

## Statement of Environmental Effects

---

Demolition of Existing Block G and J, construction of two (2) new school buildings, including new communal hall and new teaching block, and alterations associated with the refurbishment of play areas.



Tamworth Public School  
Lot 418-419 Deposited Plan 821635  
Lot 1-11 Section 54 Deposited Plan 758951  
Napier Street, East Tamworth 2340

Prepared for: Billard Leece Partnership  
Project No: C998  
Revision: C  
Date: October 2018

**Document Control**

Creative Planning Solutions works to a stringent Quality Assurance Program.

If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by:



Julian Sciarrone - Town Planner

Reviewed by:



Brendon Clendenning - Principal Planner

Authorised by:



Daniel Govers - Director

**© Copyright CREATIVE PLANNING SOLUTIONS PTY LIMITED 2018**

This document is copyrighted; reproduction of this document or any part thereof is not permitted without prior written permission of Creative Planning Solutions Pty Limited.

**Disclaimer:**

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

## Contents

1.0	Introduction .....	4
1.1	Project Team .....	5
1.2	Consent Authority .....	5
2.0	Site Analysis .....	6
2.1	Site location .....	6
2.2	Site description .....	7
2.3	Surrounding development .....	8
2.4	Site considerations .....	8
3.0	Proposed Development .....	9
3.1	Overview of New Buildings .....	9
3.2	Overview of Alterations and Additions .....	9
4.0	Environmental Planning Instruments and Controls .....	12
4.1	State Planning Instruments and Legislation .....	12
4.1.1	State Environmental Planning Policy No 55 – Remediation of Land .....	12
4.1.2	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 .....	12
4.1.3	Design Quality Principles .....	13
4.1.4	State Environmental Planning Policy No. 44 - Koala Habitat (draft amendment) .....	16
4.2	Local Planning Controls .....	17
4.2.1	Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) .....	17
4.2.2	Tamworth Regional Development Control Plan 2010 .....	23
5.0	Section 4.15(1)(b) – Likely impacts of the development .....	28
5.1	Impact on the Natural Environment .....	28
5.2	Impacts on the Built Environment .....	28
5.3	Economic Impacts .....	28
5.4	Social Impacts .....	28
5.5	Section 4.15C(1)(C) – Suitability of the Site .....	29
5.6	Section 4.15(1)(d) – Submissions .....	29
5.7	Section 4.15(1)(e) – Public Interest .....	29
6.0	Conclusion .....	30

## 1.0 Introduction

This report constitutes a Statement of Environmental Effects (SEE) that has been prepared to accompany a Crown Development Application (DA) submitted to Tamworth Regional Council (herein referred to as the Council) for new building works and alterations to Tamworth Public School, located at Napier Street, East Tamworth. Details of the proposed development are as follows:

- Demolition of existing Block G and J
- New communal hall
- New teaching block
- Refurbishment of two (2) playgrounds.

This SEE has been prepared by Creative Planning Solutions Pty Limited (CPS) on behalf of the Department of Education, being a public authority of the Crown. It is based on the plans and information provided by the applicant and other supporting documentation from project consultants as included in the development application package.

This DA includes the following:

- Architectural Plans;
- Landscape Plans;
- Statement of Environmental Effects;
- Traffic Assessment
- Heritage Impact Statement

A detailed description of the proposed development can be found at **Section 3** of this report. The purpose of this SEE is to:

- describe the components of the proposal,
- discuss the potential environmental effects of the proposal,
- draw conclusions as to the significance of any impacts from the proposed development and how such impacts may be mitigated, and
- make a recommendation to Tamworth Regional Council as to whether the development should be approved.

This SEE also describes the site, its environs and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Within this report, references to “the site” mean the land to which this DA relates.

As this application is being lodged by the Crown, Council should be aware of the following:

- a) Under Section 4.33 of the Act, 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. It would be appreciated if a copy of any conditions

Council wishes to impose on its consent to the application could be forwarded for the applicant's consideration at the earliest possible date

- b) There is no legal basis for any person or body to levy a bond on the Crown. However equivalent conditions to ensure compliance in matters that would otherwise be covered by bonds may be imposed.

## 1.1 Project Team

The following expert project team has been formed to deliver the proposal and includes:

Project Role	Company
Architect	Billard Leece Partnership
Urban Planning	Creative Planning Solutions
Heritage	Magoffin And Deakin Pty Ltd
Landscape Architect	Arcadia Landscape Architecture
Traffic Engineering	Stantec
Surveyor	Beveridge Williams

## 1.2 Consent Authority

The Crown Development Application (DA) has a capital investment value under \$5 million. Accordingly, pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, the development is not regional development and therefore the consent authority for the proposed development is Tamworth Regional Council.

## 2.0 Site Analysis

### 2.1 Site location

The subject site is bound by Napier Street, Upper Street, Brisbane Street and Bourke Street. Tamworth Public School is located approximately 500m north east of Tamworth Train Station and approximately 700m north east of the Tamworth Central Business District and is within the Tamworth Local Government Area.

Refer to **Figure 1** and **Figure 2** for an aerial photograph of the subject site.



**Figure 1:** Site location – Subject Site identified above

Source: maps.six.nsw.gov.au





**Figure 2** – Aerial image of the Subject Site and Locality.  
Source: maps.six.nsw.gov.au

## 2.2 Site description

The subject land is a large irregular shaped site comprising thirteen (13) allotments legally described as:

- Lot 418-419 Deposited Plan 821635;
- Lot 1-11 Section 54 Deposited Plan 758951

The subject land has an area of 4.160 hectares (41,600m<sup>2</sup>), and has an approximate perimeter of 1.62kms. The subject site is solely occupied by Tamworth Public School and consists of a number of educational buildings, tennis courts, playgrounds, car parking, and other ancillary uses such as a library and canteen that relate to the ongoing use of the public school.

The subject site has a frontage to Napier Street of 201m, 204m to Brisbane Street, 201m to Upper Street and 200m to Bourke Street.

Vehicular and pedestrian access onto the subject site is available from Brisbane Street. Pedestrians can also enter the site on Upper Street, Bourke Street and Napier Street. The subject site includes one designated car parking area adjacent to the existing tennis courts, directly accessible via a driveway and crossover from Brisbane Street.

Water, electricity, sewer and telephone facilities are available to the subject site (refer to the submitted contour and detail plan for the location of available services). No changes to other utility services are proposed as a result of the proposed alterations.

## 2.3 Surrounding development

Adjoining the site to the south east is Anzac Park and Tamworth City Bowling Club that is currently zoned RE1 Public Recreation. Surrounding properties to the north-east, north-west and south-west primarily consist of residential properties within the R1 – General Residential zone. The residential areas surrounding the site consist mainly of one storey and two storey residential dwellings. Further to the north east of the site is Calrossy Anglican School.

To the south-west of the site, approximately 700m is the Tamworth Commercial Core which contains the Atrium Shopping Centre, commercial and retail uses, hotel accommodation and sporting fields. Tamworth train station is located approximately 500m south-west of the site.

## 2.4 Site considerations

The subject site is zoned R1 – General Residential in accordance with the *Tamworth Regional Local Environmental Plan 2010* (TRLEP2010). The subject site is classified as a general heritage item in accordance with Schedule of 5 of TRLEP2010. This matter is discussed in further detail within Section 4 of this SEE.



## 3.0 Proposed Development

This Section of the SEE provides a detailed description of the proposed new buildings and the alterations to existing buildings and playgrounds.

### 3.1 Overview of New Buildings

#### **New Teaching Block Level 1**

Level 1 of the proposed new upgraded teaching block is set to contain a collaborative learning area, teacher node space, quiet area, two (2) withdrawal rooms, ICT room, practical activities area, and dedicated presentation space with fixed seating arrangements and storage room. Access to the outdoor learning areas is facilitated via doors from the collaborative learning area and practical activities area. Stairs providing access to Level 2 of the new teaching block are located at the south-eastern corner of the building on Level 1. Exterior stairs are also located in the north-western corner of the building providing access to Level 2 from the outdoor learning area on Level 1. The north-western corner of the building, adjacent to the practical activities area on Level 1 contains a lift providing access to Level 2. Directly adjacent to the lift on Level 1 is a cleaner distribution storage room and water closet.

#### **New Teaching Block Level 2**

Level 2 of the teaching block is set to contain a large open plan collaborative learning area, teacher node area and quiet area. Level 2 is also set to include a room dedicated for presentations with fixed seating, practical activities area, two (2) withdrawal rooms and two (2) storage rooms. Stairs and a lift are also provided on this level providing access to Level 1. Adjacent to the lift on Level 2 is a cleaner distribution storage room and water closet.

#### **Communal Hall Level 1**

The new communal hall is set to include an open plan seating arrangement for students, with a centrally orientated mobile platform with ramp and steps. The communal hall is set to include new female toilet facilities, sports storage room, performance storage room, P.E storage room, ICT room, chair storage room, two (2) water closets, accessible shower and toilet, cleaner distribution storage room and storage cupboards. The southern section of the new communal hall is set to contain a kitchenette, additional storage room and office.

### 3.2 Overview of Alterations and Additions

The alterations are described generally below:

- Provision of new bitumen to the playground to the north of the new communal hall.
- Reconstruction of the play area to the north of the new teaching block.

The proposed works will provide purpose-designed spaces for students of all ages to enhance the learning experience. The works will suit the needs and provide a quality environment for students,

staff and visitors. The building provides secure and safe spaces, large common areas, meeting rooms and waiting areas, and a new lift for access.

### ***Design***

The proposed development represents a modern, high quality design with a variety of materials and finishes and articulated design elements which provide visual interest and are sympathetic to the adjoining existing heritage school buildings.

The layout and height of the proposed development is at a scale that is compatible with immediately adjoining and surrounding school buildings which comprise of mainly single and two (2) storey educational buildings.

### ***Landscaping***

Updated landscaping is to be provided to the site, which will include the following:

- New entry lawn with boundary screen planting;
- Formal garden style planting adjacent to Block M;
- Amphitheatre seating adjacent to the new communal hall;
- New paving with brick features between the new teaching block and outdoor play space;
- Cottage pathway to include slender brickwork;
- Coloured asphalt coating within play areas;
- Seating with incorporated planting beds;
- New bitumen and turfed area within the open outdoor play space to the north of the new communal hall.

### ***Access and parking***

Existing road infrastructure services the school and vehicular access to the school is via Brisbane Street. It is considered that the existing access is more than sufficient to meet the needs and demands of the proposal.

The existing car park located adjacent to the existing tennis courts provides a sufficient amount of car parking spaces. The Traffic Assessment undertaken by TDG indicates that the parking implications from the proposed new teaching block and communal hall will have a low traffic generation and would not have significant effects on the operation of the surrounding road network or existing on-site car parking arrangements.

### ***Stormwater drainage***

Concept stormwater drainage plans have been submitted with the development application. The plans detail the proposed stormwater system and that is has been designed in accordance with the provisions set out in the TRDCP2010.

### ***Sewerage***

The proposal will connect to existing facilities such as reticulated water and sewerage on site. The number of employees, students and visitors to the is not expected to change. It is not expected that

there will be additional wastewater / sewage generated in this respect. Arrangements will be able to be made to connect to existing services.

***Safety Considerations***

Safety and security features will be incorporated in accordance with the principles of Crime Prevention through Environmental Design (CPTED). Features include:

- Passive surveillance to the car park and surrounding buildings
- Clear visible entrances to the new teaching block and communal hall
- Direct access, promoting and restricting movement throughout the site
- Lighting throughout the site

The proposed new building works have been designed to appropriately address the surrounding playground areas and align with the existing buildings on site. Passive surveillance opportunities are provided from within the building areas that overlook the site. Direct pedestrian access to all the buildings is provided from the existing entry points in front of the development.

## 4.0 Environmental Planning Instruments and Controls

The following sections of this SEE assess the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposal's consistency and compliance with the relevant statutory plans and policies are listed in detail below.

### 4.1 State Planning Instruments and Legislation

The following State Planning Instruments and legislation apply to the development:

- *State Environmental Planning Policy No. 55— Remediation of Land*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

The following draft State Planning Instruments also apply to the land:

- *State Environmental Planning Policy No 44—Koala Habitat Protection (draft amendment)*

#### 4.1.1 State Environmental Planning Policy No 55 – Remediation of Land

*State Environmental Planning Policy No.55 – Remediation of Land* (SEPP 55) applies to the subject development application. Clause 7 requires a consent authority to consider the contamination status of the land and to be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

Given the historical use of the site for educational purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary given the educational use of the site and no indication of potentially contaminated materials on the site.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then action consistent with the legislative requirements and guidelines document will be undertaken.

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

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* ("the ESEPP") aims to facilitate the effective delivery of educational establishments and early education and care facilities across the state.

Clause 35 of the ESEPP states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone and Clause 33 indicates that a prescribed zone includes the following land use zones:

- (a) Zone RU2 Rural Landscape,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone RU5 Village,
- (d) Zone RU6 Transition,
- (e) Zone R1 General Residential,**
- (f) Zone R2 Low Density Residential,
- (g) Zone R3 Medium Density Residential,
- (h) Zone R4 High Density Residential,
- (i) Zone R5 Large Lot Residential,
- (j) Zone B1 Neighbourhood Centre,
- (k) Zone B2 Local Centre,
- (l) Zone B3 Commercial Core,
- (m) Zone B4 Mixed Use,
- (n) Zone B5 Business Development,
- (o) Zone B6 Enterprise Corridor,
- (p) Zone B7 Business Park,
- (q) Zone B8 Metropolitan Centre,
- (r) Zone SP1 Special Activities,
- (s) Zone SP2 Infrastructure,
- (t) Zone E4 Environmental Living.

The subject site is located within the R1 General Residential Zone which is a prescribed zone pursuant to Part 4 of the ESEPP.

In accordance with Clause 35(6)(a), 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 the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4.

#### 4.1.3 Design Quality Principles

Commentary in relation to the Design Quality Principles contained within Schedule 4 of the ESEPP is provided within the table below.

Design Quality Principles	
Principle	Proposal
<b>Principle 1 – Context, built form and landscape</b>  Schools should be designed to respond to and enhance the positive qualities of their setting,	<i>The design positively contributes to both the school and the community. A centralised courtyard space follows the natural ground line. Surrounding this courtyard is the proposed teaching spaces and communal hall</i>



Design Quality Principles	
<p>landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>	<p><i>building. The space brings together the students for play, outdoor learning and assembly.</i></p> <p><i>The new building's ground floor walls are constructed of face brick to match the existing Tamworth face brick.</i></p> <p><i>The demolition of the existing toilet block and metal shed addresses the issue of the fragmented site. This creates a larger open play space for the school.</i></p> <p><i>The proposed location of the hall will provide a central focal point and help to unify the school.</i></p> <p><i>The proposed location of the teaching spaces will make use of an unutilised space.</i></p>
<p><b>Principle 2 – sustainable, efficient and durable</b></p> <p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p><i>The design of the proposal is expected to provide generally positive environmental (natural and built), social and economic outcomes. Stormwater retention and solar panels will be included within this proposal.</i></p>
<p><b>Principle 3 – accessible and inclusive</b></p> <p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p><b>Note.</b> Wayfinding refers to information systems that guide people through a physical</p>	<p><i>The development of the new communal hall provides visibility and a clear entry point on Brisbane Street. Signage on the hall is also easily visible from the carpark and street. The proposed school layout will improve functionality within the school by remedying the current fragmentation of play areas. Further wayfinding information can be provided if required.</i></p>

Design Quality Principles	
<p>environment and enhance their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p><i>The new buildings will be fully accessible to people of all abilities.</i></p> <p><i>The communal hall facility will provide shared use with the community; this includes activities outside of school hours.</i></p>
<p><b>Principle 4 – health and safety</b></p> <p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p><i>The new building will increase the amount of space that is able to be used for active play and will remove isolated and hidden elements within the site.</i></p> <p><i>The positioning of the hall allows for safe and secure access into the building for community use.</i></p> <p><i>A security fence line surrounds the school site and provides secure access into the hall.</i></p>
<p><b>Principle 5 – amenity</b></p> <p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p><i>The proposal is primarily aimed at improving play space within the school and improving school learning and play environments.</i></p> <p><i>The proposal also contributes to the wider community, as the proposed hall allows for community use.</i></p> <p><i>The proposed new hall meets the prime needs of the school and obviates the need for a full school assembly to be held off-site.</i></p>
<p><b>Principle 6 – whole of life, flexible and adaptive</b></p> <p>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high</p>	<p><i>The proposal introduces future focused learning spaces. These spaces are designed to cater for flexibility. The new learning environment will be adaptable to changes in pedagogy, technologies and shift in student cohorts.</i></p>

**Design Quality Principles**

environmental performance, ease of adaptation and maximise multi-use facilities.

**Principle 7 – aesthetics**

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

*The aesthetics of the building have been inspired by the country side of Tamworth, which includes the Rainbow Lorikeet birds. These colours on the birds are used on the columns, hall and teaching space glass panels. Feeding the birds is understood to be a popular activity with the students and this has inspired the coloured elements on the external facades.*

*The Tamworth red bricks on the existing on- site and neighbouring residential buildings has been continued throughout. This includes the new hall and teaching spaces to match the existing context.*

*The form of the roof of the new teaching space follows the roof line of the existing two storey building through to the existing cottage building.*

*The new building's height is restricted to two storeys to respond to the existing context.*

#### 4.1.4 State Environmental Planning Policy No. 44 - Koala Habitat (draft amendment)

*State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)* currently applies to four of the five local government areas (Barraba, Manilla, Nundle and Parry) which now comprise the area represented by Tamworth Regional Council. However, the former City of Tamworth, which includes the subject site, is not listed within Schedule 1 of SEPP 44.

Draft amendments to SEPP 44 were placed on public exhibition between the period of 18 November 2016 to 3 March 2017. There are several intended effects of the draft SEPP, with one of those being to incorporate all amalgamated Council areas within Schedule 1.

SEPP 44 applies to land:

- (a) that is land to which this Policy applies, and*
- (b) that is land in relation to which a development application has been made, and*
- (c) that:*
  - (i) has an area of more than 1 hectare, or*

(ii) *has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.*

The entirety of Tamworth Regional Council is intended to be incorporated within the amended policy and as the subject site is greater than 1 hectare in size, SEPP 44 is a relevant consideration for the proposed development.

Seven (7) trees are proposed for removal to accommodate the new communal hall. However, these trees are not classified as potential koala habitat, and accordingly, no further information is required to satisfy this policy.

## 4.2 Local Planning Controls

### 4.2.1 Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

The *Tamworth Regional Local Environmental Plan 2010* (TRLEP2010) establishes the requirements for the use and development of land within the Tamworth Regional local government area.

#### **Clause 1.2 – Aims of Plan**

The plan aims to make local environmental provisions for land in the Tamworth Regional Council area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

#### **Clause 1.4 Definitions**

The proposed development is for new buildings works as well as alterations to an existing school for the purpose of educational services, being a Public School.

In accordance with the TRLEP 2010, the definition of an ‘*educational establishment*’ is as follows:

***educational establishment*** means a building or place used for education (including teaching), being: a school or tertiary institution, including a university or a TAFE establishment that provides formal education and is constituted by or under an Act.

#### **Zoning and Permissibility**

As identified in the Land Zoning Map extract from the TRLEP2010 below, the subject site is identified as being located within the R1 General Residential zone (**Figure 3**).

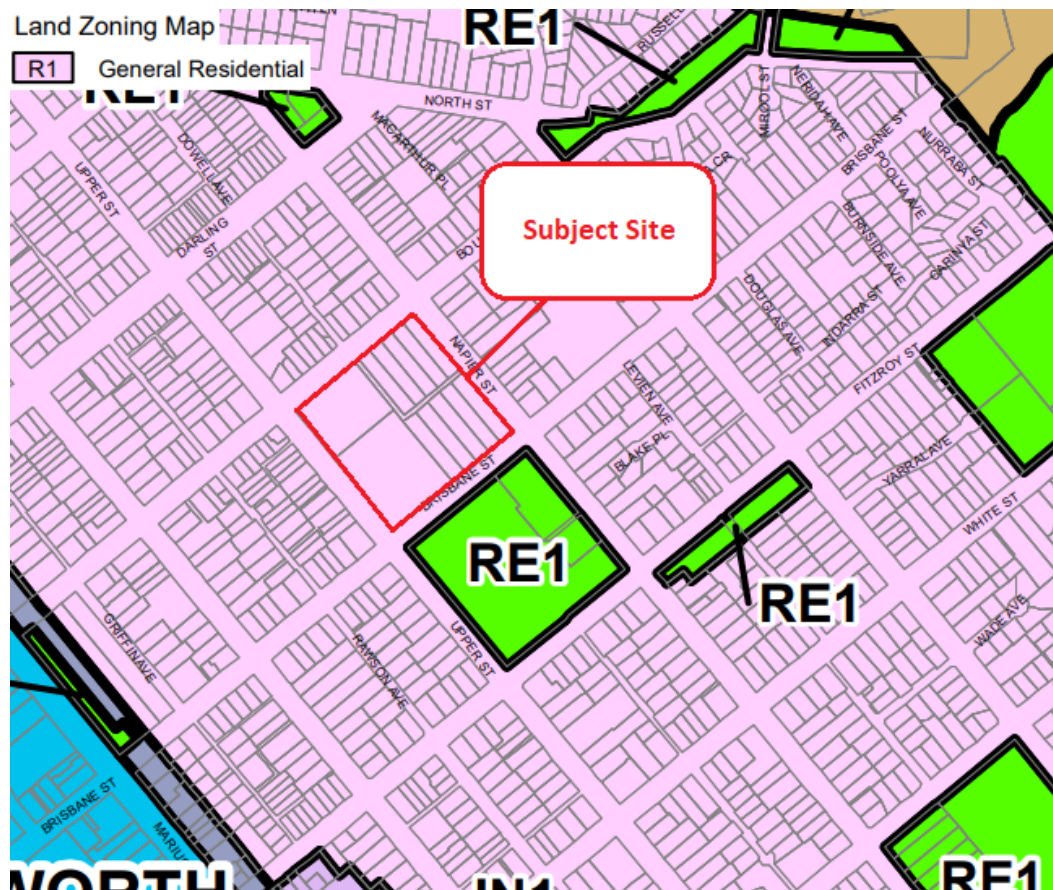


Figure 3 – Zoning Map – R1 General Residential

Source: <http://legislation.nsw.gov.au>

The existing land use is an innominate permissible use pursuant to the Land Use Table to the R1 General Residential zone. Furthermore, as indicated earlier and pursuant to Clause 33 and Clause 35 of the ESEPP, schools may be carried out within the R1 General Residential Zone.

The relevant objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

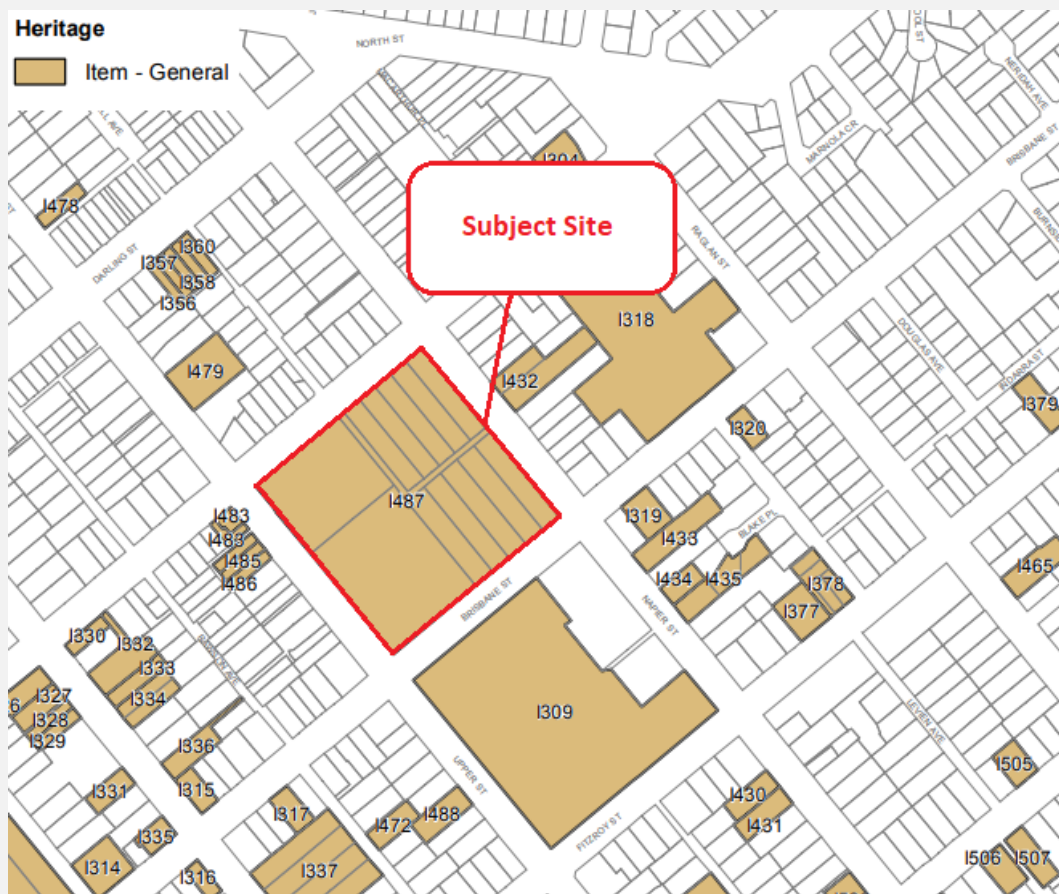
The existing school is consistent with the third objective of the R1 General Residential zone.

The following table outlines how the proposal meets the relevant requirements of the TRLEP2010:



Tamworth Local Environmental Plan 2010		
Clause	Requirement	Complies?
5.10 Heritage conservation	<p>(1) Objectives The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to conserve the environmental heritage of Tamworth,</li> <li>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>(c) to conserve archaeological sites,</li> <li>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ul> <p>(2) Requirement for consent Development consent is required for any of the following:</p> <ul style="list-style-type: none"> <li>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): <ul style="list-style-type: none"> <li>(i) a heritage item,</li> <li>(ii) an Aboriginal object,</li> <li>(iii) a building, work, relic or tree within a heritage conservation area,</li> </ul> </li> <li>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</li> <li>...</li> <li>(e) erecting a building on land: <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</li> </ul> </li> </ul>	Yes. See below for comments.

## Tamworth Local Environmental Plan 2010



**Figure 4:** Heritage Map extract  
Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**CPS Comment:**

The subject site is listed as a general heritage item. In accordance with Schedule 5 of the TRLEP2010, the item is a local heritage item (I487) known as Tamworth Primary School and residence. The most significant buildings are the original school buildings and the principal's residence as outlined within the Heritage Impact Statement prepared by Magoffin And Deakin Pty Ltd. A discussion of the proposal and reasons for its appropriateness on the heritage-listed property are provided throughout the Heritage Impact Statement.

The proposed new buildings and playground areas are sympathetic to the character of the site and are not considered to have any detrimental effect on the significant buildings on the site. The proposal has been carefully designed with regard to the significant buildings on the site, nearby heritage listed items (refer to **Figure 4** above), and the relative separation to the proposed works. Minimal works are proposed within the curtilage of each significant building and the siting and design of the new buildings have been carefully considered in order to minimise any negative impacts on the heritage significance or setting of the buildings of significance.

7.6 Development  
in flight path

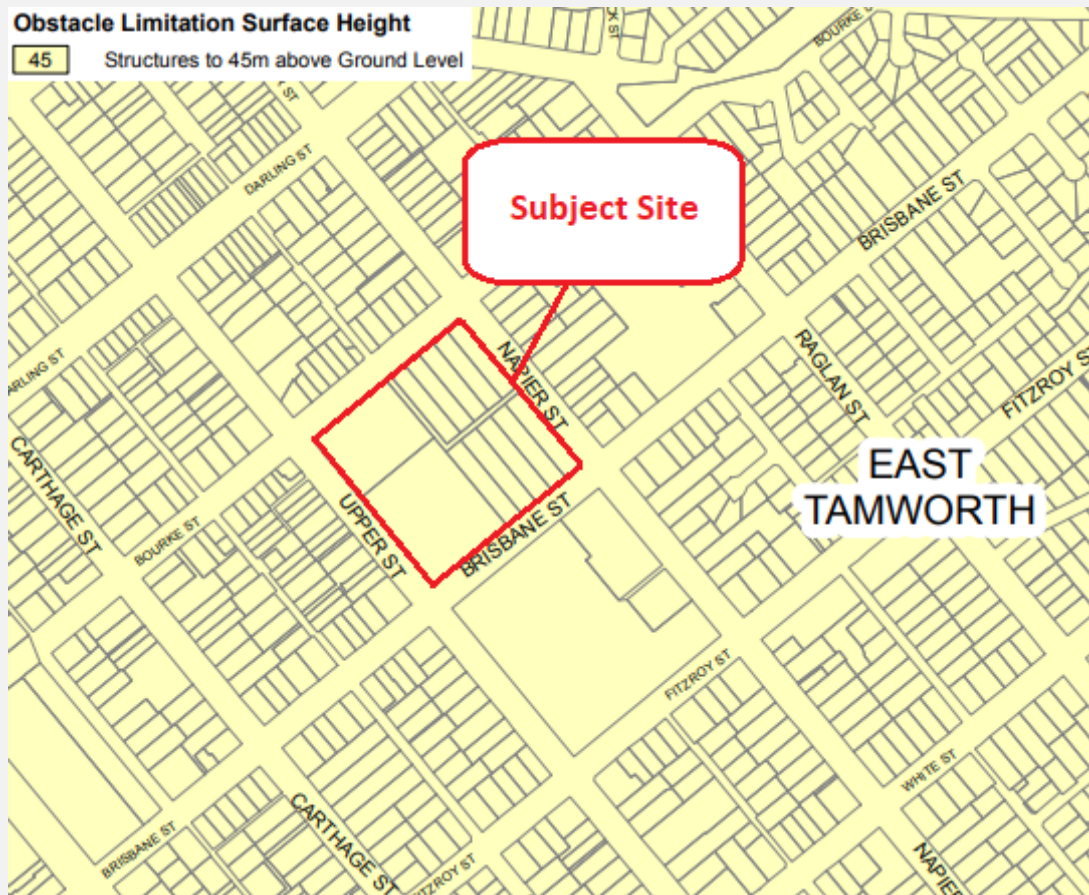
(1) The objectives of this clause are:

See  
Comments  
below

## Tamworth Local Environmental Plan 2010

	<p>(a) to provide for the effective and on-going operation of the Tamworth Airport, and</p> <p>(b) to ensure that any such operation is not compromised by proposed development in the flight path of that airport.</p> <p>(2) Development consent must not be granted to erect a building on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.</p> <p>(3) Before granting development consent to the erection of a building in the flight path of the Tamworth Airport, the consent authority must:</p> <p>(a) give notice of the proposed development to the relevant Commonwealth body, and</p> <p>(b) consider any comment made by the relevant Commonwealth body within 28 days of the body having been given notice of the proposed development, and</p> <p>(c) consider whether the proposed use of the building will be adversely affected by the exposure to aircraft noise.</p> <p>(4) For the purposes of this clause, land is in the flight path of the Tamworth Airport if the relevant Commonwealth body has notified the consent authority that the land is in such a flight path.</p> <p>(5) In this clause:</p> <p><b>obstacle height limit</b> means the land shown as “Obstacle Height Limitation” on the <i>Obstacle Height Limitation Surface Height Map</i>.</p> <p><b>relevant Commonwealth body</b> means the body that is responsible for development approvals for development that penetrates the Obstacle Height Limitation for the Tamworth Airport under Commonwealth legislation.</p>	
--	--	--

## Tamworth Local Environmental Plan 2010



**Figure 5:** Obstacle Limitation Surface Height Map Extract  
Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**CPS Comment:**

The proposed development includes the construction of a single storey communal hall and two storey teachers block building. Accordingly, compliance has been achieved with Clause 7.6(5) of TRLEP2010 as the subject site has a maximum Obstacle Limit Surface Height of up to 45m above ground level. Refer to **Figure 5** above.

## 4.2.2 Tamworth Regional Development Control Plan 2010

Subclause 35(9) of the ESEPP indicates that:

*A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

Subclauses (1), (2), (3) and (5) generally relate to development for the purposes of a school and therefore the TDCP 2010 does not strictly apply to the development. However, to assist with the assessment of the proposal, the following table outlines how the proposal demonstrates compliance with the limited relevant provisions within TRDCP 2010:

Tamworth Regional Development Control Plan 2010	
Section	Controls
<b>Step 3: General Development Specifications</b>	
<b>Other Types of Development Controls</b>	
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Location and grouping of plant types shall be multi-functional providing privacy, security and shading and recreational functions.</li> <li>Landscaping shall comprise low maintenance, drought and frost tolerant species.</li> </ul>
<p><b>Comment:</b> Satisfied</p> <p>The proposal includes planting for a number of functions, including boundary screen planting around the entry lawn for privacy and security purposes. Vertical landscaping is proposed adjacent to pedestrian thoroughfares to soften edges and provide widespread green space. Tree plantings are also proposed within the outdoor play areas to provide shading for students, and between the communal hall and existing library to initiate a connection and promote recreational and interaction proceedings.</p>	
<b>Environmental Controls</b>	
<b>Vegetation</b>	<ul style="list-style-type: none"> <li>Development design shall accommodate the retention of any significant vegetation.</li> </ul>
<p><b>Comment:</b> Satisfied</p> <p>Seven (7) trees are proposed for removal to accommodate the new communal hall building. However, these trees are not classified as significant trees.</p>	
<b>Waste Management</b>	<ul style="list-style-type: none"> <li>General waste storage and collection arrangements shall be specified.</li> </ul>
<p><b>Comment:</b> Satisfied</p>	



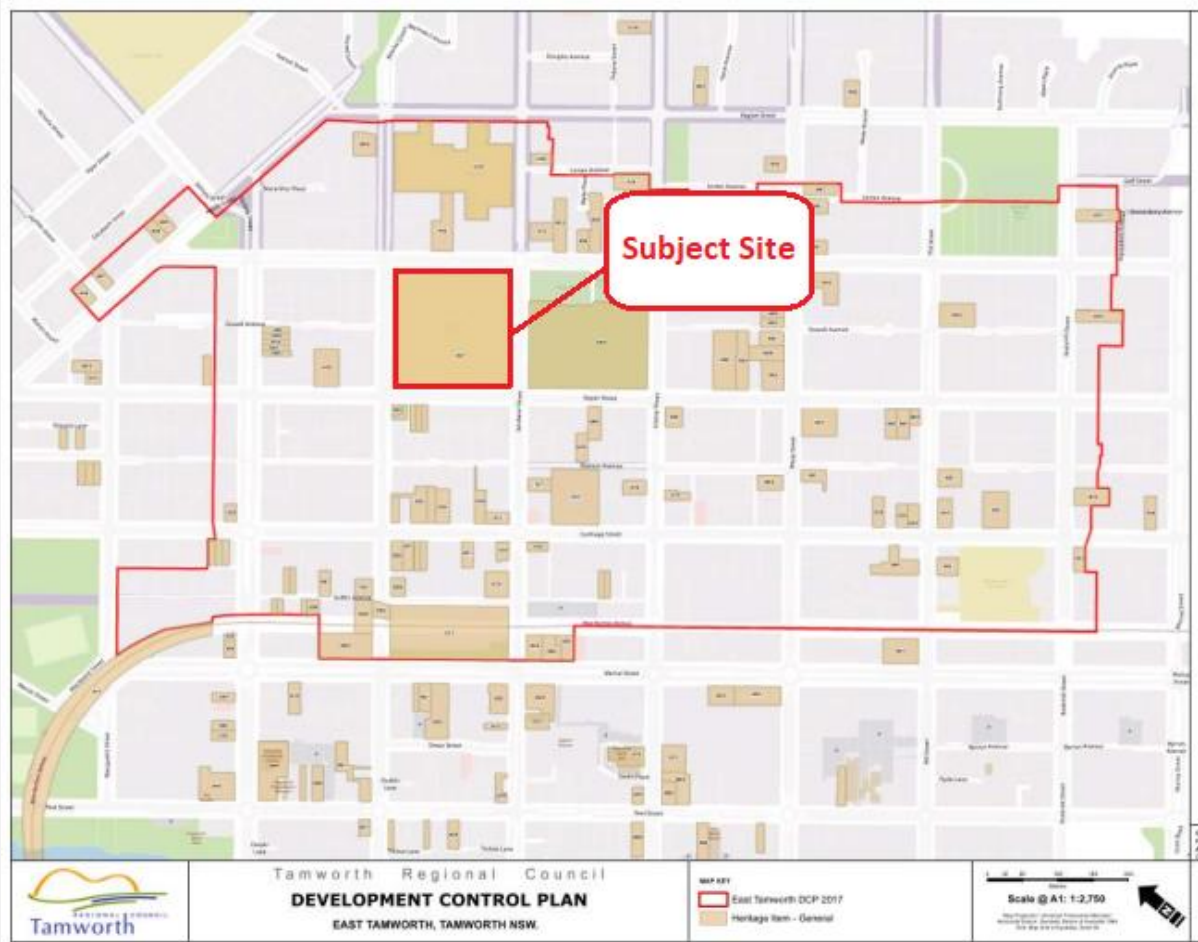
### Tamworth Regional Development Control Plan 2010

A Waste Management Plan is to be submitted with the application, which details proposed waste management during the operation of the proposed new school buildings.

### Step 4: Site Specific

### East Tamworth and West Tamworth

The subject site is located within the East Tamworth Precinct as detailed below in **Figure 6**. The East Tamworth DCP controls that are relevant to the proposed development are included below.



**Figure 6:** East Tamworth DCP Map Extract

Source: tamworth.nsw.gov.au

### Aims

The locations identified in the East Tamworth DCP Map above in **Figure 6** have been identified as possessing unique character based on:

- The presence of a significant number of heritage items which retain original character
- Building form and materials representative of Tamworth's heritage
- Subdivision pattern reflective of the original town

## Tamworth Regional Development Control Plan 2010

- Streetscape featuring mature trees in avenue plantings and gardens complementary to the built environment.

**Comment:** Satisfied

The proposal satisfies the aims specified above as detailed further within this DCP compliance table.

**Subdivision**

- Subdivision proposals must be consistent with the prevailing subdivision pattern.
- Subdivision of a property containing a heritage item must:
  - Maintain existing building curtilage;
  - Provide for outbuildings and garaging;
  - Ensure significant landscape features and vegetation are retained

**Comment:** N/A

There is no subdivision proposed as part of this development application.

**Alterations and/or additions to existing heritage items**

- Destruction of important elements such as chimneys, windows and gables will not be permitted.
- Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, must be retained.

**Comment N/A**

The proposed alterations are for the refurbishment of two outdoor play areas. Accordingly, no alterations and additions are proposed to any of the existing heritage school buildings on the subject site.

**Change of Use of heritage items.**

- Adaptive reuse of a building must:
  - Retain all significant fabric of the heritage listed building.
  - Retain the general appearance of the building.

**Comment**

The proposal includes the construction of a new teaching block and communal hall. Alterations for the purposes of the refurbishment of two (2) outdoor play areas. Accordingly, there is no change of use proposed as part of any of the existing heritage school buildings on the site.

**Fencing to Heritage Items**

- Original fences must be retained and maintained unless they are beyond repair.
- Fences must be of a scale comparable with the street and the building.

## Tamworth Regional Development Control Plan 2010

- Front fences must be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry, palisade and hedges.
- Plain or colour treated metal fences are not permitted on any street frontage or side boundary in front of the street setback or heritage item.

**Comment: N/A**

No changes to fencing is proposed.

**New Development**

- Design shall give consideration to the following:
  - New development must have a hipped or gabled roof without unnecessary secondary projections.
  - New development must use materials which are consistent with the overall character of the streetscape, as defined by reference to the original older buildings in the immediate locality.
  - The quantity and quality of existing street front garden landscaping must be maintained.

**Comment**

The proposed new communal hall and teaching block have been designed with hipped roofs of materials that are consistent with the character of the streetscape. In addition, the front entry lawn adjacent to the new teaching block has been enhanced with edge plantings and boundary screen planting.

- Siting of new development shall give consideration to the following:
  - new development must be aligned to the predominant building line.
  - Where there is no identifiable setback pattern, new buildings should be setback the same distance from the street as adjoining properties.
  - New development must be sited behind the building line of any adjoining heritage item.
- Size and scale of new development must be consistent with surrounding buildings in terms of the average predominant height, size and proportions.
- Section of materials should include consideration of the following:
  - Bricks of mixed colours;
  - Avoiding large expanses of masonry walls;

**Comment**

**Tamworth Regional Development Control Plan 2010**

The existing school buildings adjoining the proposed new communal hall and teaching block are affected by the heritage listing as specified earlier in this report. In accordance with the controls for new development, the proposed new communal hall and teaching block have been setback behind the building line of the adjoining existing school buildings. Furthermore, the size and scale of the new developments do not exceed two storeys which is consistent with the existing single storey and two storey school buildings on the site. In addition, the proposed new buildings incorporate materials, finishes and design elements which create visual interest while complementing the character of the existing school buildings.

## 5.0 Section 4.15(1)(b) – Likely impacts of the development

### 5.1 Impact on the Natural Environment

It is anticipated that any impacts to the natural environment that may result from the development that have not already been addressed in this report, would be the result of the construction process. Likely impacts such as dust, noise, vibration and soil run-off can be satisfactorily mitigated against with appropriate conditions of consent and the implementation of an Erosion and Sediment Control Plan and Waste Management Plan which will be prepared prior to the commencement of works on site. Accordingly, the proposal is considered acceptable with regards to impacts on the natural environment

### 5.2 Impacts on the Built Environment

The proposed building is contained within the site and has been designed to provide a complementary architectural expression with references to the existing buildings on site, in terms of bulk, scale and form. The proposed new building works and alterations and additions provide a visually engaging architectural language with a selection of appropriate materials and finishes that complement the existing heritage buildings.

The proposed built form and composition of the new buildings respond to the existing character of the school and therefore provides a positive contribution to the visual quality of the overall site.

Accordingly, the proposal is unlikely to have any significant impact on the built environment.

### 5.3 Economic Impacts

The proposed development is likely to contribute to a range of economic benefits in the Tamworth Regional local government area and surrounding areas through:

- Ongoing employment opportunities close to a growing residential population;
- More efficient use of land infrastructure;
- Employment of tradespeople and other construction-related professionals;
- Improvements to an essential local service, which is conveniently located.

### 5.4 Social Impacts

The proposed new communal hall, new teaching block and alterations and additions for the refurbishment of two (2) play areas is anticipated to have a positive impact on the School by providing high quality learning services for students and staff.

This in turn is expected to have a number of positive social effects, including:



- Increase in the capacity and develop a stronger sense of community
- Development of social capital
- Facilitation of social and economic welling of the community, students and staff

Accordingly, it is considered the proposed development will not contribute to any negative community/social impacts, but rather a positive community/social impact on the local area.

## 5.5 Section 4.15C(1)(C) – Suitability of the Site

Based on the above discussion, the site is considered suitable for the development. It is considered that the proposal positively contributes to the public interest. The proposal will continue to provide the Tamworth Regional local government area and surrounding area with educational infrastructure on a site suitable for such use as demonstrated by this SEE. The proposed development is a permitted form of development on the subject site in accordance with Clause 33 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*. It is not considered that any constraints on the subject site would affect the proposed development. Accordingly, it is considered that the subject site is suitable for the proposed development.

## 5.6 Section 4.15(1)(d) – Submissions

Any public submissions received in response to the development application are required to be considered in the assessment of the application.

## 5.7 Section 4.15(1)(e) – Public Interest

The proposed development has carefully been designed to be compatible with the existing pattern and character of the development within the site at Tamworth Public School. The proposed development will be consistent with the public interest primarily given the following:

- The development is permissible and satisfies the relevant objectives of the zone.
- The proposal achieves full compliance with the relevant statutory requirements and related policy.
- There would be no significant effect on the health and safety of the public.
- Providing high quality educational facilities.
- Positive economic and social impact will result from the development, in particular job opportunities will be created during the construction stage, as well as improved public school facilities.

Accordingly, it is considered the proposed development will result in a positive outcome for the Tamworth Regional Local Government Area and is therefore considered to be within the public interest.

## 6.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. On balance, it is considered the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development will provide positive economic, social and community impacts;
- The proposal is compatible with the surrounding existing heritage school buildings and surrounding heritage items;
- The proposed development is permitted with consent in the R1 General Residential Zone in accordance with Clause 33 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.
- Although not strictly applicable, the proposed development is considered to be consistent with the controls contained within Tamworth Regional Development Control Plan 2010.
- No unreasonable external impacts will result from the development;
- It is considered the proposal is in the public interest as it is generally consistent with the planning controls for the site.

Given the above, it is recommended that Tamworth Regional Council grant consent to the development application.