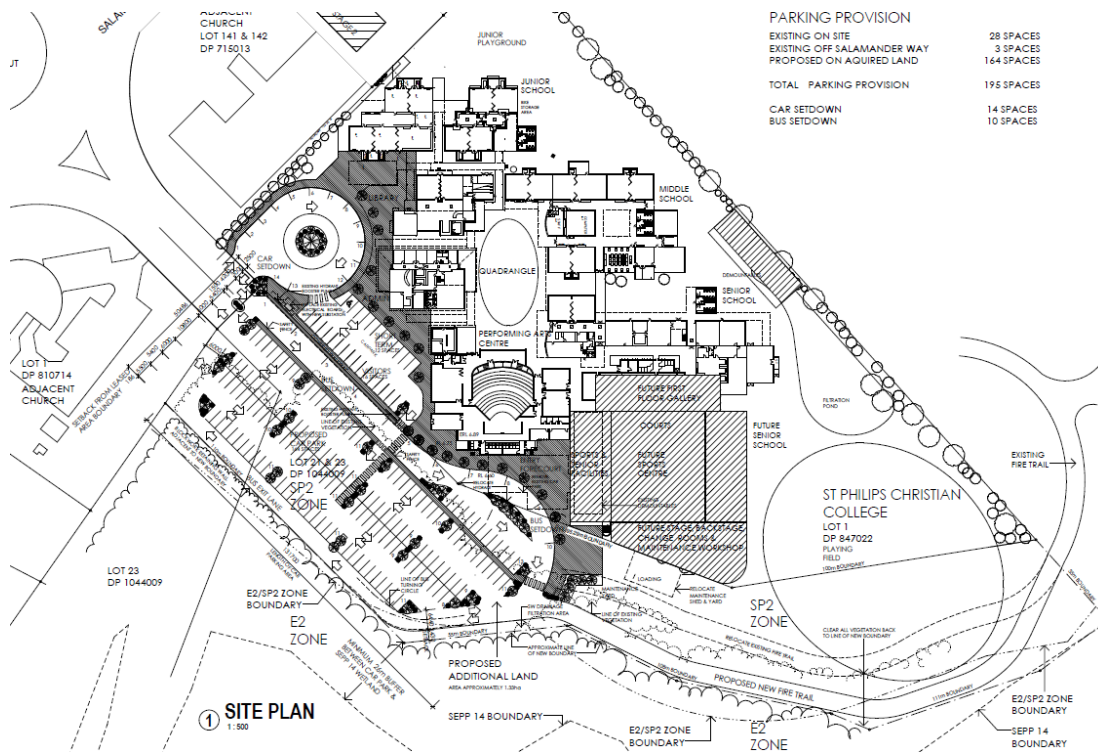


Figure 3: Location of the approved car parking area.



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

- Bushfire (categories 1 and 3);
- Acid sulphate soils (class 3);
- Koala habitat;
- Port Stephens LEP identified wetlands;
- Endangered Ecological Communities (Swamp Sclerophyll Forest).

Photo 1: Portion of building to be demolished



Photo 2: Location of education establishment building



Photo 3: Location of education establishment



Photo 4: Towards bushfire threat.



Photo 5: Location of approved Car Park



Photo 6: From the development site facing Salamander Way.



5. PROPOSAL

The application proposes demolition of an existing building (Senior School Technics building) and construction of a three storey educational establishment building.

Key aspects of the development Include:

- Demolition of Senior School Technics Building;
- Construction of a three storey education establishment building, consisting of:
 - Ground Floor - Communal Area, two flexible learning areas, staff room, gymnasium, toilets, café, hospitality rooms, lecture theatre staircase and lift. A covered outdoor learning area (COLA) adjoins the building from the east;
 - First Floor – Staff area, flexible learning area, communal area, two tutorial spaces, upper seating level to lecture room, store room, toilets, internal and external stair access and lift; and
 - Second Floor – Senior study area incorporating 541sqm with flexible opening walls potentially creating eight enclosed rooms, senior lounge, study pods, student kitchen, internal and external stair access and lift.

The new building is to be constructed from a wide range of materials, including fibre cement cladding and extruded brick work. To further articulate the building coloured batten screens have been incorporated into the building design. The building is considered to be well sited and designed with respect to the topography of the land and character of the existing education facility.

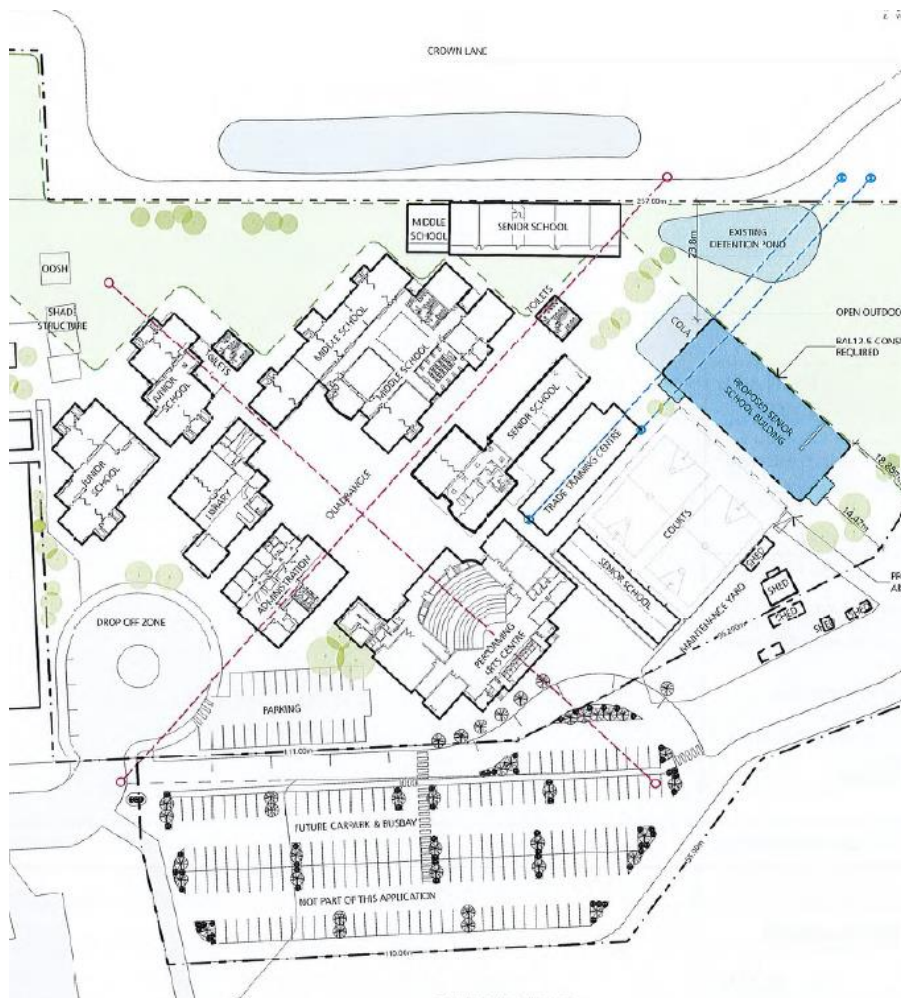


Figure 4: Site Plan of the proposal

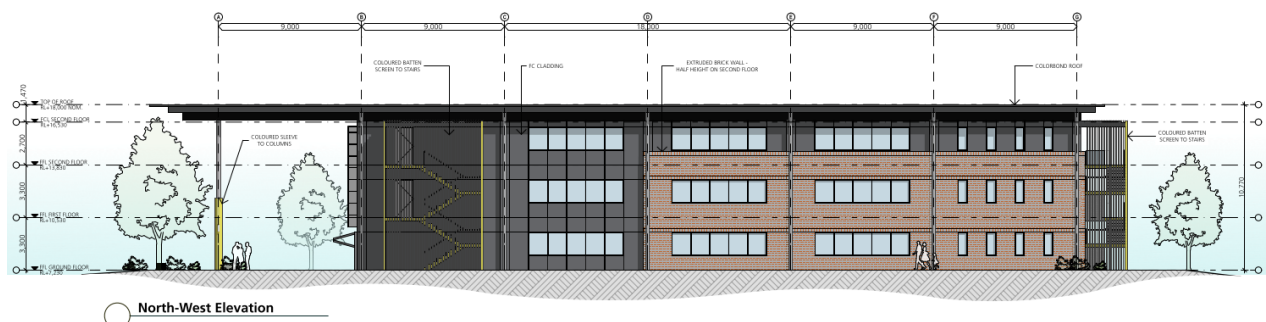


Figure 5: Northwest elevation of the proposed Education Establishment Building.

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 (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 this proposal is \$9,400,000.

5.1.2 *Section 91 – Integrated development*

The proposal is integrated development pursuant to Section 4.46 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 2 March 2018 (**Attachment 2**) subject to a number of conditions including management of asset protection zones, water and utilities, arrangements for emergency evacuation and compliance with relevant Australian Standards and Planning for Bushfire Protection 2006.

5.1.3 *Section 4.15 Evaluation*

The proposal has been assessed under the relevant matters for consideration detailed in s.4.15 (1) *EP&A Act* as follows:

5.1.3.1 *Section 4.15(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 No.55 (Remediation of Land) (SEPP No.55)

Clause 7(1) (b) and (c) of SEPP No.55 requires 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 site currently operates as an education establishment, dating back to 1996. No contamination has been identified on the site and the proposed development is minor in comparison to the existing development. Therefore it is considered that the development is suitable for the proposed land use. On this basis, the provisions of SEPP 55 have been met.

State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017

State Environmental Planning Policy (Education Establishment and Child Care Facilities) 2017 applies to this development. As a result, Schedule 4 Schools – design quality principles are required to be assessed.

The proposal is consistent with the design controls. Each design quality principle is outlined below:

Principle 1 - context, built form and landscape:

The senior school building is proposed to be located in the south-eastern corner of the school site, furthest away from the school entry and roads, and in turn, has very little impact to the visual amenity of the surrounding area. The building has been designed with a triple height glazed void to the eastern façade overlooking the existing sport fields and wetlands beyond. A large COLA and doors on the ground floor allow the building and internal spaces to connect to the outdoor landscape.

Principle 2 - sustainable, efficient and durable:

The proposed works include learning spaces that are efficiently and passively designed whilst harnessing renewable energy, light, shade, and connections to nature. They are appropriately insulated and ventilated, accommodate rainwater storage and make use of future affordable technologies.

The senior school building is orientated to the north-east allowing for sufficient solar amenity. A large cola to the north-east end of the building provides shading and shelter whilst providing outdoor teaching and meeting spaces. The triple height glazed void to the eastern façade allows for solar access to most of the common circulation spaces, and minimises openings to the west. Furthermore, all internal rooms meet the requirements of natural light and ventilation, to allow teachers and students control of the internal environment. Energy efficient light fittings and appliances, and water saving fixtures and fittings will further improve the efficiency of the building.

The building has been designed with adaptability and durability at the forefront of design choices. The building is established on a 9 metre by 9 metre grid and structurally, allows for walls to be added or removed throughout the entirety of the building, enabling the building to evolve over time to meet future requirements. Openable walls throughout the building will allow teachers and students to manually adapt classrooms to suit their needs.

Principle 3 - accessible and inclusive:

The proposed senior school building is integrated with the rest of the school site. Level access from surrounding paved pathways and access points, and a new lift will provide accessible paths of travel to all levels of the building, whilst all internal areas contain sufficient circulation space to allow for appropriate movement of all staff and students throughout the building.

Alignment of the column columns with the adjacent wall of the existing senior school building provides connection and wayfinding to the proposed building. Furthermore, all existing on site signage will be updated to assist with wayfinding to the new senior school building. The proposed building will have suitable signage and wayfinding incorporated in the design throughout.

As the building adjoins the sports field, it can easily be opened up for sporting events or the like over weekends or outside of school hours. The adaptability of flexible learning areas will allow different sized groups to occupy spaces throughout the building. Furthermore, amenities including toilets and showers on the ground floor can be easily accessed without having to navigate to the upper levels of the building.

Principle 4 - health and safety:

The proposed senior school building will improve and build upon existing health and safety amenity of the campus. The proposed senior school building will improve passive surveillance of the sports fields and surrounding areas.

Principle 5 - amenity:

A range of flexible, pleasant and engaging spaces are proposed throughout the new senior school building. Flexible learning areas, tutorial spaces, study pods, open study areas and a café space, provide for class leading teaching and learning spaces in both formal and informal groups. The design promotes the sunlight and ventilation, and provides outlook and connection to surrounding areas. A large storeroom directly services the existing sport courts and playing fields while service areas are kept to the extremities of the building.

Principle 6 - whole of life, flexible and adaptive:

It is noted that the proposal is for one building within an existing education establishment. The proposal will assist in an adaptable space to cater for the changing education needs of students.

Principle 7 - aesthetics:

The form of the new senior school building is based on an even 9 metre structural grid system that offers solutions to internal and external planning and proportion, and structural integrity and simplicity.

The extensive use of brick ties is consistent with existing development. The material palette has been chosen to reference the coastal nature of the site and surrounding neighbourhood, and have a positive impact on the sense of identity. The aesthetics of the building are considered to be of high quality.

Traffic Generating Development

Clause 57 of SEPP (Educational Establishment and Child Care Facilities) 2017 requires certain education establishment development application to be referred to RMS. The application was referred to the RMS given it is an enlargement of an existing premise and will accommodate more than 50 additional students. An intention to determine the application was sent to RMS. No response has been received. Council has advised the RMS of the intention to proceed to determination without their further input – no response has been received in regards to this correspondence.

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

Port Stephens *Local Environmental Plan 2013* (LEP2013) applies to land identified upon the 'Land Application Map'. The subject development occurs within this area.

Land Use Table - Zoning

The site is zoned SP2 Infrastructure – School / Child Care Centre. 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.*

Additions and Alterations to an existing Educational establishment is permitted with consent within the SP2 Infrastructure Zone, as the proposal is consistent with the purpose shown on the Land Zoning Map (School/ Child Care Centre).

The objectives of the SP2 Infrastructure Zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is to intensify the use of the existing educational establishment through increased capacity for senior students in the proposed three storey building, and to provide additional services and facilities available to students. School facilities are considered to be necessary infrastructure that align with the zoning and therefore are in keeping with the zone objectives.

Clause 4.3 Height of Buildings

The subject site has no maximum height limit under the LEP. Regardless, the building is considered to be of an appropriate height given the building spread and massing within the school site. The development lot is of sufficient size that the building will not negatively impact on surrounding land or amenity of users and is acceptable in the context of the site.

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing Class 3 Acid Sulphate Soils (ASS). Accordingly, any works beyond 1m below the natural ground surface require consideration under clause 7.1 of the LEP. Conditions of consent will require the preparation and implementation of an Acid Sulphate Soils Management Plan if ASS is encountered during works. The development is considered to be satisfactory in regard to the management of ASS.

Clause 7.2 Earthworks

The earthworks proposed as part 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 7.6 Essential services

Essential services are available to the site including water, electricity, sewage, drainage and vehicular access. Conditions will be included on the consent to require that the proposed education establishment building be connected to all relevant essential services prior to the issue of an occupation certificate.

5.3.1.2 Section 4.15(1)(a)(ii) provisions of any draft environmental planning instrument that is or has been placed on public exhibition

Draft State Environmental Planning Policy (Coastal Management) 2016

State Environmental Planning Policy (Coastal Management) 2016 (the Coastal SEPP) is now in-force, however was a draft instrument at the time of lodgement of the application. Accordingly the Coastal SEPP must be considered as a draft EPI.

The draft policy aims to balance social, economic and environmental interest by promoting a coordinated approach to coastal management, consistent with the objectives of Part 2 of the Coastal Management Act 2016.

The proposed development will not impact on the surrounding identified wetlands. It is noted that the recent approval of a car park will mitigate potential impacts of the education building establishment. The stormwater design and erosion and sediment controls during construction will ensure no stormwater or sediments enter the identified wetland areas.

5.3.1.3 Section 4.15(1)(a)(iii) any development control plan (and section 7.11 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 14 days from 3 October 2017 to 16 October 2017 in accordance with the *EP&A Act*, *EP&A Regs* and Section A of the 2014DCP. Council received no submissions during that time.

Section B – General Controls

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 2 March 2018, which relates to the bushfire constraints on the site;
- The geotechnical report for the development categorises the risk of ASS as low. Nonetheless, an ASS management plan will be required prior to the issue of the Construction Certificate
- A sediment and erosion plan has been submitted to minimise any impacts associated with earthworks on the site;
- The site currently operates as an educational establishment. No additional acoustic impacts have been identified.
- The waste management plan submitted with the application addresses the volume, type, storage and disposal of waste associated with the development.

Part B4 – Drainage and water quality

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has been included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.

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 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

The building incorporates large areas of flexible learning spaces, study pods and senior lounge space. The primary learning spaces comprise of:

Lecture room – 160 seating capacity

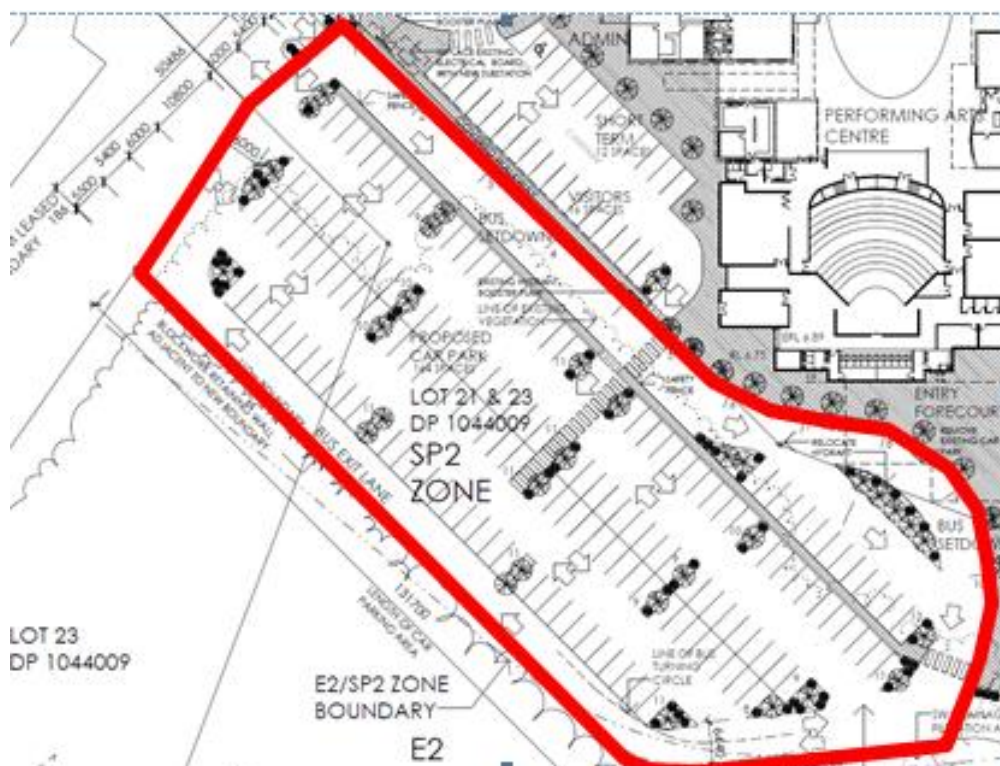
Two x Tutorial rooms – 56 seating capacity

In accordance with Figure BQ of PSDCP the following car parking calculations have been made:

- 3 x car spaces for employees
- 27 x car spaces for students

DA No.16-2016-770-1 approved a car parking area located along the western boundary of the site. The area will comprise 164 car parking spaces, incorporating one accessible parking space and 14 bus set down bays. The additional 164 parking spaces approved under this application is considered to appropriately satisfy the additional car parking requirements created under this application

Figure 6: Illustrating car parking approved under DA No.16-2017-647-1



Port Stephens Development Contribution Plan

The application attracts Section 7.12 Contributions pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Fixed 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* and a condition has been included in the draft notice of determination.

It is noted that the application requested that the Section 7.12 contributions be waived. Council's Development Contributions Analysis Team does not support any exemption from Section 7.12 levies. The request does not provide any comprehensive argument or justification for the support of the exemption other than the fact that it will be detrimental to the budget of the school. Therefore, the request to be exempted from Section 7.12 contributions is not supported.

5.3.1.4 Section 4.15(1)(a)(ia) Planning agreements

No planning agreements are relevant to the proposal.

5.3.1.5 Section 4.15(1)(a)(iv) the regulations (and other plans and policies)

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.

5.3.1.6 Section 4.15(1)(a)(v) Coastal management plan

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

5.3.1.7 Section 4.15(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 additional three storey building. The built form and design of the building is considered to be consistent with the existing character of the school and does not impact on the streetscape.

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 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.

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.

5.3.1.8 Section 4.15(1)(c) the suitability of the site for the development

The site has been used as educational establishment since 1996. 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 proposal meets the objectives of the SP2 Infrastructure School/ Child care centre zoning.

5.3.1.9 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

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

5.3.1.10 Section 4.15 (1)(e) the public interest

The development is in the public interest. The development provides an educational facility that enhances and supports local education infrastructure. 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 16-2017-647-1 (2017HCC036) for Demolition of Existing Building and Construction of a Three Storey Educational Establishment Building at Lot 1 DP 847022, 176 Salamander Way, Salamander Bay, pursuant to Section 4.16 of the EP&A Act subject to the conditions in **Attachment 3**.

Signed (Assessing Officer)



Samuel Harvey
Senior Development Planner

Date: 29 March 2018

Reviewed (Supervising Officer)



Date: 5 April 2018

Brett Gardiner

Planning and Developer Relations Coordinator



Authorised for submission to JRPP

Date: 6 April 2018

Kate Drinan

Manager Development Assessment & Compliance