

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018HCC034
<b>DA Number</b>	DA2018/01047
<b>LGA</b>	Newcastle
<b>Proposed Development</b>	Demolition of classrooms and amenities, erection of classrooms, amenities and learning centre and alterations to school hall
<b>Street Address</b>	39-43 Royal Street New Lambton 18-20 Burke Street New Lambton
<b>Applicant/Owner</b>	The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle
<b>Date of DA lodgement</b>	17 September 2018
<b>Number of Submissions</b>	One
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	Pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the application is referred to the JRPP as the proposed development is an educational establishment with a capital investment value of more than \$5 million.
<b>List of All Relevant Section 4.15 Matters</b>	<p><b>Environmental planning instruments</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 (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> <li>• Newcastle Section 94A Development Contributions Plan 2009</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> - External Referral Comments (Subsidence Advisory NSW)</p>
<b>Report prepared by</b>	City of Newcastle
<b>Report date</b>	15 November 2018

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
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**Legislative clauses requiring consent authority satisfaction**

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

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Not Applicable</b>
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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions?	<b>Not Applicable</b>
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*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?	<b>Yes</b>
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*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

A development application (DA2018/01047) has been lodged with the City of Newcastle (CN), seeking consent for:

- Demolition of classrooms and amenities
- Erection of classrooms, amenities and learning centre
- Alterations to school hall

The proposal was placed on public exhibition for a period of 14 days from 2 October 2018 to 16 October 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). One submission was received in response to notification of the application.

The application was referred to Subsidence Advisory NSW in accordance to the provisions of the EP&A Act. Subsidence Advisory NSW granted approval to the proposal under section 22 of the *Coal Mine Subsidence Compensation Act 2017* on 10 September 2018.

The application is recommended for approval as the development will have positive social and economic benefits for the local and broader community by improving the amenity and facilities of the existing school for staff, students and parents.

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Section 4.5(b) of the EP&A Act as the proposed development is identified as regionally significant development in State Environmental Planning Policy (State and Regional Development) 2011, being development of an educational establishment over \$5 million. The proposed development has a capital investment value of \$6,008,200.

## 1. INTRODUCTION

This report provides a detailed overview of the development proposal for demolition of classrooms and amenities; erection of classrooms, amenities and learning centre; and alterations to the school hall at 39 Royal Street New Lambton.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel in accordance with Section 4.5(b) of the EP&A Act as the proposed development is identified as regionally significant development in State Environmental Planning Policy (State and Regional Development) 2011, as the development is classified as an educational establishment with the value of works being over \$5 million. The capital investment value of the proposed development is \$6,008,200.

## 2. BACKGROUND

An original application for the subject site (Reference: DA2018/00116) was submitted to CN in February 2018 to demolish the former school hall in the western portion of the site. The site is a listed heritage item of local significance.

Following a review of the original application, the proposal was considered to not be acceptable and the demolition of the hall was not supported by CN. The application was subsequently withdrawn.

A new application was submitted to CN on 17 September 2018, proposing retention of the original hall, additions to the rear of the hall and redevelopment of the surrounding area (demolition of the covered outdoor learning area, canteen and 1950's classrooms).

This development proposal is Stage 2 of a multi stage masterplan for the redevelopment of the school. Stage 1 of the masterplan included the construction of nine classrooms and a school hall in 2010.

## 3. SITE DESCRIPTION

The subject site at 39-43 Royal Street and 18-20 Burke Street New Lambton has an area of 13,476m<sup>2</sup> and comprises:

- Lot 704 DP530755
- Lots 67, 68 and 69 DP5401
- Lot 11 DP12903
- Lot 2 DP305859
- Lot 1 DP193601
- Lots 4, 5 and 6 Section D DP9676

The site contains a number of single-storey buildings that are used for educational purposes. This includes halls, classrooms, a COLA (covered outdoor learning area) and an administration building. The southern part of the site is utilised as an open space area.

Vehicular access is available to the eastern part of the site, via Burke Street, with a small area of car parking provided in the eastern part of the site. This is primarily used for staff parking.

The subject site is located within the R2 Low Density Residential zone under the Newcastle Local Environmental Plan 2012 and is surrounded by predominantly single-storey detached dwellings, as shown in Figure 1 below.



**Figure 1 - Aerial map of subject site and surrounding development**

#### **4. PROPOSAL**

The proposal is for the refurbishment and redevelopment of St Therese's Primary School New Lambton, to ensure that the school can continue to adequately cater for the needs of the students into the future. The development proposal encompasses the following:

- Demolition of timber classroom buildings.
- Construction of three single-storey blocks, accommodating nine classrooms (Junior School)
- Construction of a new learning centre, containing a library and four multipurpose GPLA's (general purpose learning areas).
- Construction of new children's toilet facilities in two blocks (Junior and Primary).
- Refurbishment of the old school hall to accommodate a new canteen.
- Construction of a new COLA adjacent to the school canteen.
- Extensive hard and soft landscaping to the courtyard and playground areas.

The proposal is for a replacement of the existing classrooms and facilities only and will not result in an increased intensification of use or additional student numbers. The current proposal for the site retains and enhances the original school hall that is located in the north-western part of the site adjacent to Royal Street.

#### **5. PLANNING ASSESSMENT**

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

##### **5.1.1 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 educational establishments over \$5 million in capital investment value. The capital investment value of the proposed development is \$6,008,200.

### **5.1.2 Section 4.46 – Integrated Development**

The proposal is integrated development pursuant to Section 4.46 of the EP&A Act as approval is required from Subsidence Advisory NSW.

Subsidence Advisory NSW granted general terms of approval to the development on 10 September 2018 (refer to **Appendix C**).

### **5.1.3 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 EP&A Act, as detailed hereunder.

#### **5.1.3.1 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 requires the Joint Regional Planning Panel to be the determining authority for development included in Schedule 7 of the SEPP. This includes applications for educational establishments over \$5 million in value. The application is therefore referred to the Hunter and Central Coast Joint Regional Planning Panel for determination.

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

The ESEPP includes provisions relating to schools, some of which were previously included in the State Environmental Planning Policy (Infrastructure) 2007.

The ESEPP includes seven design quality principles for schools that must be considered before determining a relevant development application. These include:

- Principle 1 - context, built form and landscape

The masterplan proposal is designed to respond to and enhance the heritage characteristics of the school. The original church hall, located in the north-western corner of the site, forms part of the listed heritage item. The proposal maintains and enhances the character of the hall and ensures that the curtilage of the hall is protected.

The siting and layout of the proposed buildings respond to the orientation and shape of the site and reflects the existing school layout. All classrooms are surrounded by open space and play space, thereby enhancing the school environment for pupils. The proposed classrooms also reflect the existing school layout, ensuring that the streetscape is maintained.

- Principle 2 - sustainable, efficient and durable

The proposed buildings are orientated to minimise the consumption of natural resources. The proposed classrooms are orientated to maximise winter sunlight exposure, thereby reducing reliance on lighting and heating. The proposed buildings are designed to be adaptable and to ensure they meet the future requirements of staff and pupils.



- Principle 3 - accessible and inclusive

The proposed classrooms and learning centre provide full accessibility for people with differing needs and capabilities. The existing wayfinding system, which includes signage, is proposed to be maintained and enhanced.

- Principle 4 - health and safety

The proposed alterations and additions have been sited and designed to create internalised courtyards for safe play by children. The site is secured with a perimeter palisade fence, with two clearly delineated entries located on street frontages. Entries provide appropriate secure access for a safe and secure transition from the public domain.

The entries are connected physically and visually by a central axis courtyard that provides suitable sightlines and surveillance across the entire site. All classrooms have windows that allow for causal surveillance of the site boundaries and setback areas.

- Principle 5 - amenity

The proposal will enhance the existing play spaces while respecting the amenity of neighbouring dwellings.

New play spaces will be provided in the central courtyard of the school and between proposed classrooms 'M' and 'N' while the existing playing fields will be retained. The proposed play areas incorporate informal play activity such as sandpits, gardens, ball play areas and seating. These play areas are located a sufficient distance from surrounding dwellings to minimise impacts upon them. In addition, the existing grass playing fields will be retained to ensure sufficient open space is provided for the pupils needs.

- Principle 6 - whole of life, flexible and adaptive

The existing school facilities have reached their end of useable life. The proposed upgrade will allow for the school to cater for the needs of pupils and teachers into the future. The proposed classrooms and learning facility will meet the current BCA standards. The orientation of the classrooms will allow for these spaces to receive excellent natural light levels.

The proposed amenity areas are designed to meet the relevant play space standards and provide for a significant enhancement to the existing play areas in the school. The existing multi-use playing field will be retained while an additional multi-play space will be provided in the central courtyard.

- Principle 7 - aesthetics

Existing site access will be maintained while a masterplan for landscaping will result in intensification of vegetated areas. The proposed design modifications to this school have taken careful consideration to maintaining the existing streetscapes and respecting the neighbouring residential areas.

The new classroom buildings have been designed to satisfy the current and future requirements of modern teaching environments, while respecting the heritage significance of the original school buildings. The utilisation of single-storey pavilions, with gabled roof, large verandas, weatherboard cladding and appropriately proportioned windows aim to retain the feel of the 1950's style school yard.

The proposed Learning Centre has been designed to create flexible, open-planned spaces, within a modern steel and glass pavilion. This building becomes the “*learning hub*” of the school, centrally located between the junior and primary school classrooms, fronting the main courtyard and the playgrounds beyond.

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

The ESEPP requires that educational establishments that will have an increase of 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 Roads and Maritime Services (RMS). The proposal will not result in an increase in the number of students therefore a referral to RMS under the ESEPP is not required.

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

The Vegetation SEPP is one of a suite of Land Management and Biodiversity Conservation (LMBC) 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. The Vegetation SEPP contains provisions similar to those contained in cl.5.9 of Newcastle Local Environmental Plan 2012 (cl.5.9 now repealed), providing that a Development Control Plan can make declarations with regard to certain matters and that Council may issue a permit for tree removal.

The proposal has been considered in accordance with the Newcastle Development Control Plan 2012, as separately detailed in this report, and is considered to satisfy the provisions of the SEPP.

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

SEPP 55 provides planning guidelines for remediation of contaminated lands and requires that where land is contaminated, the consent authority 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 is not listed on Council's land contamination register and no concerns have been raised under SEPP 55.

*Newcastle Local Environmental Plan 2012 (NLEP 2012)*

*Clause 1.3 - Land to which Plan applies*

NLEP 2012 applies to land identified on the ‘*Land Application Map*’. The subject development occurs within this area.

*Clause 2.3 - Land Use Table - Zoning*

The site is zoned R2 Low Density Residential. The proposed development is defined as an educational establishment under NLEP 2012 and is permissible in the zone. The development meets the objectives of the zone as it will enable a land use that provide facilities or services to meet the day to day needs of residents.

*Clause 4.3 - Height of Buildings*



The subject site has no maximum prescribed building height under NLEP 2012.

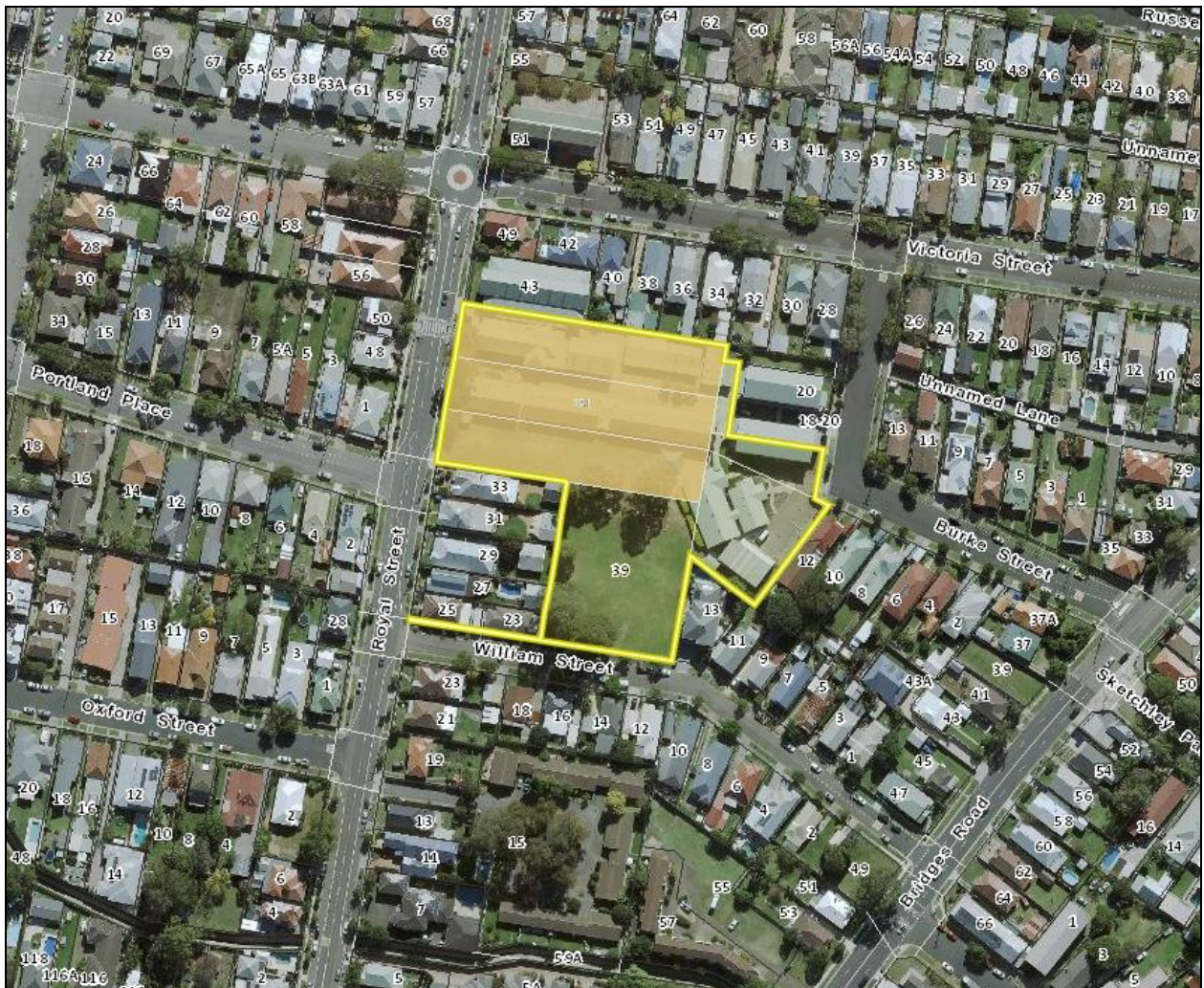
*Clause 4.4 - Floor Space Ratio*

The subject site has no maximum prescribed Floor Space Ratio under NLEP 2012.

*Clause 5.10 - Heritage Conservation*

The subject site is listed as a local heritage item in NLEP 2012, for its contribution to the social and cultural heritage of New Lambton.

A Heritage Impact Statement was submitted with the application. The northern portion of the school (Lots 67-69 DP 5401) is listed as a heritage item of local significance. The listed portion of the site is shown in Figure 2 below. The listing principally relates to the original school hall located in the north-western corner of the site. The hall (named St Therese's Church) was built in 1926 and was run as a school during the week and a church on Sundays, until a new church of St Therese was built in 1956, also on Royal Street.



**Figure 2 - Aerial map of subject site with the extent of heritage item highlighted**

The original application for the site proposed demolition of this hall which was not supported by CN. The current application proposes the retention and refurbishment of the hall as part of the proposed development, which also includes the following:

- The older timber classroom buildings dating back to the mid 1950s are to be

demolished to make way for the construction of nine classrooms, designed to the current educational codes as well as the requirements for this site from a mine subsidence aspect. The new classrooms have been designed for equitable access and are to be of a single-storey form, to reflect the bulk and scale of the current timber classrooms that they are proposed to replace.

- The more recently constructed canteen, shade structures and toilet block are proposed to be demolished and replaced with a larger COLA and a central library building incorporating four classrooms. This development is grouped around a refurbished central courtyard area, with a small COLA leading to the playing field and sports area.

The current proposal has been assessed by a heritage consultant (on behalf of CN). The consultant concluded as follows:

*"The amended application is sympathetic to the heritage significance of the school and is considered to be an acceptable response to the school's need for expansion and for modern facilities. We support the amended development application because:*

- *It is stated in the SoHl that the existing weatherboard classroom blocks, c.1954, are reaching their end of their life. Much of the buildings' fabric is in need of replacement, including leaking roof tiles, timber support frames, and electrical cabling. The classrooms have no insulation and create poor learning conditions. Some students suffer health issues exacerbated by the damp and subfloor spaces. These buildings make up a substantial proportion of the school's total number of classrooms. Due to the existing issues with these classrooms, their replacement with modern learning facilities is supported. These classrooms do not contribute in a meaningful way to the significance of the school. However, we note that the demolition of these buildings would mean that the school hall would be the only distinguishably old building on the site, and the only form where the heritage character of the school can be perceived.*
- *The alterations to the rear of the hall are considered to be an acceptable method of adaptively re-using the heritage stock of the school and retaining the functionality of the building. The alterations are confined to the rear of the building, which we note is a later addition to the original hall.*
- *When viewed from the streetscape, the new additions read well together with the old hall and the new hall. The new classroom blocks are of an appropriate form and scale and do not dominate the old hall."*

A condition of consent is recommended, requiring a full archival record of the entire school site (as it currently stands) to be undertaken prior to commencement of works. In addition, a specific material and colour schedule for the new classrooms is to be provided. The materials and colours are to be complementary to the heritage characteristics of the existing hall and classrooms, eg small format horizontal cladding, tiled roof, and neutral colour scheme.

It is considered that the proposed development will not significantly affect the heritage significance of the heritage item on the site.

#### *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 regard 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 land uses or features of the surrounding area. Conditions of consent are recommended to address sedimentation and erosion control.

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

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

#### **5.1.3.3 Any development control plan (and contribution 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, existing vegetation and topography.

The proposed development is located within an existing school facility and the development will have minimal adverse impacts on surrounding land uses.

Access to the site will remain unchanged. There is a pedestrian and vehicular entranceway from Burke Street, which will be retained.

### *4.10 - Flood Management*

The site is subject to flooding. The proposal has been assessed by a CN engineer and is considered to be acceptable in respect of flooding issues.

### *4.03 - Mine Subsidence*

The site is located within a proclaimed Mine Subsidence District and conditional approval was granted from Subsidence Advisory NSW on 10 September 2018 (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 for casual surveillance, access control, territorial reinforcement and space management.

### *4.05 - Social Impact*

The proposed development provides for an improved school facility, including improved recreation areas.

The provision of improved school facilities will 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, with provisions to minimise sediment being removed from the site during the construction period. A condition is recommended to be placed on the consent to require that such measures remain in place for the entire construction period.

#### *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. The proposal has been assessed by a Heritage Consultant on behalf of CN and is considered to be acceptable, as it will not have a significant impact on the heritage significance of the heritage item.

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

A landscape strategy plan has been submitted with the application. The strategy proposes additional planting and shade trees for the students and small trees to be used as screening for neighbouring properties, to increase privacy. The proposed planting is considered to be acceptable and a condition of consent is recommended to require detailed landscape plans to form part of the construction certificate documentation.

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

Based on CN's parking requirements, a total of 28 car parking spaces are required to be provided on the site. The school currently has only 15 car parking spaces located adjacent to the Burke Street entry. The proposed development will not result in an intensification of use on the site as no additional student numbers are proposed.

Given the historic deficiency in car parking and considering that the proposal will not change the car parking demand, the current car parking arrangement is acceptable with regard to the impact on traffic, parking and access.

#### *7.06 - Stormwater*

The proposed development is considered satisfactory in this regard. The proposal can comply with CN'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 of the DCP.

#### *8.00 - Public Participation*

The application was notified for a period of 14 days and one submission was received. The comments made were:

##### "Privacy

*New classroom blocks E and N (Drawing Schedule and Location Plan, section A04) will be located close to the boundary line of our property, with a setback of only 5000 mm from our boundary fence. This will negatively impact our privacy as classrooms in both blocks will have clear and direct views onto our property and through living area windows.*

*This is in comparison to the current situation which sees a significant setback between the boundary fence and the closest school building of at least 20 metres.*

Overshadowing

*New classroom blocks E, M and N (Drawing Schedule and Location Plan, section A04) will cast significant shadows across our property, in particular during the winter months.*

*Additionally the position and height of the buildings has the potential to prevent sunlight access to solar panels on our roof. This will negatively impact us financially through additional power costs resulting from lack of utilisation of solar panels and increased heating costs.*

*We would ask that the setback from the boundary fence for classroom blocks E and N be increased from 5000mm to 10000mm.*

*Aside from these concerns we wish the school all success in its developments."*

The proposal has been assessed in regard to overshadowing and overlooking to neighbouring properties. An overshadowing analysis was provided with the application. The analysis demonstrates that while proposed Block E and Block N overshadow the submitter's property, the level of overshadowing accords with CN's standards and is acceptable.

With respect to overlooking, the proposed development has been designed to minimise the impact of overlooking on surrounding properties. The block closest to the submitter's block is Block E. The southern facade of Block E contains no windows, so there will be no overlooking from this block to the neighbouring property.

Block N is also located in proximity to this neighbouring dwelling and there are windows in this block which face the dwelling. However, the sill heights of these windows range from 1.6m to 2m. This design is considered sufficient to avoid casual overlooking.

Impacts in relation to overlooking of the neighbouring property are considered to be not significant.

Newcastle Section 94A Development Contribution Plan

The application attracts a Section 7.12 Contribution pursuant to section 4.17 of the EP&A Act and the Newcastle Section 94A Development Contributions Plan. A contribution of 1% of the cost of development would be payable to CN.

**5.1.3.4 Planning agreements**

No planning agreements are relevant to the proposal.

**5.1.3.5 The regulations (and other plans and policies)**

The application has been considered pursuant to the provisions of the EP&A Act and EP&A Regulation. In addition, compliance with AS 2601 - Demolition of Structures is recommended to be included in conditions of consent in respect of demolition works.

**5.1.3.6 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 character, bulk and scale of the proposal have been discussed in this report, in the context of the relevant Environmental Planning Instruments and DCP controls. The proposal is considered to be acceptable in this regard.



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, the proposed development respects and improves upon the original school hall which is of heritage significance. The proposal has been assessed by a heritage consultant on behalf of CN and is considered acceptable from a heritage perspective.

There are no significant external impacts associated with the proposal. The application has demonstrated that there will be no significant adverse traffic impacts, beyond the current use of the site.

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

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

The subject site contains an existing educational facility. The upgrading of the classrooms is a positive outcome for the school and will ensure the school can continue to serve the community into the future. The proposal also respects the heritage significance of the original school hall located in the north-eastern corner of the site.

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 constraints of the site such as flooding and mine subsidence have also been taken into consideration in the assessment of the proposal and the site is suitable for the development.

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

The application was notified and advertised in accordance with the EP&A Regulation and one submission has been received, which has previously been discussed in this report.

#### **5.1.3.9 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.

### **6. CONCLUSION**

The proposal is considered to be acceptable against the relevant heads of consideration under Section 4.15(1) of the EP&A Act.

### **7. RECOMMENDATION**

That the Hunter and Central Coast JRPP determine to grant development consent to DA2018/01047 (2018HCC034) for the demolition of classrooms and amenities; erection of classrooms, amenities and learning centre, and alterations to the school hall at 39 Royal Street New Lambton, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions in **Appendix A**.