

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

HCCRPP No	2018HCC046
DA Number	16-2018-775-1
Local Government Area	Port Stephens
Proposed Development	Educational establishment including construction of new three (3) level building (no increase to student numbers)
Street Address	6B Waropara Road, Medowie (Lot:22 DP1036306)
Applicant/Owner	Applicant – Medowie Christian School Owners - Medowie Christian School
Number of Submissions	Two Submissions Received
Regional Development Criteria (Schedule 4A of the Act)	The development is declared as regionally significant development in accordance with Schedule 7 Clause 2 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> ('SEPP State and Regional Development'), being private infrastructure (educational establishment) over \$5 million.
List of All Relevant s4.15(1)(a) Matters	<p>Environmental planning instruments: s4.15(1)(a)(i)</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No.55 - Remediation of Land) • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Stephens Local Environmental Plan 2013 (LEP2013) <p>Development Control Plan: s4.15(1)(a)(iii)</p> <ul style="list-style-type: none"> • Port Stephens Development Control Plan 2014 (DCP2014)
List all documents submitted with this report for the panel's consideration	<p>Attachment 1 – Development and Landscape Plans</p> <p>Attachment 2 – General Terms of Approval from RFS</p> <p>Attachment 3 – Recommended Conditions of Consent</p> <p>Attachment 4 – Schedule of Appendices for application supporting documentation</p> <p>Attachment 5 - External agency advice from Hunter Water Corporation</p> <p>Attachment 6 - External agency advice from Department of Defence</p>
Recommendation	Approval with conditions
Report by	Ryan Falkenmire (Senior Development Planner)
Report date	25 September 2019

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Development consent is sought for a development application (No. 16-2018-775-1) for an educational establishment at 6B Waropara Road, Medowie (Medowie Christian College). The application proposes the construction of a new three storey building. Key aspects of the development include:

- Construction of a three storey education establishment building, consisting off:
 - Ground Floor – Technological Applied Studies (TAS) workshop, art room, outdoor learning area, sub-ground storage for timber, withdrawal and art, stair, life and circulation space.
 - First Floor – Science, technology, engineering and mathematics (STEM) Area, STEM printing room, general learning areas (three), amenities, open learning area, stair lifts and circulation space.
 - Second Floor – two science labs, two GLA, preparation lab, storage, OLA, stair lift and circulation.

The subject site is zoned R5 Large Lot Residential under the Port Stephens Local Environmental Plan (PSLEP) 2013. Educational establishments are prohibited within the R5 zone under the PSLEP, however, educational establishments are permissible with consent in the R5 zone under clause 35 of *State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017*, therefore overriding the provisions of the PSLEP.

The site currently supports school buildings and associated infrastructure with a large portion of the site to the east being unused and heavily vegetated. The site currently operates as an education establishment, known as Medowie Christian School. Medowie Christian School is a K-12 campus set on the western side of Waropara Road, Medowie. The campus has one main vehicular entrance point from Waropara Road, with bus bays and car parking at the front of the school. School parking is allowed to the south of the site in the overflow Church carpark and pedestrian access is available from the south boundary to the administration building. The site comprises a combined area of 4ha and is surrounded by large lot residential land uses to the north and south, as well as environmental zoned land to the east.

The application was notified for 14 days (6 December 2018 – 20 December 2018) in accordance with PSDCP2014. During this period, two (2) submissions were received.

The application was referred to the Rural Fire Service (RFS) in accordance to the provisions of s4.46 of *Environmental Planning and Assessment (EP&A) Act 1979*. The RFS provided a bushfire safety authority dated 10 January 2019, which included conditions relating to asset protection zones, evacuation, emergency management and design.

The key issues raised in the assessment related to drainage and ecological impacts. Additional information was submitted during the assessment to address these key issues. The development will involve the removal of small sections of garden vegetation and exotic grassland. As the clearing of non-native vegetation is minor, the proposed removal of vegetation is considered appropriate in this circumstance. Overall, the development will not result in significant impacts on threatened species, including the Koala and Endangered Ecological Community (*swamp sclerophyll forest*) located in the north eastern portion of the site. Regarding drainage, all stormwater will be directed to the rear of the site into an existing stormwater detention basin. Given no legal point of discharge exists from the site to the public drainage system and the potential of the existing drainage system to impact adjoining properties, a condition has been recommended requiring the obtainment of a drainage easement.

The proposal is referred to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination pursuant to Schedule 7 'Regionally Significant Development' of *SEPP (State and Regional Development) 2011* and Schedule 2 of the *EP&A Act 1979*. The development involves private infrastructure (educational establishment) with a value over \$5 million (Capital Investment Value of \$5,625,000).

The development has been assessed under Section 4.15 of the *EP&A Act 1979* and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions of consent contained in **Attachment 3**.

1. RECOMMENDATION

That DA 16-2018-775-1 for works to an educational establishment including construction of a new three level building at 6B Waropara Road, Medowie (Lot 22 DP1036306) be approved subject to the conditions in contained in **Attachment 3**.

2. INTRODUCTION

This report provides a detailed overview of the development application, seeking approval for construction of a three storey science and technology building 6B Waropara Road, Medowie (Lot 22 DP1036306). The development application is reported to the Hunter and Central Coast Regional Planning Panel in accordance with Schedule 7 'Regionally Significant Development' of *SEPP (State and Regional Development) 2011* and Schedule 2 *EP&A Act 1979* as the estimated value of the project exceeds the \$5 million threshold for educational establishment developments.

3. BACKGROUND

Medowie Christian School (herein after referred to as School) began operating in 1995 utilising demountable buildings and in 1999 was renamed Medowie Christian School. Development Consent No. 16-2000-1774-1 was issued on 20 June 2001 for the development of a new school on the site. The current development includes multiple

buildings for Junior School, Middle School and Senior School learning. Since then, the School has obtained separate development approvals over time aimed to intensify the use of the site. These development approvals include:

- Additions and Alterations – Library Building;
- Ancillary structure – Cricket Nets, Shade Structure and rainwater tanks;
- Demountable Classrooms; and
- A Community Facility.

On 29 June 2016 Hunter and Central Coast Regional Planning Panel approved DA 16-2015-837-1, a staged development application for alterations and additions to the School including a master plan for future works and Stage 1 construction of a new administration building with associated works. In 2017, the School finished construction of its new administration building. The masterplan approved under DA 16-2015-837-1 provided options for the expansion of secondary facilities, as well as open outdoor play space for the School. Whilst the application did not reference the previously approved staged development application, an assessment of the proposed development against the approved masterplan is included in Section 6 of this report.

On 28 November 2018 development approval was granted under DA 16-2018-714-1 for demolition of the existing 'S' Block classroom and relocation of the western demountable building. 'S' Block and the demountable building will be replaced by the proposed new three level building under this application.

Other minor applications previously approved on the site include:

- DA 16-2006-679-1 – Installation of Demountable Building (Classrooms);
- DA 16-2006-1036-1 - Educational Establishment Alterations and Additions (shade structure, rainwater tank, cricket nets); and
- DA 16-2017-568-1 – Change of use to the existing multi-purpose hall.

Historic works have also included clearing of vegetation associated with an Asset Protection Zone on the site in December 2015 approved by Local Land Services (LLS) as part of request number 20949/LLS Reference No. HCR 06078. This work was approved under the *Native Vegetation Act 2003* to allow bushfire protection of the demountable classrooms that were installed on the site under clause 29(3) of *State Environmental Planning Policy (Infrastructure) 2007*.

The subject development application was lodged with Council on 23 November 2018 to deliver modern facilities and services to enable an improved learning environment. Specifically, the subject development is for a new senior science and technology building containing modern and well equipped classrooms. The new building will replace the existing 'S Block' classrooms that currently exist in that location.

4. SITE DESCRIPTION

The subject land is legally defined as Lot 22 DP 1036306 and commonly known as 6B Waropara Road, Medowie. The site is located within the Port Stephens Local Government Area (LGA). The site is approximately 4ha in size and has one road frontage to Waropara Road. The land within the site slopes gradually from the south-west to north-east. The site is located approximately 35km (by road) north of Newcastle and is located approximately 1km west of the Medowie commercial area.

The site borders Medowie Overflow Church to the south, cleared farmland to the east, rural residential to the west and borders a vacant bushland block to the north. The western section of the site is mainly cleared and contains the educational buildings and recreation areas for the School. The eastern section of the site contains remnant bushland.

The subject site is illustrated below:



Figure 1 – Aerial image of site



Photograph 1 – Existing building to be replaced



Photograph 2 – Subject building to be replaced viewed from the north-east



Photograph 3 – View of adjoining property to the north



Photograph 4 – Front (west) view of existing building to be replaced



Photograph 5 – Existing basin located in the north-eastern corner of the School

5. PROPOSAL

The application proposes construction of a three storey building that will be used for science and technology purposes containing modern and well equipped classrooms. Key aspects of the development Include:

- Construction of a three storey education establishment building, consisting off:
 - Ground Floor – TAS workshop, art room, outdoor learning area, sub-ground storage for timber, withdrawal and art, stair, life and circulation space.
 - First Floor – Science, technology, engineering and mathematics (STEM) Area, printing room, general learning areas (three), amenities, open learning area, stair lifts and circulation space.
 - Second Floor – Two science labs, two GLA, preparation lab, storage, OLA, stair lift and circulation.

The building is proposed to be constructed from a wide range of materials, including rendered masonry, various metal cladding colours, light white panel cladding and a range of window types and sizes. The building is considered to be well sited and designed with respect to the topography of the land and character of the existing education facility.

Access to the new building will be from two main entry points on the ground floor. The first on the north-east and the second on the north-west. There is a stair case to the north-east which provides access to the first and second floors along with an elevator.

The landscaping around the building will comprise small shrubs with mature (2.5m in height) plantings. There is an existing garden bed around the existing building which will be removed. The Applicant has noted any plants that can be salvaged and replanted will be by the students around the new building when it is finished.

There will be no increase in students or traffic generated by the proposed development. The student and staff numbers will remain the same under this proposal. The application only seeks approval for a new classroom building which will replace the existing 'S Block' building. Demolition does not form part of this application as approval was granted under DA 16-2018-714-1 for demolition of the existing 'S' Block building and relocation of the western demountable building.



Figure 3: Site Plan and Bushfire Attack Overlay of the proposal

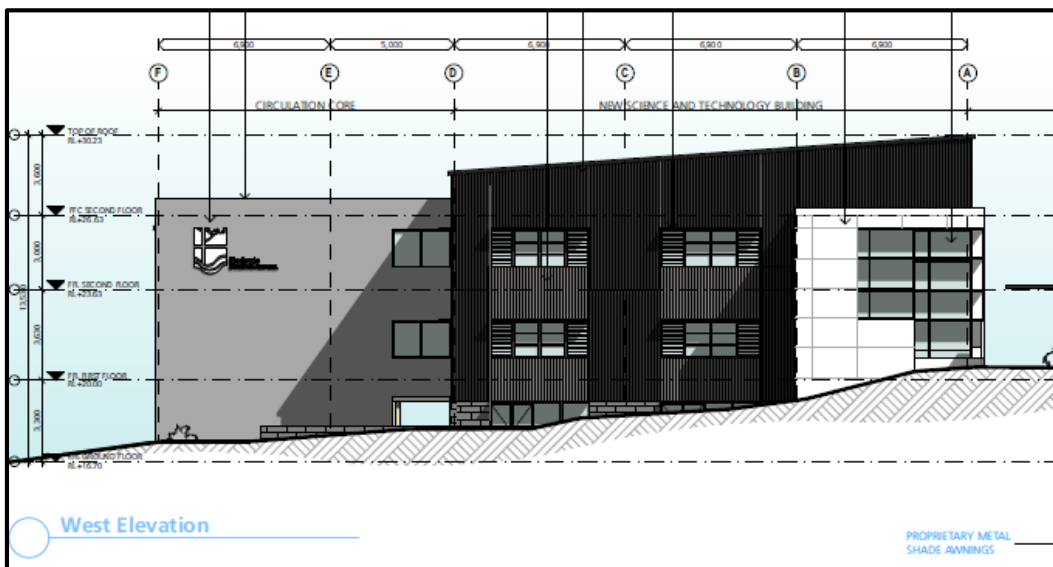


Figure 4: Front (west) elevation of the proposed building

6. PLANNING ASSESSMENT

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

6.2.1 Section 2.15 – Regional Planning Panels

Section 2.15 and Schedule 2 of the *EP&A Act* provides that the Hunter and Central Coast Regional Planning Panel (HCCRPP) is the determining authority for regionally significant development. The HCCRPP is the determining authority for the subject application as the proposal is regionally significant development as identified under schedule 7 clause 2 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development'), being private infrastructure (educational establishment) having a Capital Investment Value (CIV) over \$5 million. The development has a CIV of \$5,625,000.

6.2.2 Section 4.24 - Status of concept development applications and consents

Section 4.24 of the *EP&A Act 1979* provides that while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

On 29 June 2016 HCCRPP approved DA 16-2015-837-1, a staged development application for alterations and additions to the School including a master plan for future development of the site and Stage 1 construction of a new administration building and associated works.

The application did not nominate the works proposed under this application as being Stage 2 or reference the previous concept approval. Furthermore, the approved concept master plan did not identify 'Block S' (subject building) as part of any future stages of development as demonstrated in Figure 5 below.

In consideration of the provisions of Section 4.24, that the determination of any further development applications in respect of the site cannot be inconsistent with the consent for the previous concept approvals, therefore reference is made to Condition 3 of DA 16-2015-837-1:

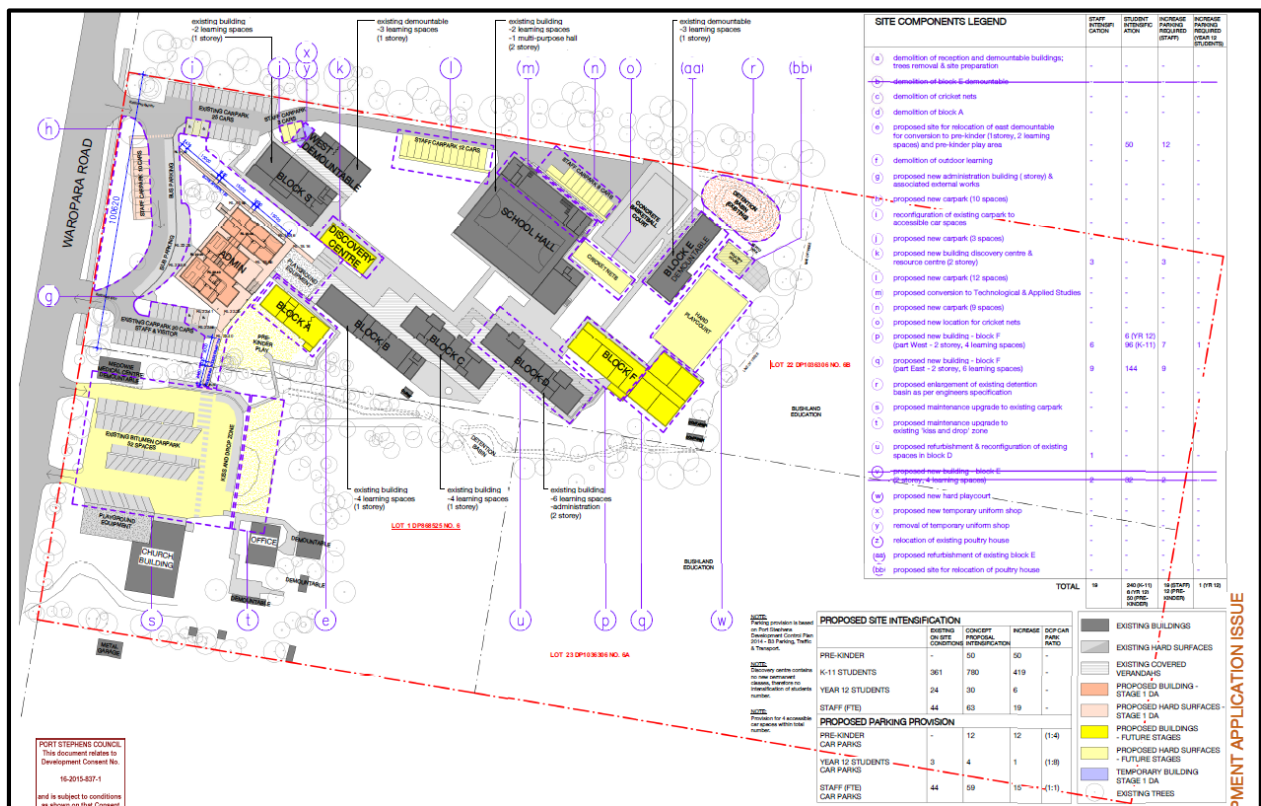
This development consent applies to the Concept Proposal and Stage 1 only. This development consent does not authorise the construction, occupation or use of the buildings and works approved under this concept plan with the exception of those included in Stage 1. Separate development applications are to be submitted to the consent authority for assessment and determination with respect to any buildings and works for the further stages of the development.

Accordingly, given 'Block S' was not identified as a future stage with respect to the approved master plan, no consent restrictions apply, presenting no inconsistencies

between the subject application and the consent for the original concept proposal. When considering the test of inconsistency between the concept approval and the subject application, the following is noted:

- The footprint of the proposed new building remains comparable with that of the existing Block S building;
- There is no change to the layout and siting of buildings from that approved under the master plan;
- The proposed landscaping concept and pedestrian linkages are considered to be not inconsistent with the approved concept plan;
- The development is not inconsistent with staging and will not preclude the orderly ongoing development of the education facility in accordance with the approved concept master plan;
- There is no intensification of the existing use, with no increase in student or teaching numbers; and
- There is no change to parking areas from the concept plan and the Stage 1 DA works completed in 2017.

On this basis, the application is deemed to be not inconsistent with the concept master plan consent issued under DA 16-2015-837-1, therefore satisfying Section 4.24 of the *EP&A Act*.



6.2.3 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 the Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997*. Section 100B(1) of the *Rural Fires Act 1997* requires a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose, which includes educational establishments.

The RFS issued a bushfire fire safety authority on 10 January 2019 (**Attachment 2**) subject to a number conditions including management of asset protection zones, water and utilities, arrangements for emergency evacuation and compliance with relevant Australian Standards and Planning for Bushfire Protection 2006.

6.2.4 Section 4.15 Evaluation

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

6.2.4.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011, identifies the types of development that are; State significant development, State significant infrastructure and critical State significant infrastructure, and regionally significant development. This includes applications for private infrastructure and community facilities over \$5 million in value, which includes educational establishments. The application is therefore submitted to the Hunter and Central Coast Regional Planning Panel for determination.

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

Clause 7(1) (b) and (c) of SEPP No.55 require that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

A Preliminary Contamination Assessment prepared by Douglas Partners (December 2015) was submitted with the Stage Development Application (DA 16-2015-837-1). The results of the preliminary site assessment (contamination) indicated the following:

- Filling appears to have been placed within the school grounds during formation of the near level areas and detention pond embankments, which may contain potential contamination such as asbestos containing material, metals, hydrocarbons and pesticides;

- Localised filling in mounds, such as present within the south-western area of the school grounds, which may contain potential contamination such as asbestos containing material, metals, hydrocarbons and pesticides; and
- The possible use of pesticides and herbicides for control of weeds.

The preliminary site assessment identified the potential for contamination as low. The site is also not on the list of contaminated sites notified to NSW Environmental Protection Authority (EPA).

Accordingly, as the site currently operates as an education establishment, dating back to 1995 with no known hazardous generating uses previously occupying the site, the site is considered suitable for the proposed development. No significant contamination has been identified on the site and the proposed development remains within the footprint of the existing building.

Notwithstanding the low opportunity for contamination to be found on site, an unexpected finds protocol condition to address any potential contamination discovered during construction works has been included in the recommended conditions. On this basis, the provisions of SEPP 55 have been satisfied.

State Environmental Planning Policy No.64 (Advertising & Signage)

Signage has been incorporated into the design, including an identification sign which contains the school logo located on the western elevation of the building. The signage satisfies the aims and objectives of SEPP 64 in respect of compatibility with the desired amenity and visual character of the area, effective communication in the location and appropriateness in terms of design, scale and form for the streetscape setting. All other provisions outlined in SEPP 64 are considered acceptable.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM), was prepared in accordance with *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44). Compliance with the Port Stephens Council CKPoM will constitute compliance with SEPP 44 for relevant matters in the LGA.

The site is mapped as Buffer and Preferred Koala Habitat. The performance criteria identified within the Plan requires development to give consideration towards minimising impacts on Koalas and native vegetation within preferred habitats and supportive linking areas.

A flora and fauna assessment was prepared by Cumberland Ecology in February 2016 in support of the approved Stage Development Application (DA 16-2015-837-1). An addendum to this report prepared by Cumberland Ecology (dated 4 October 2018) was submitted the application for the new building. The addendum report identified the two

threatened fauna species considered in the 2016 and fauna assessment as having potential habitat within the footprint of the previous development, the Koala (*Phascolarctos cinereus*) and the Little Lorikeet (*Glossopsitta pusilla*), were not considered to have habitat within the development footprint for the new building.

The proposed development is not located within an area of Preferred Koala Habitat or habitat buffers and does not require the removal of any preferred koala feed trees. The area of mapped *Swamp Sclerophyll Forest* (SSF) is largely retained within the conservation zone in the north eastern portion of the site. Therefore, the proposed development complies with the performance criteria listed in Appendix 4 of the Port Stephens CKPOM.

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

The proposal involves works to an education establishment (school), therefore, *State Environmental Planning Policy (Education Establishment and Child Care Facilities) 2017* is applicable to this development. The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

As the development needs to be referred to Rural Fire Services (RFS) under 100B of the *Rural Fires Act 1997*, the development cannot be considered complying development. Further, the proposed works do not satisfy the exempt development criteria. Therefore, a development application to Council is required for approval pursuant to the Educational Establishment and Child Care Facilities SEPP.

Clause 35(1) of the Educational Establishment and Child Care Facilities SEPP permits development for the purpose of a school with development consent on land in a prescribed zone. R5 Large Lot Residential is a 'prescribed zone' under clause 33 of the SEPP.

Further, clause 35(6)(a) stipulates the following:

- (6) *Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:*
 - (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
 - (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Schedule 4 Schools – Design Quality Principles of the Educational Establishment and Child Care Facilities SEPP outlines design controls and principles to be used to

evaluate the design of school infrastructure. Each design quality principle has been assessed against the proposal below.

Principle 1 - Context, built form and landscape:

The proposed school building is to be located in the north-west corner of the school site. The building will not be prominent, however will be larger than what currently exists on the subject site. The building will be taller than the existing administration building which is to the south of the new building. However, given the fall of the site, the proposed building has a similar profile to the existing administration building in the western portion of the site. The northern section of the proposed building takes a stepped approach, lowered down as a response to natural topography and encompasses a flat roof form to further reduce the scale when viewed from Waropara Road and northern properties. The design outcome of the proposal will be in keeping with the existing built form on-site and is considered an appropriate scale for the surrounding residential context.

Landscaping, predominantly comprising low level plantings and trees is proposed along the western elevation of the building. The landscaping scheme integrates with the existing greenery of the site and provides some visual attenuation. The landscaping will be a betterment from existing site conditions and is considered to be an enhancement of on-site amenity.

Due to the context of the site, being surrounded by large lot residential properties supporting dense vegetation, no overlooking or privacy concerns have been identified.

Principle 2 - Sustainable, efficient and durable:

The proposed works include learning spaces that are efficiently and passively designed to encourage light, shade and connections to nature. The building is appropriately insulated and ventilated.

The proposed senior school building is orientated to the north-east allowing for sufficient solar amenity. Awnings on the building provide shading and shelter whilst providing outdoor teaching and meeting spaces.

All internal rooms meet the requirements of natural light and ventilation, to allow teachers and students control of the internal environment. Energy efficient light fittings and appliances, and water saving fixtures will further improve the efficiency of the building.

The building has been designed with adaptability and durability at the forefront of design issues. Operable walls throughout the building will allow teachers and students to manually adapt classrooms to suit their needs.

A Glazing Certificate was submitted with the application demonstrating the sustainable performance of the building is compliant with the National Construction Code 2014.

Principle 3 - Accessible and inclusive:

The proposed senior school building is integrated with the rest of the school site. Level access from surrounding paved pathways and a new lift will provide inclusive access to all levels of the building, with all internal areas being wheelchair friendly.

The proposed building will have suitable signage and wayfinding incorporated in the design to promote inclusive access.

As the building adjoins large usable open space, it can easily be opened up for sporting events or the like over weekends or outside of school hours. The adaptability of flexible learning areas will allow different sized groups to occupy spaces throughout the building.

Principle 4 - Health and safety:

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

Principle 5 - Amenity:

A range of flexible, pleasant and engaging spaces are proposed throughout the new senior school building. Flexible learning areas, tutorial spaces and study pods provide for class leading teaching and learning spaces. The design promotes access to natural sunlight and ventilation, and provides connection to surrounding areas.

Principle 6 - Whole of life, flexible and adaptive:

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

Principle 7 - Aesthetics:

The design of the building incorporates a range of materials and colours that reference the earthy nature of the site and surrounding neighbourhood, and have a positive impact on the sense of identity. The aesthesis of the building is considered to be acceptable.

Traffic Generating Development

Clause 57 of the Educational Establishment and Child Care Facilities SEPP requires certain education establishment development applications to be referred to RMS. Clause 57 applies to an enlargement or extension of existing premise being able to accommodate 50 or more additional students. The proposal seeks approval for a replacement science and technology building with no change to the existing student capacity of the School. On this basis, the application does not meet the requirements of traffic generating development, with no referral to RMS required.

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

Port Stephens *Local Environmental Plan 2013* (PSLEP) 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 R5 Large Lot Residential under the PSLEP. The objectives of the R5 zone include:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The site supports an existing educational establishment and the proposed development, through appropriate mitigation measures imposed in the conditions of consent, will have a limited impact on surrounding land uses. There is no significant intensification under this proposal, in addition to the provision of sufficient parking and ample separation between neighbouring buildings, ensuring minimal disruption and conflict with the surrounding neighbours. On this basis, the proposal is considered to satisfy the objectives of the R5 zone through the minimisation land use conflict.

The existing use of the site as an educational establishment is defined as:

A building or place used for education (including teaching) being:

- a. A school*
- b. A tertiary institution, including a university or a TAFE establishment that provides formal education and is constituted by or under an Act.*

Educational establishments are prohibited in the R5 zone, however, as previously identified in this report, Clause 35(1) of the Educational Establishment and Child Care Facilities SEPP permits development for the purpose of a school with development consent on land in a prescribed zone. R5 Large Lot Residential is a 'prescribed zone' under cl. 33 of the SEPP.

Clause 4.3 Height of Buildings

The subject site has no maximum height limit under the PSLEP.

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing Class 5 Acid Sulphate Soils (ASS). Accordingly, any works beyond 2m below the natural ground surface require consideration under clause 7.1 of the PSLEP. A condition has been recommended requiring the preparation and implementation of an Acid Sulphate Soils Management Plan (ASSMP) prior to the commencement of works. On this basis, the development is considered to be satisfactory in regard to the management of ASS.

Clause 7.2 Earthworks

The earthworks proposed as part of the application will not have an adverse impact on the neighbouring uses or on environmental functions or processes. A detailed drainage study and geotechnical report was submitted with the application and no concerns were raised in regards to the impacts of ancillary earthworks associated with the development.

Clause 7.3 Flooding

A small portion of the site in the north eastern corner is classified as being flood prone. No development is proposed in this location of the site. A detailed stormwater and drainage management plan has been provided for the application demonstrating the proposed development is compatible with the flooding constraints of the site.

Clause 7.6 Essential services

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

Clause 7.8 Drink water catchment

The site is located within a drinking water catchment and the objective of this clause is to minimise the impacts of development on the quality and quantity of water entering drinking water storages. Council deemed sufficient details were provided as part of the application to demonstrate that the development does not adversely impact on water quality and flows into the catchment. In addition, Hunter Water reviewed the application and provided a letter dated 10 September 2019 (**Attachment 5**), stating they have no objections to the proposed development, estimating that a Neutral or Beneficial Effect (NorBE) on water quality is achievable for the site.

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

The proposed Remediation of Land SEPP is intended to repeal and replace *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55)*. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP No.55 discussion elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation in respect to contamination is not warranted in this instance.

6.2.4.3 Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)

The following sections of the Port Stephens Development Control Plan 2014 (DCP) are relevant to the proposal:

Section A – Part A.12 Development notification

The proposal was advertised and notified for a period of 14 days from 6 December 2018 to 20 December 2018 in accordance with the *EP&A Act*, *EP&A Regulations* and Section A of the DCP. Council received two submissions during that time.

Section B – General Controls

Part B2 – Natural Resources

Environmental Significance

The site was subject to a previous development application for a new administration building and master plan for future works; with this application a flora and fauna assessment was prepared by Cumberland Ecology in February 2016. The applicant submitted an addendum to this ecology report for the purposes of this application and Council staff accepted the findings of the report.

The proposal will result in approximately 0.2 ha of garden vegetation and exotic grassland being directly impacted by the proposal. Impacts are associated with the

removal of potential foraging habitat for more common species such as minor birds. The main area of concern is indirect impacts to vegetation which includes an endangered ecological community and potential habitat for threatened species which is located in the rear section (east) of the subject lot. It is considered that these impacts have been appropriately addressed through the recommended condition requiring the preparation of a vegetation management plan. It should also be noted that no further vegetation removal is required to establish the required Asset Protection zones.

There is a Category 2 watercourse mapped 200m east of the site which flows into an area mapped in the PSLEP as wetland. Indirect impacts are a concern through polluted stormwater runoff. This can be mitigated through the recommended conditions of consent including the implementation of water quality treatment devices.

Biodiversity Offsets

The application was lodged prior to the NSW *Biodiversity Conservation Act 2016* reforms came into place and has been assessed under the provisions of the old NSW *Threatened Species Conservation Act 1995*. Given the minor scale of clearing required, there is no requirement for biodiversity offsets.

Noxious Weeds

Environmental weeds are present onsite. Conditions have been provided to prevent the spread of these weeds onsite and offsite.

Koala Habitat

The site is mapped as Koala Habitat – Buffer and Preferred. The proposed development footprint is not located within an area of Preferred Koala Habitat or habitat buffers and does not require the removal of any preferred koala feed trees.

Part B3 – Environmental Management

Acid Sulfate Soils

The geotechnical report for the development categorises the risk of ASS as low. Notwithstanding, conditions of consent have been included requiring the preparation and implantation of an Acid Sulphate Soils Management Plan in the event ASS is encountered during works.

Noise

The site currently operates as an educational establishment and no adverse acoustic impacts have been identified given the scope of the proposed development.

Earthworks

A sediment and erosion plan has been submitted to minimise any impacts associated with earthworks on the site. A condition has been included requiring all erosion and sediment measures to be installed prior to works commencing. A condition has also been included requiring imported fill to consist of Virgin Excavated Natural Material (VENM).

Part B4 – Drainage and water quality

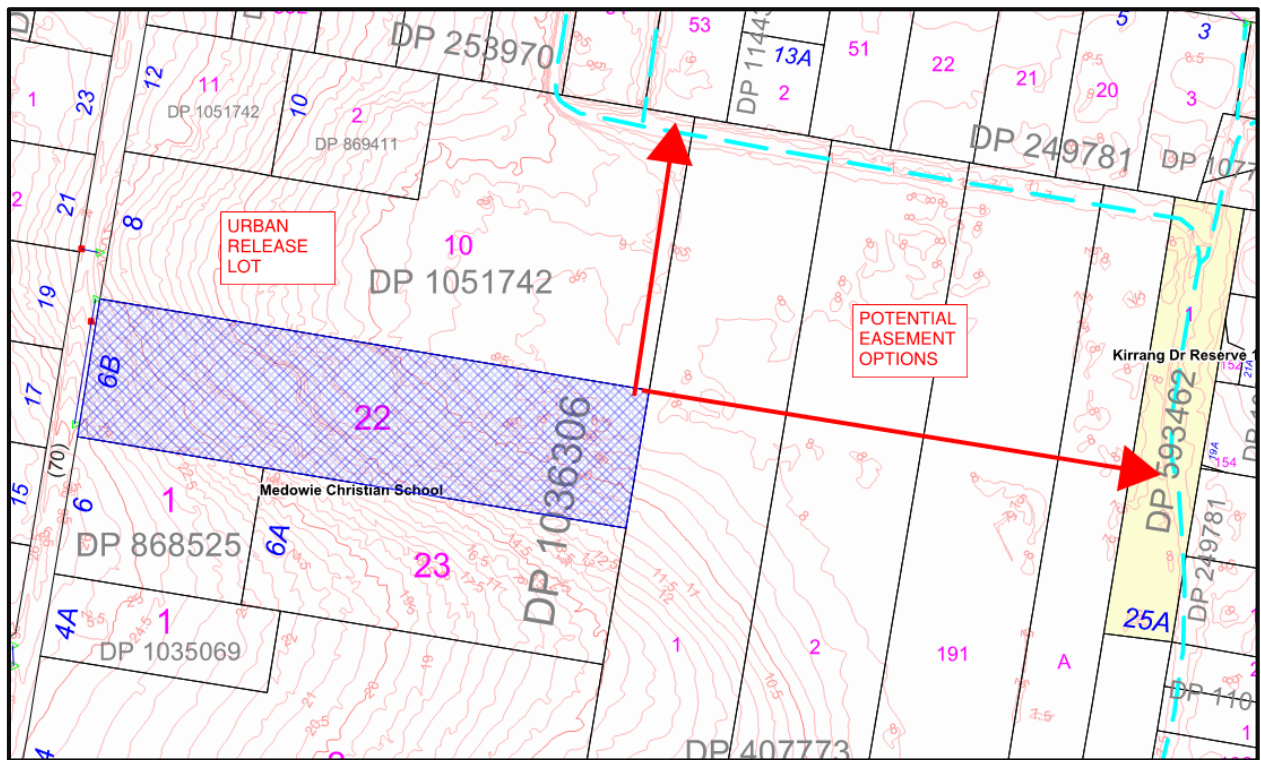
Drainage

A detailed stormwater drainage study was submitted with the application. All drainage is proposed to be directed to the rear of the site at the lowest point, into the existing stormwater detention basin. During assessment it was identified the developed flows from the basin are creating a concentration of stormwater flows at the outlet of the basin with the potential to discharge concentrated flows onto adjoining properties. It was also identified there is no legal discharge point for the development to drain stormwater from the development.

The existing development has increased the total volume of water discharging downstream (due to an increase in hardstand areas) and has re-directed the majority of the stormwater towards easterly direction which was previously drained towards a northerly direction as sheet flow.

Given no legal point of discharge exists from the site to the public drainage system and the potential of the existing drainage system to impact adjoining properties, a condition requiring the obtainment of a drainage easement has been included. A defined drainage system with an appropriate easement through the northern or eastern property to Council's drainage system will prevent waterlogging and damages to the other properties. Figure 6 below provides a map of potential easement options. Furthermore, the Staged DA approval under 16-2015-837-1 required an on-site stormwater detention system be installed that included a discharge point to the public drainage system. The discharge point requirement was never satisfied.

A detailed assessment of the drainage system and the water quality outcomes of the application have determined that the proposal is consistent with the objectives and requirements of the DCP, subject to the recommended conditions.



Part B9 – Road network and parking

Traffic Generation

Given there will be no increase to the existing student and staff numbers as a result of the proposed alterations and additions, the existing satisfactory traffic circumstances will not change. There will be some additional traffic movements during the construction process, however these movements will occur before and after the peak school activity movements. A condition has been included requiring a construction management traffic plan be prepared to mitigate any pedestrian and vehicle conflicts during the construction phase.

Car Parking Assessment

The parking requirements as listed in Figure BQ of the DCP for the use of the site as an educational establishment include:

Parking requirements	Accessible parking
1 car space per employee	1 car space per 20 car spaces
1 car space per 8 senior high students	
2 bike spaces per 20 employees and students	

Given that the part-time staff only works 1 to 4 days a week, the Traffic Report by TTPA (dated October 2018) suggested it is appropriate to apply the above parking requirement to the 50 FTE staff only. Council traffic engineers were supportive of this approach. Application of the above criteria to the existing school would indicate the following parking provision:

- 50 staff - 50 spaces
- 19 senior students (Year 12) - 3 spaces
- **Total - 53 spaces**

The School currently has 56 parking spaces for staff and visitor use with the following breakdown:

- 2 disabled spaces near the reception area;
- 5 spaces near the reception area;
- 13 on church fence side in the reception area;
- 10 spaces on Waropara Road frontage;

- 16 staff spaces on northern site frontage; and
- 10 staff spaces on the grass side.

The applicant has advised an agreement exists with the adjoining site that allows the School to use part of the car park area for a set down/pick up facility. The Year 12 students are also currently utilising this car park area on the adjoining site.

The existing car parking arrangement of 56 parking spaces within the School campus will be retained for the staff and visitor use. The School will also maintain the existing 4 bus bays and use of a section of the car park on the adjoining Church for a set down/pick up facility.

Given there will be no increase to the existing student and staff numbers as a result of the proposed new building, the existing satisfactory parking circumstances will not change. The proposed car parking provision complies with that required by the DCP criteria and the school's staffing requirement as well as the day to day parking and set-down/pick-up needs.

Port Stephens Development Contribution Plan

The application attracts Section 7.12 Contributions *pursuant to the Environmental Planning and Assessment Act 1979* and the Port Stephens Development Contributions Plan.

The application included a request for Section 7.12 contributions to be waived. After review of the request, the Section 7.12 Analysis Team did not support any exemption for Section 7.12 levies. It was found that the request does not provide any comprehensive argument or justification for the support of the exemption other than the fact that it will be detrimental to the School's budget.

A condition has been included for Section 7.12 contributions.

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

No planning agreements are relevant to the proposal.

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

Port Stephens Planning Strategy 2011-2036

The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes. The PSPS provides the framework for the broad strategic base to manage growth and is supplemented by the development of sub-strategies to provide an additional level of detail for specific areas or issues.

The PSPS recognises that Medowie is one of the fastest growing planning districts in the LGA and high growth is expected to occur in this locality with the implementation of the Medowie Strategy. The improvements to school infrastructure in the Medowie locality will support the projected population growth.

Medowie Strategy

The Medowie Strategy provides local strategic planning guidance for land use planning over the next 20 to 25 years. It estimates a population growth of 6700 to 7800 people in 2200 to 2600 dwellings in new release residential areas in Medowie. The Strategy clearly supports further urban and employment growth in Medowie.

Improvements to the existing School through the proposed development remains compatible with the planning strategies of Council as the School will be better positioned to deliver valuable educational and employment opportunities for the community.

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

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

6.2.4.7 Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal involves upgrades to the existing facilities through construction of a new three storey building. The built form and design of the building is considered to be consistent with the existing character and does not impact on the streetscape. The application has demonstrated there will be no significant adverse impacts on traffic related issues as part of the development.

The impacts of the development upon natural resources, including threatened flora and fauna has been considered as part of the application. It has been determined that there will be no significant impacts on threatened species, including the Koala and the Endangered Ecological Community located in the north eastern portion of the site.

Overall, the development will have a positive social and economic impact. The development will improve the amenity of the existing facility and allow for a more productive and cohesive learning environment, with newer and better facilities. Employment opportunities will be created during the construction of the development, with flow on economic benefits to local services and facilities.

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

The site has been used as educational establishment since 1995. The site is considered to be suitable for the use and is of sufficient size to enable the upgrade of the existing education facility without any significant adverse impacts on the neighbours or the character of the locality. The R5 zone encourages the orderly and economic use of the land and aims to protect the environment and conservation of significant flora and fauna on the site. The proposal meets these objectives, and delivers improvements to social and economic circumstances.

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

The proposal was exhibited for a period of 14 days from 6 December to 20 December 2018 in accordance with the *EP&A Act*, *EP&A Regulations* and Section A of the DCP. Council received two submissions during that time. A summary and response to the matters raised in the submissions has been outlined below.

Issue	Planners Comment
The two submissions raised concern that the proposed development will result in flooding nuisance on adjoining properties.	A deferred commencement condition has been included requiring the applicant obtain a drainage easement. A defined drainage system with an appropriate easement through the northern or eastern property to the public drainage system will prevent waterlogging and damages to the other properties.

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

The development is in the public interest. The development provides an educational facility that enhances and supports community development. The development does not have any significant adverse impacts on the built or natural environment, and has positive social and economic impacts.

7. CONCLUSION

It is recommended that the Hunter and Central Coast Regional Planning Panel, as the consent authority, approve development consent to 16-2018-647-775 (2018HCC046) for construction of a three storey educational establishment building at Lot 22 DP 1036306, 6B Waropara Road, Medowie pursuant to Section 4.16 of the *EP&A Act* subject to the conditions in **Attachment 3**.

Signed (Assessing Officer)




Ryan Falkenmire

A/Principal Development Planner

Date: 8/10/2019

Reviewed (Supervising Officer)



Rean Lourens

Planning and Developer Relations Coordinator

Date: 8/10/2019

Authorised for submission to HCCRPP



Marc Goodall

A/Manager Development Assessment & Compliance

Date: 9/10/2019