

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

<b>Panel Reference</b>	2018HCC006
<b>DA Number</b>	DA2018/00113
<b>Local Government Area</b>	Newcastle
<b>Proposed Development</b>	Demolition of the existing Bini Dome, removal of one demountable building, relocation of the outdoor sports court, earthworks and construction of new multi-purpose hall.
<b>Street Address</b>	115 Lambton Road, Broadmeadow
<b>Applicant/Owner</b>	Department of Education
<b>Date of DA lodgement</b>	12 February 2018
<b>Number of Submissions</b>	Zero
<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 (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> - Conditions of consent</p> <p><b>Appendix B</b> - Documents submitted with the application</p> <p><b>Appendix C</b> - Internal referral comments (contamination)</p> <p><b>Appendix D</b> - Crown acceptance to conditions of consent</p>
<b>Report prepared by</b>	Newcastle City Council
<b>Report date</b>	14 June 2018

<b>Summary of s4.15 matters</b>	<b>Yes</b>
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
<b>Legislative clauses requiring consent authority satisfaction</b>	<b>Yes</b>
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?	
<i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
<b>Clause 4.6 Exceptions to development standards</b>	<b>Not Applicable</b>
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?	
<b>Special Infrastructure Contributions</b>	<b>Not Applicable</b>
Does the DA require Special Infrastructure Contributions conditions?	
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
<b>Conditions</b>	<b>Yes</b>
Have draft conditions been provided to the applicant for comment?	
<i>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</i>	

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

Development application (No.DA2018/00113) has been lodged with Council, seeking consent for:

- Demolition of existing Bini Dome;
- Removal of demountable building;
- Relocation of outdoor sports court;
- Construction of new multi-purpose hall; and
- Earthworks.

The proposal was placed on public exhibition for a period of 14 days from 16 February 2018 to 2 March 2018 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). No submissions were received during the notification period.

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 application nominates the capital investment value of the project as \$10,198,446.

No external referrals were required.

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 the demolition of the existing Bini Dome, removal of one demountable building, relocation of the outdoor sports court, earthworks and construction of new multi-purpose hall at 115 Lambton Road, Broadmeadow, known as 'The Hunter school of Performing Arts'.

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 \$10,198,446.

The Hunter School of the Performing Arts (HSPA) is the only specialist performing arts school in the Hunter and Central Coast region. 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, nor does it seek to increase student and staff numbers.

## **2. SITE DESCRIPTION**

The subject site is legally described as Lot 2525 DP755247, No. 115 Lambton Road, Broadmeadow. The site has an area of 6.07ha, with a main northern frontage to Lambton Road of 299.46m, western frontage to Cameron Street of 201.17m, eastern side boundary of 198.86m and southern boundary of 299.075m. The main entry and access into the school grounds is via Lambton Road. A secondary access is available off Cameron Street. Figures 1 to 3 below show views of the site.



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



**Figure 2: Shows a view of Bini Dome from Lambton Road**





*Figure 3: View from Cameron Street showing the location of the new Hall.*

### 3. PROPOSAL

The proposed application seeks to upgrade the existing school facilities by replacing the Bini Dome with a new multi- purpose facility capable of supporting both performing arts and sports-based teaching and activities. There will be no increase in student or staff numbers.

The proposed works seek to facilitate this outcome by providing good connectivity between facilities onsite, retaining trees and the setting of the school and providing safe refuge for that part of the site identified as containing some flood related risk.

Specifically, the proposed development comprises the following works:

- Demolition of Bini Dome
- Replace pavement around Bini Dome with new turf and pavement layout throughout this area
- Removal of demountable building and replace with turf
- Removal of one games court and existing berm (mound) to make way for new gymnasium building
- New games court alongside existing court
- Proposed landscape link to connect to the new building
- New gymnasium and Performing Arts Facility in the southern portion of the site (located near Hunter Theatre off Cameron Street entry). The Performing Arts Facilities include 3 x Dance and 3 x Drama learning spaces with ancillary storage rooms and amenities.
- Mezzanine level associated with the gym with overflow carpet tiered seating area
- Landscaping around the new building
- Flood and drainage earthworks in southern area of the site

## 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 \$10,198,446.

#### 4.1.2 Section 4.46 – Integrated Development

The proposal is not integrated development pursuant to Section 4.46 of the EP&A Act.

#### 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(1) 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 (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 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 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.

Council's Regulatory Services Unit reviewed the Preliminary Site Investigation (PSI) prepared by Valley Civilab dated January 2018 where the consultant had identified that a berm located at the southern end of the site may potentially be contaminated. Unclassified fill material was thought to have been used during its construction and

as a result, six soil samples were collected from the berm only. The limited analysis showed benzo(a)pyrene (B(a)P) was detected above the relevant Tier 1 (generic landuse) assessment criteria within the fill material of the berm.

Given that the consultant was proposing to remove, reshape and cap the berm on another part of the site, the consultant concluded that remediation may be required to address the exceedances, however further consideration of site specific conditions within the framework of a Tier 2 risk assessment may support the proposed development without remediation.

The consultant recommended a Tier 2 Human Health Risk Assessment (HHRA) be carried out which would consider site specific conditions and may support the development without the need for remediation. A HHRA was prepared by Valley Civilab dated 12 March 2018 to support the proposed development. The objective of the HHRA was to assess potential risks associated with elevated B(a)P in the berm at its new location within the site-specific context of the proposed redevelopment. The HHRA concluded that risks to human health are unlikely to exist and that the site is suitable for the proposed development without further assessment or remediation (Section 5).

Notwithstanding the above, the RSU interpreted the removal, reshaping and capping of the existing berm to a new location on the site, which potentially meets the definition of remediation under *State Environmental Planning Policy (SEPP) 55 - Remediation of Land* and would require the preparation of a Remedial Action Plan (RAP) consistent with the SEPP and Council's DCP.

Council's Contaminated Land policy outlined in element 5.02.01 C - *Site Investigation Process* of the DCP states that following a contamination investigation, should concentrations of contaminants be detected above the landuse criteria the land will need to be remediated and as such a Remedial Action Plan (RAP) is to be prepared and submitted to Council for review.

In addition, due to the approach proposed and conclusions arrived at via the PSI and HHRA, Council also requested the involvement of a Site Auditor to verify the findings of these reports.

The applicant engaged and submitted to Council interim Audit Advice prepared by Ben Wackett (Accredited NSW Site Auditor - Cavvanba Consulting) dated 11 May 2018 outlining that the conclusions of the PSI were based on a limited sampling regime and as such recommended that further contamination investigation was required. This would allow the identification of any potential wide spread fill material across the remainder of the site. The Auditor also stated that the further testing of the berm would confirm the nature of the contamination identified, such as distribution of contamination and heterogeneity.

In response to the Auditors comments a *Detailed Site Investigation (DSI)* was prepared by Valley Civilab dated 12 June 2018 and submitted to the Auditor for review and comment.

The scope of works of the DSI included the following additional investigation\sampling and analysis:



1. *Advancement of nine soil bores and seven shallow trenches across the site*
2. *Analysis of 20 primary soil samples (minimum two from each location) from each soil bores for identified potential contaminants of concerns*
3. *Analysis of seven soil samples collected from trenches for presence of asbestos containing material (ACM)*

Following completion of this work, additional statistical analysis of all of the soil results was undertaken and the combined results were again compared to the screening criteria for the proposed land use. This more detailed analysis and assessment concluded that the site is considered suitable for the proposed development. This was supported and accepted by the Auditor.

Once the Auditor was satisfied and signed off on the assessment the DSI was submitted to Council to support this application.

The Auditor has issued a Site Audit Statement (SAS) (No. 1508-1802) along with a Site Audit Report (SAR) (Report No. 1508-1802).

In relation to Council's previous concerns regarding the PSI and the HHRA, the SAR states:

*"Following the preliminary site investigation (PSI), a human health risk assessment (HHRA) was prepared by Valley Civilab, which included the preparation of site specific benzo(a)pyrene criteria by Ramboll. The auditor considers that this assessment report was prepared prematurely in the contaminated land assessment process, as it was based on:*

- minimal analytical data; and*
- data gaps remain following the preliminary site investigation.*

*Upon review of the PSI, the site auditor requested further work, consisting of collection of additional soil analytical data to address PSI data gaps, which were reported in the final version of the PSI and in the subsequent detailed site investigation report.*

*The risk assessment documentation therefore did not provide additional data or additional information relevant to the environmental condition of the site, but rather included an evaluation of the data based on existing information presented in the PSI. The risk assessment and site-specific benzo(a)pyrene criteria have therefore not been relied upon by the site auditor, as they represent an assessment of information which has been superseded, and which has no bearing in the outcome of this site audit."*

This SAS certifies that the site is suitable for the proposed land use.

The Auditor has relied upon the DSI in concluding that no further management is required for the contamination identified at the subject site. The Auditor states in Section 13.3 Site Audit Discussion:

*"The impacts detected in the fill material were small-scale and most likely associated with poor filling practices historically. Overall, the nature of the fill*

*material, whilst undesirable to be present at the surface, does not pose a risk to human health or the environment, and does not require clean-up or remediation. The proposed building and landscaping provides an adequate cover to further address any minor aesthetic concerns. An ongoing management plan is therefore not considered necessary."*

As a result the Auditor has issued a Site Audit Statement (No.1508-1802) certifying that the site (in accordance with Figure 2 - Site Features Plan VC Ref: P1331-R003-V1) is suitable for use as a Day care centre, preschool and primary school.

It is noted that the current use of the site includes both primary and high school classes on the same premises, and that the site audit does not certify the site as suitable for a secondary school on the SAS. However as a primary school is more sensitive than a secondary school, it can be inferred that the site is also suitable for the high school classes use as well.

Based on the contaminated land information now submitted, Council's Regulatory Services Unit has no objections to the proposed development. The standard conditions of consent addressing waste classification, importation of fill material and resource recovery exemptions are recommended for inclusion as conditions of any consent granted.

#### 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 not considered to 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. This was not required for this application.

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

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

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

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

The site is zoned B5 Business Development 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 includes accommodating a wide range of employment generating uses and enabling other land uses that provide facilities or services to support the viability of centres.

##### *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 5.10 Heritage Conservation*

The subject site is listed as an item of local heritage significance under Newcastle LEP 2012 as item I53. The site is not located within a heritage

conservation area but is within the vicinity of two other locally listed heritage items, as detailed below:

- Item I45: Broadmeadow Locomotive Depot Offices  
25 Cameron Street, Broadmeadow
- Item I46: Broadmeadow Locomotive Depot  
25 & 35 Cameron Street, Broadmeadow
- Item I53: Broadmeadow Primary School  
115 Lambton Road, Broadmeadow

On this basis, a Heritage Impact Statement has been submitted that addresses the heritage impacts of the proposed development and any likely impacts on the adjoining heritage items.

The application does not affect the heritage building's fabric and its setting will not be compromised by the proposal. The new development is located along the southwest portion of the site, and is located well away from the earlier dated buildings. Dense vegetation acts as a visual buffer along the southern site boundary and ensures views to and from the adjacent heritage item are not impacted by proposed development.

The Bini Dome is not a heritage listed building. The demolition and replacement of the Bini Dome is necessary as the facility is dated, expensive to maintain, has poor acoustics and represents a safety risk in the longer term. The footprint of the Bini Dome is to be retained and a formal open space area created to allow for the ongoing interpretation of the structure.

It is considered that the proposed development will have minimal impact on the heritage significance of the site and other items in the vicinity of the site.

#### *Clause 6.1 Acid Sulfate Soils*

The site and surrounding properties are identified as Class 4 Acid Sulfate Soils. A Geotechnical Report has been submitted that includes an ASS Management Plan for the area in the vicinity of the proposed building. The report demonstrates that ASS is able to be satisfactorily managed during construction.

#### *Clause 6.2 Earthworks*

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**

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

#### **4.1.3.3 Any development control plan (and section 94 plan)**

The main planning requirements of relevance in the Newcastle Development Control Plan 2012 (DCP) are discussed in detail 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 minimal adverse impact on surrounding land uses is anticipated. Access to the site will remain unchanged.

##### *4.01 - Flood Management*

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 site is affected by flooding as outlined in the flood certificate provided by Council. The site is identified as largely flood fringe in the 1% AEP event but flood storage and floodway in a PMF event.*

*Since Council's flood model was developed a mound has been created in the area of the proposed new building which has some impact on local flooding.*

*The applicant has engaged BMT WBM, flood management consultants, to undertake a flood assessment for the proposed development. The modelling undertaken for the proposed development has identified minor flood impacts (<0.05m) extending onto sections of Lambton Road and Cameron Street, adjacent to the school site, for the 1% AEP flood event.*

*Council advised of the need to remove the mound and provide clear space under the proposed new building to cater for the identified PMF floodway and flood storage areas. The DA plans provided indicate that this will be undertaken."*

The proposed development is considered satisfactory in this regard.

##### *4.02 Bush Fire Protection*

The site is not bush fire prone land

##### *4.03 - Mine Subsidence*

The site is not located within a proclaimed Mine Subsidence District.

##### *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 additional school facilities within the area and is considered to result in positive social and economic outcomes for the local community.

#### *5.1 - 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*

Contamination is considered acceptable, as previously discussed under *SEPP 55 Land Contamination*.

#### *5.03 Tree Management*

The proposal involves the removal of 10 trees, which have been assessed as having either a low or moderate retention value. These trees are located within the building envelope of the new building and impacted by the removal of the Bini Dome. Trees identified as having moderate retention value will be replanted to minimise the impact on the existing landscape.

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 the LEP, the site is identified as being a locally listed heritage item. The school site is not located within a Heritage Conservation Area and is not listed on the State Heritage Register.

As previously discussed, the proposal is considered to be acceptable, as it will have minimal impact on the heritage significance of the site and other items in the vicinity of the site.

#### *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 trees on the site.

### *7.03 Traffic, Parking and Access*

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 main vehicle access to the new building will be available from Cameron Street with existing parking to be utilised for the events and functions in the hall. There is no change to the student or staff numbers and thus no significant changes to the parking and traffic arrangements required onsite."*

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 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:

*"Roofwater from the new building is proposed to discharge into an underground detention tank and is designed to limit flows for all events up to 1% AEP to pre development levels. The tank has a capacity of about 40m<sup>3</sup>."*

*The stormwater plans show a proposed new grass swale and rock check dam, 7.8m wide, draining into the Hunter Water Corporation's open drain on the eastern side of the property. The discharge arrangement proposed to the open drain would need to be approved by HWC."*

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 no submissions were received.

#### **4.1.3.4 Planning agreements**

No planning agreements are 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 and Regulation 2000*. In addition, compliance with AS 2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

#### **4.1.3.6 Coastal management plan**

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

#### **4.1.3.7 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 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. A condition has been placed on the consent in regards to noise, to ensure that any impacts from the future use of the multi purpose hall are mitigated.

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.

A condition has also been placed on the consent requesting that an events management plan be prepared for special events. This is required due to the increase in size and potential capacity for the multi purpose hall and gymnasium to exceed current patronage numbers when compared to the existing facility.

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

The subject site is identified as being zoned B5 Business Development 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 the Bini Dome is a positive outcome for the school community.

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 B5 Business Development 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.

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

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

#### **4.1.3.10 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 acceptance of the proposed conditions has been granted in writing to Council.

## **6. CONCLUSION**

The proposal is considered to be acceptable against the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

## **7. RECOMMENDATION**

That the Hunter and Central Coast JRPP determine to grant development consent to DA2018/00113 (HCC2018006/) for the demolition of the existing Bini Dome, removal of a demountable building, relocation of the outdoor sports court, earthworks and construction of new multi-purpose hall at 115 Lambton Road, Broadmeadow, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to the recommended conditions in **Appendix A**.