

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

<b>Panel Reference</b>	2017HCC040
<b>DA Number</b>	DA2017/01269
<b>LGA</b>	Newcastle
<b>Proposed Development</b>	Demolition of existing covered outdoor learning area (COLA), erection of a new " <i>Homebase</i> " building and associated ancillary facilities
<b>Street Address</b>	48 Brown Street The Hill (Newcastle East Public School)
<b>Applicant</b>	TSA Management
<b>Owner</b>	Department of Education
<b>Date of DA lodgement</b>	11 October 2017
<b>Number of Submissions</b>	One submission received
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	In accordance with Clause 20 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , as the subject development application is a Crown development and is an educational establishment over \$5 million, the Joint Regional Planning Panel is the determining authority.
<b>List of All Relevant Section 4.15 (1)(a) Matters</b>	<p><b>Environmental planning instruments: s4.15(1)(a)(i)</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy 71 - Coastal Protection</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Newcastle Local Environmental Plan 2012</li> </ul> <p><b>Development Control Plan: 4.15 (1)(a)(iii)</b></p> <ul style="list-style-type: none"> <li>• Newcastle Development Control Plan 2012</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p><b>Appendix A</b> - Recommended conditions of consent</p> <p><b>Appendix B</b> - Documents submitted with the application</p> <p><b>Appendix C</b> - External Referral Comments (Subsidence Advisory NSW and NSW Rural Fire Service)</p>

<b>Report prepared by</b>	Newcastle City Council
<b>Report date</b>	14 June 2018

**Summary of s4.15 matters****Yes**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Legislative clauses requiring consent authority satisfaction****Yes**

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*

**Clause 4.6 Exceptions to development standards****Not  
Applicable**

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?

**Special Infrastructure Contributions****Not  
Applicable**

Does the DA require Special Infrastructure Contributions conditions?

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

**Conditions****Yes**

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*

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

Development application (No.DA2017/01269) has been lodged with Council, seeking consent for:

- Demolition of existing covered outdoor learning area (COLA); and
- Erection of a new "*Homebase*" building containing four classrooms; and
- Associated ancillary facilities

The proposal was placed on public exhibition for a period of 14 days from 18 October 2017 to 1 November 2017 in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Section 8 of Newcastle Development Control Plan 2012 (DCP). One submission was received during the notification period.

The application was referred to Subsidence Advisory NSW (requiring approval under the former *Mine Subsidence Compensation Act 1961*) and New South Wales Rural Fire Service (requiring authorisation to be obtained from the Commissioner under *Section 100B of the Rural Fires Act 1997*).

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 existing 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 subject development application is a type classified under Schedule 7, being Crown development and an educational establishment over \$5 million. The proposed development has a capital investment value of \$7,748,616.

The proposal is a Crown development, as it is being undertaken by the Department of Education. The following statutory provisions are relevant to Crown development:

- Section 4.33 of the EP&A Act states that a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.
- Pursuant to Section 6.7(2) of the EP&A Act, the Crown is self-certifying and therefore a Construction Certificate will not be obtained and a Principal Certifying Authority will not be appointed for the development.

- Pursuant to Section 6.9(2) of the EP&A Act, an Occupation Certificate is not required for the occupation or use of a new building that has been erected by or on behalf of the Crown.

## 1. INTRODUCTION

This report provides an overview of the development proposal for demolition of a COLA, erection of a new "*Homebase*" building containing four classrooms and associated ancillary facilities, at 48 Brown Street The Hill, known as Newcastle East Public School.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel in accordance with Section 2.15 of the EP&A Act and the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, as the development is a type classified as Crown development and an educational establishment over \$5 million, with the Capital Investment Value of works being \$7,748,616.

The new building provides improved facilities to support the use of the site as a school. The proposed development does not change the current land use.

## 2. SITE DESCRIPTION

The subject site is on the corner of Tyrell Street and Brown Street in The Hill, and comprises the existing Newcastle East Public School. The subject site is spread over three lots, being Lots 1, 2 and 3 in DP794850 and shown in Figure 1 below.

The site is generally regular in shape of roughly 7,175m<sup>2</sup>, with the following frontages:

- A northern boundary of approximately 53.3 metres to Tyrell Street
- An eastern boundary of approximately 106 metres to Brown Street
- A southern boundary of approximately 88.5 metres to Kitchener Parade

The land falls generally across the site from east to west and from north to south.



**Figure 1: Shows an aerial view of the site and surrounds**

### 3. PROPOSAL

The proposal involves the construction of a new "*Homebase*" building including four "*Homebase*" classrooms over the top of the existing (to be refurbished) sports court. The COLA roof will be removed from above the existing sports court and the new "*Homebase*" classrooms will be constructed above the sports court. This will require the removal of surrounding vegetation as the footprint of the new building, including the services, amenities and surrounds, is greater than the existing COLA.

This building will comprise:

- At lower ground level:
  - Rainwater tank of approximately 30,000 litres
  - Boys toilets (two cubicles and urinal) and girls toilets (four cubicles)
  - Equipment store
- At ground floor level:

- A refurbished assembly/basketball and sports court 4.5 metres high
- New store rooms (including audio store), refuse area, stage areas, stairwells and a lift
- A new access to the existing building to the south
- Tiered playground seating looking to the south and west and to the east
- Accessible toilet and a separate toilet
- A new canteen with servery and office/store on the southern side
- Plant will be placed immediately above the canteen area
- At first floor level:
  - Four "*homebase*" areas of 61m<sup>2</sup> each
  - A maker space area, including circular reading area
  - A tiered breakout area overlooking a drop down screen
  - Four group (withdrawal) areas
  - Two store areas and a cleaner's room
  - Two covered outdoor learning areas on the balconies
  - External circulation and balcony areas with bag areas all accessed by the lift and covered external stairs
- Removal of two existing demountable buildings and a shipping container, although one of these demountable buildings is to be temporarily relocated on the site during construction
- New staircase between the existing building "C" and the new "*Homebase*" building
- Associated landscaping works, including a path from the southern gate

The current number of students at the school is approximately 247 (nominally 230). The proposal will enable a total of approximately 276 students to attend, being a 20% increase in the numbers of students nominally provided for at the school, or a 12% increase over the actual numbers.

## **4. PLANNING ASSESSMENT**

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

#### **4.1.1 Section 4.5 – Joint Regional Planning Panels**

Section 4.5 of the EP&A Act requires the Joint Regional Planning Panel to be the consent authority for development applications for Crown development and educational establishments over \$5 million in capital investment value. The capital investment value of the application is \$7,748,616.

#### **4.1.2 Section 4.46 – Integrated Development**

Section 4.44(2) of the EP&A Act establishes that the integrated development provisions of Division 4.8 of the EP&A Act do not apply to a development application made by or on behalf of the Crown, other than development that requires a heritage approval. The application is therefore not integrated development under section 4.46(1) of the EP&A Act.

However, the application was referred to Subsidence Advisory NSW (requiring approval under the now repealed *Mine Subsidence Compensation Act 1961*) and the New South Wales Rural Fire Service (requiring a bushfire safety authority from the Commissioner under *Section 100B of the Rural Fires Act 1997*). Conditional approval has been obtained from Subsidence Advisory NSW and the NSW Rural Fire Service.

#### **4.1.3 Section 4.15(1) Evaluation**

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as detailed hereunder.

##### **4.1.3.1      *The 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 of the SEPP declares development identified in Schedule 7 of the SEPP to be regionally significant development. This includes applications for crown development and educational establishments over \$5 million in value. 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 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. The SEPP 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 proposal involves an existing school and the current proposal is not changing the use of the site.

It is submitted that only minor excavation, primarily for footings, is proposed. A Geotechnical Preliminary Assessment (Douglas Partners, 14 June 2017) analysed three soil samples where the building footings are anticipated. The report recommended that the fill and natural clay soils be given a preliminary classification

as "*General Solid Waste*" in accordance with the NSW EPA Waste Classification Guidelines.

Soils intended for re-use on site will need to be tested by a suitably qualified person to determine its suitability for use in accordance with the Guidelines on Resource Recovery Orders and Exemptions EPA 2017. Council's Regulatory Services Unit recommends that fill be managed in accordance with the recommendations set out in the report prepared by Douglas Partners dated 14 June 2017.

As such, further contamination investigation is not considered warranted in relation to this application as per the requirements of SEPP 55.

*State Environmental Planning Policy No. 44 Koala Habitat Protection*

The SEPP applies to the site, however none of the trees identified in the tree risk assessment are koala feed trees. The site is considered to not be potential core koala habitat and the proposal is satisfactory having regard to the SEPP.

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) is one of a suite of Land Management and Biodiversity Conservation reforms that commenced in New South Wales on 25 August 2017.

The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW. Part 3 of the Vegetation SEPP contains provisions similar to those contained in Clause 5.9 (now repealed) of Newcastle Local Environmental Plan 2012 and provides that Council's DCP can make declarations with regards to certain matters and that Council may issue a permit for tree removal.

The proposal has been considered in accordance with the DCP, as detailed in this report, and is considered to be satisfactory.

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP)*

The ESEPP generally includes the provisions relating to schools that were previously included in the SEPP (Infrastructure) 2007.

Schedule 4 of the ESEPP includes seven design quality principles for schools that must be considered before determining a development application. These include:

- Principle 1—context, built form and landscape
- Principle 2—sustainable, efficient and durable
- Principle 3—accessible and inclusive
- Principle 4—health and safety

- Principle 5—amenity
- Principle 6—whole of life, flexible and adaptive
- Principle 7—aesthetics

Consideration has been given to the seven design quality principles and the proposal is considered acceptable.

Part 7 of the ESPEPP requires that educational establishments that will have an increase in 50 or more students and involving an enlargement or extension of an existing premises or new premises on a site with direct access to any road, must be notified to the RMS. The proposal allows for a potential increase in the school capacity from the current nominal 230 to approximately 276 students (46 students), therefore a referral to the RMS under the ESEPP is not required.

#### State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the SEPP (Infrastructure) refers to traffic generating development. Schedule 3 has been amended by the Education SEPP to remove the provisions relating to educational establishments. Clause 57 of the ESEPP, which requires referral to the RMS, is not triggered as the number of additional students does not exceed 50.

#### State Environmental Planning Policy 71 - Coastal Protection

The proposed development has suitably addressed the relevant matters for consideration and development controls for development within the coastal zone as required under this SEPP.

#### Newcastle Local Environmental Plan 2012 (NLEP 2012)

##### *Clause 1.3 – Land to which Plan applies*

NLEP 2012 applies to land identified upon the 'Land Application Map'. The proposed development occurs within this area.

##### *Clause 2.3 Land Use Table - Zoning*

The site is zoned R3 Medium Density Residential under NLEP 2012. The existing use of the site as an educational establishment is permissible in the zone and complies with the relevant zone objectives, which includes enabling other land uses that provide facilities or services to meet the day to day needs of residents.

##### *Clause 4.3 Height of Buildings*

The subject site is not subject to height of building provisions under NLEP 2012.

##### *Clause 4.4 Floor Space Ratio*

The subject site has no maximum prescribed FSR under NLEP 2012.

### *Clause 5.5 Development within the Coastal Zone*

The subject site is within the NSW Coastal Zone. The proposed development will not impact on access to the foreshore. It will also not impact on the amenity of the foreshore through overshadowing or loss of views from a public place. The development will not have a negative impact on existing ecosystems or biodiversity in the area.

An adequate stormwater management system has been proposed as part of the development to minimise any impacts from water disposal.

The site has access to a reticulated sewer system.

### *Clause 5.10 Heritage Conservation*

The subject site is listed as a local heritage item in NLEP 2012, for its local cultural heritage significance. The site is also located within The Hill Heritage Conservation Area.

A Heritage Impact Statement was submitted with the application. The whole school is heritage listed given its historical value, as one of the earliest public schools in NSW, and the 1878 building that is of particular significance will be retained. The setting of the 1878 building will not be compromised by the proposal, which is set at a reasonable distance away and retains a suitable curtilage for that building. The application does not affect the 1878 building's fabric.

The heritage impact statement concludes:

- That the removal of the COLA and demountable buildings will not impact on the heritage significance of the place or the conservation area.
- That the proposal will leave the 1878 building as the dominant corner building and the new building will provide views back to the original building.
- That the existing mature landscaping to the east of the 1878 building will break up views to the new building from Tyrrell Street and will not impact on the heritage significance of The Hill Heritage Conservation Area.
- That the contemporary building can co-exist with the 1878 building without diminishing the significance of that building in the streetscape of the Conservation Area.
- That mimicking the detail of the 1878 building is inappropriate and that the colours and textures of the proposed building do not compete with the 1878 building and will be partially screened by the 1878 building.
- That the landscape architecture proposed will not have a detrimental effect.
- That the project has the potential to provide students, staff and visitors with key views back to the original building.

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

*"Generally, the proposed design of the COLA is considered to have been conceived having due regard to the interpreted cultural heritage significance of the site. The positioning and layout of structure, its scale, massing and materials of construction are also considered to be complimentary. Overall, no objections are raised to the proposed works."*

It is considered that the proposed development will have minimal impact on the heritage significance of the heritage item or the Heritage Conservation Area.

A condition is recommended to be placed on the consent that a full archival photographic record be undertaken of all existing elements, encompassing the area where the new works are proposed, prior to any demolition. A copy of this record is to be provided to Council.

#### *Clause 6.1 Acid Sulfate Soils*

The site and all surrounding properties are identified as Class 5 Acid Sulfate Soils. The proposed construction works are unlikely to lower the water table and thereby trigger the need for an acid sulfate soils management plan. As such, the application is considered acceptable with regards to clause 6.1 of NLEP 2012.

#### *Clause 6.2 Earthworks*

The proposal involves minimal excavation for footings. The proposed earthworks will not detrimentally impact on environmental functions, neighbouring uses or features of the surrounding area. Conditions are recommended to be placed on the consent to address sedimentation and erosion control.

#### **4.1.3.2      *Any draft environmental planning instrument that is or has been placed on public exhibition***

##### *State Environmental Planning Policy (Coastal Management) 2018*

State Environmental Planning Policy (Coastal Management) 2018 was made on 23 March 2018 and supersedes previous policies including SEPP71, SEPP14 and the coastal zone clause in NLEP 2012. As this application was lodged prior to the commencement of this policy, in accordance with the savings provisions, this SEPP does not apply to the proposal. Accordingly, for the purposes of this assessment, this SEPP is considered to be a draft Environmental Planning Instrument, and is considered below.

The aim of this policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. The policy is supported by mapping of the following coastal management areas that comprise the coastal zone:

- Coastal wetlands and littoral rainforests area
- Coastal vulnerability area

- Coastal environmental area
- Coastal use area

Part 2 of the Policy indicates the development controls applicable to development on land in each of the above areas, as well as development in the coastal zone generally.

The SEPP requires that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to *'cause increased risk of coastal hazards on that land or other land'*. The proposed development is not likely to increase the risk of coastal hazards on the land or the surrounding land.

The proposed development has suitably addressed the relevant matters of consideration and development controls for development within the coastal zone as required under the Coastal Management SEPP.

#### **4.1.3.3 Any development control plan**

The main planning requirements of relevance in the Newcastle Development Control Plan 2012 (DCP) are discussed below.

#### *3.11 - Community Services*

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

The proposed building is within an existing school site and in an area largely covered by an existing COLA. Minimal adverse impact on surrounding land uses is anticipated.

Access to the site will largely remain unchanged. There is an existing pedestrian and vehicular entranceway from Brown Street which will be retained.

#### *4.02 - Bush Fire Protection*

The site is identified as being bushfire prone land (vegetation buffer). It is located near Arcadia Park which represents a bushfire risk for the school. A bushfire protection assessment report has been prepared in accordance with the requirements of section 100B of the *Rural Fires Act 1997*, clause 44 of the *Rural Fires Regulation 2013* and Planning for Bushfire Protection 2006. A bushfire safety authority is required as the school is classified as a *'special fire protection purpose'* under s100B of the *Rural Fires Act 1997*.

The NSW Rural Fire Service issued a bushfire safety authority on 25 May 2018, which included a number of conditions (refer to **Appendix C** for the General Terms of Approval).

#### *4.10 - Flood Management*

The site is not subject to flooding

#### *4.03 - Mine Subsidence*

The site is located within a proclaimed Mine Subsidence District and conditional approval was granted from Subsidence Advisory NSW on 5 December 2017 (refer to **Appendix C** for the General Terms of Approval).

#### *4.04 - Safety and Security*

The development is considered to be consistent with the principles of Crime Prevention through Environmental Design 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 proposed development provides for an improved assembly space for the school, including services to support the sports court and assembly area.

The provision of additional school facilities within the residential area is considered to result in positive social and economic outcomes for the local community.

#### *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. A condition has been recommended to ensure such measures are in place for the entire construction period.

#### *5.02 - Land Contamination*

As previously discussed under SEPP 55, no concerns have been raised with regard to contamination.

#### *5.03 - Tree Management*

The proposal involves the removal of 23 trees, which 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 proposed construction area of the development.

A landscape concept plan has been submitted with the application, proposing suitable replacement trees along the eastern boundary, which will assist in softening the impact of the new building on the streetscape. The overall outcome is considered to be acceptable having regard to the loss of the existing trees and the compensatory landscaping.

#### *5.05 and 5.07 - Heritage Items and Heritage Conservation Areas*

As previously stated under clause 5.10 of NLEP 2012, the site is identified as being a locally listed heritage item and is located in The Hill Heritage Conservation Area. The subject site is not listed on the State Heritage Register.

As previously discussed, the proposal has been assessed by Council's Heritage Advisor and is considered to be acceptable, as it will have minimal impact on the heritage significance of the heritage item or the Heritage Conservation Area.

#### *7.01 - Building Design Criteria*

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

#### *7.02 - Landscape, Open Space and Visual Amenities*

A landscape concept plan has been submitted by a landscape architect, which is considered to be acceptable, with suitable replacement planting proposed to compensate for the removal of 23 trees on the site.

#### *7.03 - Traffic, Parking and Access*

Tandem staff parking is provided off Brown Street in an asphalt car park. An additional car park is located adjacent to the building, next to the car park.

The proposal has been assessed by Council's Senior Development Officer (Engineering) and is considered to be acceptable, subject to conditions. In reaching this recommendation Council's Senior Development Officer (Engineering) provided the following comments:

*"The application is not proposing to significantly increase the number of students and the development will not generate additional demand for parking. No change is proposed to the car parking or bike parking however minor changes are proposed to upgrade the existing parking area which is considered acceptable.*

*Council has recently upgraded the existing infrastructure along Brown St and surrounding area and the footpath surrounding the site is generally in good condition. There are parking areas available on the street to drop-off / pick-up students."*

On this basis, the proposed development is considered to be acceptable in regards to impact on traffic, parking and access onto the site.

#### *7.05 - Energy Efficiency*

The final detailed design is subject to applicable sections of Section J of the Building Code of Australia (Volume One) for 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 applied to ensure 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 one submission was received. The comments made were:

*"While we have no issues with the proposed DA, we do have a concern regarding the additional (parent) vehicle traffic volume that will occur as a result of the increased school numbers.*

*Presently there are two (2) drop off/pickup zones, in Tyrrell and Brown Streets. Numerous times we witness cars double parking (across others cars and the street trees), parking not parallel to the curb with either the 'nose' or 'rear' of the car sticking out at an angle, across driveways and parents / students running across the busy Tyrrell Street. Further this all occurs near the crest of the Tyrrell/Brown Street hill. This poses a hazard and potential safety issue.*

*With Tyrrell Street being a much busier street than Brown, we encourage Council to consider that a lay-by drop off/pickup zone is proposed in Brown Street directly outside the front of the school. Given the width of the footpath/nature strip we believe there is ample space to accommodate this.*

*The benefits of this zone is that it shifts the issues we've identified from the busy/flow through Tyrrell Street traffic to Brown Street, which due to its nature is a much quieter side street with a greatly reduced traffic speed as a result of the shortness of the street, the sharp 90 degree turning from Kitchener Parade into Brown Street and the Giveaway signs at the Tyrrell Street intersection.*

*We strongly urge Council considers this Submission and incorporate in your approval the building of the lay-by as an additional condition for the Applicant to address. In doing so the construction of the zone would greatly reduce the safety concerns we have mentioned above.*

Council's Senior Development Engineer has considered the above request and has provided the following response:

*"The proposed development does not increase the demand for additional infrastructure; however there may be scope for future improvements as indicated in the submission above. A request to consider drop-off/pick-up area and any other options for safety has been referred to Council's Traffic and Transport Unit for consideration of the above issues."*

#### 4.1.3.4 Planning agreements

No planning agreement is relevant to the proposal.

#### **4.1.3.5    *The regulations (and other plans and policies)***

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*. In addition, compliance with the Building Code of Australia and AS 2601 – Demolition of Structures will be included in the recommended conditions of consent.

#### **4.1.3.6    *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 will have a positive impact on the amenity and character of the area. The built form of the proposed 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 will be replaced with modern structures that provide greater visual amenity through the use of contemporary materials.

There are no significant external impacts associated with the proposal. The application has demonstrated that there will be no significant adverse traffic impacts.

The development does not cause any overshadowing or privacy impacts on adjacent properties. The proposal has been assessed by Council's Senior Environmental Protection Officer and is considered to be acceptable in relation to acoustic impacts.

The character, bulk and scale of the proposal have been discussed in this report, in the context NLEP 2012 and DCP controls. The proposal is considered to be acceptable in this regard.

#### **4.1.3.7    *The suitability of the site for the development***

The subject site is identified as being zoned R3 Medium Density Residential under NLEP 2012. The proposed development is satisfactory in terms of the likely impacts of the development and, as such, the subject site is considered suitable for the proposed development.

The proposal is within an existing school site. The removal of demountable buildings and their replacement with permanent structures is a positive outcome for the school community. The proposal makes efficient use of space on this relatively small school site by having the "*homebase*" classrooms over the sports court/assembly area. The provision of a lift to the first floor will improve access for students and staff and an accessible toilet at ground level will be of assistance to those using the sports court/assembly area.

The site has been used as educational establishment since the early 1800's. The site is considered to be suitable for the use, and is of sufficient size to enable the redevelopment without any significant adverse impacts on neighbours or on the character of the locality.

The R3 Medium Density Residential zone encourages the orderly and economic use of the land, aiming to protect the environment and the conservation of significant flora and fauna. The proposal meets these objectives as well as having many other social and economic benefits.

#### **4.1.3.8 Any submissions made in accordance with this act or the regulations**

The application was notified and advertised in accordance with the Regulations and one submission has been received, which has previously been discussed under the Public Participation section of the DCP considerations.

#### **4.1.3.9 The public interest**

The proposed development does not raise any significant general public interest issues beyond 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 impacts. 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.

### **5. CROWN DEVELOPMENT**

Section 4.33 of the *Environmental Planning and Assessment Act 1979* states that a consent authority must not impose a condition on the consent to a Crown development application, except with the approval from the applicant or the Minister. A copy of the draft conditions of consent was provided to the applicant for review and it is anticipated that acceptance of the proposed conditions will be achieved prior to the determination meeting of the JRPP for the proposed development.

### **6. CONCLUSION**

The proposal is considered to be acceptable against the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### **7. RECOMMENDATION**

That the Hunter and Central Coast JRPP determine to grant development consent to DA2017/01269 (2017HCC040) for the demolition of the existing covered outdoor learning area, erection of a new "Homebase" building and associated ancillary facilities at 48 Brown Street The Hill, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to the recommended conditions in **Appendix A**.