

Panel Reference	PPSHCC-2
DA Number	DA 19/566
LGA	Maitland
Proposed Development	Educational Establishment - Alterations and Additions to Existing Public School (Ashtonfield Public School)
Street Address	3 Norfolk Street ASHTONFIELD NSW 2323
Applicant	Axiom Education NSW No.2 Pty Ltd
Owner	Department of Education
Date of DA lodgement	02.07.2019
Number of Submissions	Two
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown development above \$5 million CIV <i>private infrastructure and community facilities (educational establishment)</i> above \$5 million CIV
List of all relevant s4.15(1)(a) matters	Environmental planning instruments: s4.15(1)(a)(i): <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> (NSW); • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017; • State Environmental Planning Policy (Vegetation) 2017; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No. 55 - Remediation of Land; • State Environmental Planning Policy No. 44 Koala Habitat Protection; • Maitland Local Environmental Plan 2011; • Maitland Development Control Plan 2011;
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Appendix A – Draft Schedule of Conditions • Appendix B – General Terms of Approval NSW RFS • Appendix C – Development Plans • Appendix D – DPIE BCD Comments • Appendix E – Submissions
Report prepared by	Tegan Harris Maitland City Council
Report date	1.6.2020

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not Applicable

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

Conditions

Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

The purpose of this report is to provide a detailed assessment of Development Application (DA) 2019/566 proposing an Educational Establishment - Alterations and Additions to Existing Public School (Ashtonfield Public School). The assessment provides consideration of the proposal under the Environmental Planning and Assessment Act 1979 (NSW), the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council. The DA was lodged on 2 July 2019 with a Capital Investment Value of works estimated at \$13,154,562. The proposal is Regional Development comprising private infrastructure and community facilities (educational establishment) and Crown Development with a CIV over \$5million.

The legal description of the land on which the development is to be carried out is Lot 1 DP 1132252, 3 Norfolk Street, Ashtonfield. The lot is 2.73Ha in area and is Zoned R1 General Residential under the Maitland LEP 2011. The site is mapped as bushfire prone land. A positive covenant via DP1132254 exists, of variable width (15-20m), along the north-eastern corner of the site which prevents any subsurface disturbance, including construction, running of services and or other infrastructure.

The proposal is Integrated Development pursuant to section 4.46 of the EPA Act. A Bushfire Safety Authority under s100B of the Rural Fires Act 1997 (NSW) was provided on 27 August 2019 requiring the entire property to be managed as an Inner Protection Area (IPA). The proposal was also referred to the Department of Planning, Industry and Environment, Biodiversity and Conservation Division (DPIE) as Integrated Development under s90 of the National Parks and Wildlife Act 1974 however, following further assessment, was not necessary to be considered as Integrated Development under s90 of the National Parks and Wildlife Act 1974 (NSW).

The proposal is permissible within the R1 zone, and is consistent with the objectives of the zone, as it will allow the continuation of an existing non-residential land use, without an impact on residential amenity. The proposal does not raise any issues that conflict with any Environmental Planning Instruments. Further, it is generally consistent with the Maitland Development Control Plan, with the exception of minor car parking non-compliances in terms of car parking dimensions. These however, are compliant with Australian Standards.

In accordance with the relevant EPIs, the determining authority must satisfy itself of the following matters before consent is granted:

- Clause 7 of State Environmental Planning Policy 55 – whether the site is suitable for its intended use.*
- Clause 7 of State Environmental Planning Policy 44 – whether the site contains potential Koala Habitat.*

- *Clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – whether the design quality of the development meets Schedule 4 and whether the development enables the use of school facilities.*
- *Clause 5.10 of Maitland LEP 2011 – whether the proposal is acceptable in terms of impacts on heritage.*

The proposal was advertised and notified from 15th July 2019 to 29th July 2019. Two Submissions were received objecting to the proposal. The issues raised within the submissions are discussed in detail in the assessment report, and include:

- *privacy/overlooking;*
- *traffic concerns relating to increased traffic on Adele Crescent (rear pedestrian access gate); and*
- *traffic safety*

These issues are not considered significant enough to warrant refusal of the application.

The main potential impacts as a result of the proposal relate to the two storey building form of proposed Block G, including privacy and overshadowing. The proposal also has the potential to result in impacts relating to acoustic, stormwater and soils, traffic, air quality, Aboriginal Archaeology and flora and fauna if not properly managed. These have been mitigated to the best extent practicable, and no significant impacts are expected. Potential impacts relating to operational traffic and pedestrian movements, including at the rear (eastern) gate adjoining Adele Crescent, will be managed via the preparation of an updated Traffic management Plan for the school, incorporating a Drop off Pick Up Management Plan. The proposal has considered the provisions of Environmentally Sustainable Development, and will result in a positive social and economic impact.

The proposal is generally consistent with the relevant heads of consideration pursuant to section 4.15 of the EPA Act, and the identified impacts are mitigated to an acceptable level. The application is satisfactory subject to compliance with the recommended schedule of conditions. The application is presented to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with a recommendation for approval.

REPORT RECOMMENDATION

That the Hunter and Central Coast Joint Regional Planning Panel approve Development Application 19/566 for Educational Establishment - Alterations and Additions to Existing Public School (Ashtonfield Public School), 3 Norfolk Street, Ashtonfield, Lot 1 DP1132252, subject to the recommended conditions of consent set out in Appendix A.

1.0 INTRODUCTION

The purpose of this report is to provide a detailed assessment of Development Application (DA) 2019/566 proposing an Educational Establishment - Alterations and Additions to Existing Public School (Ashtonfield Public School). The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979 (NSW), the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

The proposal is categorised as Regional and Crown Development. It is also Integrated Development.

The proposal is Regional Development pursuant to Schedule 7 of SEPP (State and Regional Development) 2011, comprising private infrastructure and community facilities (educational establishment) and Crown Development with a CIV over \$5million.

The proposal is Crown Development within the definition and provisions of Part 4, Division 4.6 of the EPA Act.

The proposal is Integrated Development pursuant to section 4.46 of the EPA Act.

The proposal requires a Bushfire Safety Authority under s100B of the *Rural Fires Act 1997* (NSW) due to the development involving a special fire protection purpose development. This was provided on 27 August 2019.

The proposal was referred to the Department of Planning, Industry and Environment, Biodiversity and Conservation Division (DPIE) as Integrated Development under s90 of the *National Parks and Wildlife Act 1974* on 23 October 2019. Following preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) advice from DPIE was received stating that the proposal is no longer Integrated Development under s90 of the *National Parks and Wildlife Act 1974*. This is discussed in detail below.

The proposal does not attract a contribution under Council's current adopted Section 7.12 Plan. Clause 7 of the Section 7.12 Plan states that Crown Development where carried out with an underlying philosophy of community service will not be levied contributions.

The draft Conditions of Consent were provided to the Crown on 6 May 2020. A response was provided on 22 May 2020. The final draft conditions have taken into consideration comments provided by the Crown, and are attached in Schedule 1 to this report.

2.0 BACKGROUND

Ashtonfield Public School was approved pursuant to DA 04/0005 which was determined at Council on 20 March 2006. The parent DA for the site considered Traffic, Aboriginal Cultural Heritage and Bushfire issues as key impacts to be mitigated. Consent was granted for an Educational Establishment for up to 420 students, 14 permanent classrooms, 3 x demountable/portable classrooms, associated buildings (library, hall, and canteen), 26 parking spaces, on-street bus bay and child crossing to Norfolk Street. Under the SEPP (Education) clause 36(2) development permitted without consent allows an increase in student and staff number of no more than 10% of the school population average from the previous calendar year. The growth rate of the school, up to the current 602 students, complies with this, and previous provisions under SEPP (Infrastructure) 2007.

As part of DA 04-005 an AHIP was acquired to locate and relocate artefacts out of the development footprint. The disturbance footprint of DA 04/0005 was used to define the approximate boundaries of the AHIP identified area, and was generally in the south-western proportion of the site. An AHIP was issued post consent on the 15th June 2006 however, as detailed below, the map associated with the Section 90 Consent to Destroy covered the development footprint only and not the whole site. A restriction on the title was applied to prohibit ground disturbance in the location of the relocated artefacts.

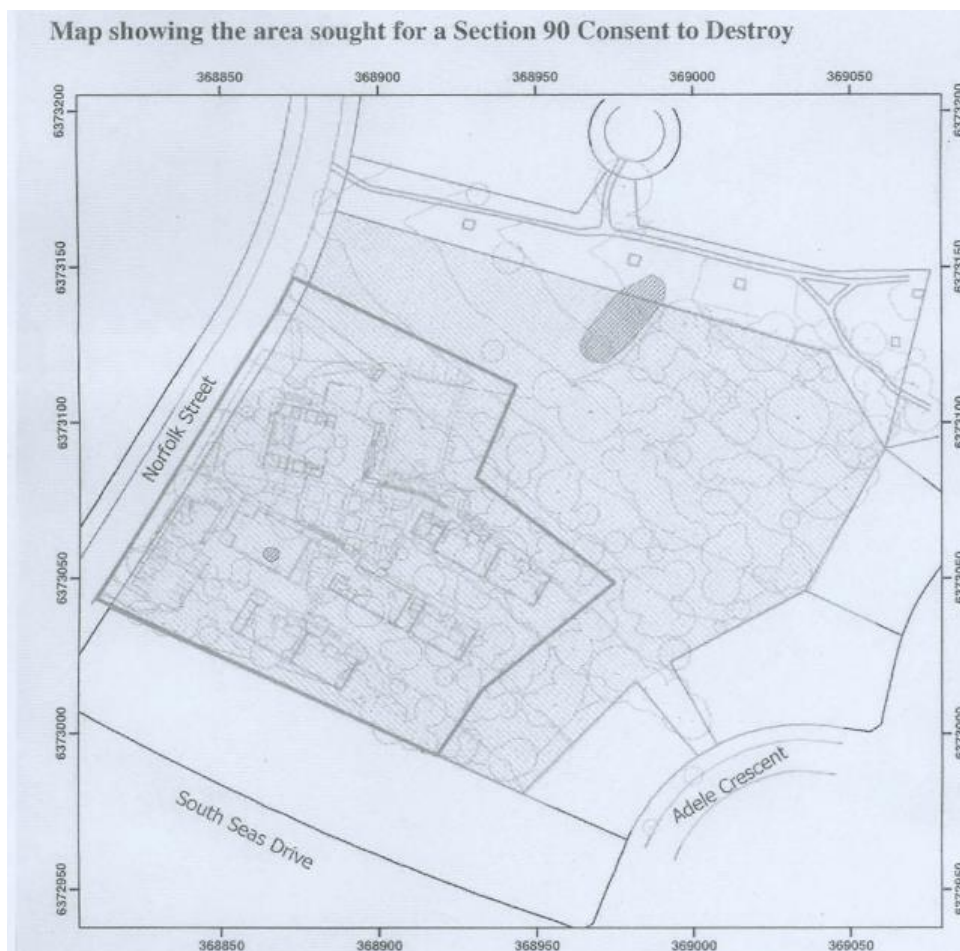


Figure 3: AHIP Area, valid until 15th June 2008.

Since approval of the original DA on site, two additional DAs have been approved by Council:

- DA 09/1142 Tree Removal of three trees and pruning of four; and
- DA 12/3180 Alterations to School – COLA. This was positioned in the western portion of the site, adjacent to Block B Hall.

3.0 SITE DESCRIPTION

The legal description of the land on which the development is to be carried out is Lot 1 DP 1132252, 3 Norfolk Street, Ashtonfield. The lot is 2.73Ha in area and is Zoned R1 General Residential under the Maitland LEP 2011. The site is mapped as bushfire prone land.

The site is currently used for Ashtonfield Public School which was constructed in 2006. The existing school contains six main buildings and structures on site, all single storey, described in the Development Plans as Blocks A-F and 'Games Courts.' 12 demountable classrooms are also located on site. Ancillary structures, such as walkways link the existing buildings. Landscaping primarily comprises perimeter plantings, and a portion of remnant vegetation in the north east corner.

The site is located on the eastern side of Norfolk Street and has two vehicular access points, one for a gated staff carpark and the second for service vehicles and loading area/parking. The staff parking area is located adjacent to the rear fences of residential properties within South Seas Drive. A designated bus bay exists along Norfolk Street. Child crossings are located on Norfolk Street and a pedestrian median on South Seas Drive.

The school fronts Norfolk Street and has pedestrian connections to Norfolk Street, at the rear (east) of the site to Adele Crescent, as well as to the north. To the north is Council Reserve and open recreation area, which contains concrete paths and provides access to Four Mile Creek Reserve. Kindy Patch Childcare Centre is located to the north beyond the reserve at 17 Norfolk Street. Residential lots form the boundaries on the southern and eastern side of the site.

The majority of buildings are concentrated to the central and southern areas of the allotment, with remnant vegetation (Lower Hunter Spotted Gum –Ironbark Forest) located in the north-eastern corner of the site. Open play areas are located to the central and north of the site. Emergency vehicle access to the open play areas is provided via the existing service area.

A positive covenant via DP1132254 exists, of variable width (15-20m), along the north-eastern corner of the site which prevents any subsurface disturbance, including construction, running of services and or other infrastructure. The positive covenant

was applied as a result of the original DA which was subject to an Aboriginal Heritage Impact Permit (AHIP).

An aerial photograph of the existing site is provided in the following figure.



Not to scale
 Printing Date: April 2020
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Lot 1 DP1132252
3 Norfolk Street Ashtonfield

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.

4.0 PROPOSAL

The proposal seeks consent for an Educational Establishment - Alterations and Additions to an Existing Public School (Ashtonfield). The proposal involves:

- Increase in school population from 602 students and 35 staff to 640 students and 37 staff.
- Relocating twelve (12) x existing demountable buildings to a temporary zone in the north west corner of the site, until completion of the new permanent classroom building where they will then be removed from site. The demountable classrooms to be relocated are adjacent to Block G and one to the north of Block B.
- Construction of a new (2) two storey classroom building known as Block G, which will extend existing building E;
 - The ground and first floors will contain 6 home-bases per level (12 total);
 - Storage rooms;
 - Practical activity areas;
 - Withdrawal rooms;
 - Amenities; and
 - A lift will be incorporated into the verandah space of the building.
- Alterations and additions to three existing buildings;
 - Administration Building – Block A: internal refurbishment of existing offices (new carpet and paint). Demolition works to the eastern end and additions to administration building to create 36sqm additional staffing space. External walkway rooflines are to be modified to accommodate the addition.
 - Hall, COLA and Canteen – Block B: Demolition of the eastern end wall of building, the eastern area of the canteen, and hall doors. Addition to the eastern end of the building proposed 5.3m further east into the COLA Area. Internal refurbishment. New external paths and roof to match existing.
 - Library – Block D: An existing home base within Block D is to be refurbished and form part of an extension to the library. Internal Works include removal of an internal wall, construction of an accessible access ramp, painting, stairs and filling of a doorway.
- Modification of the existing onsite parking to increase parking from 28 spaces to 39 (11spaces), comprising five additional spaces within the existing car park, and six new spaces for staff adjacent to the service vehicle entry. Two accessible car parking spaces will be provided within the existing staff car park;
- Associated landscaping and site works;
- Removal of twenty (20) x trees. Five are impacted by the new classroom building, and the other 15 by alterations/additions and car parking works. One tree (T22) is considered to have high retention value, five trees (T7, T18, T25, T26 and T31) a less critical value, and the remaining 14 to have low retention value (T2, 3, 3A, 4, 5, 6, 8, 19, 20, 21, 23, 24, 28, 29).

The new two storey building (Block G) will be an extension to the existing single level building named Block E, and create a two storey L-shaped handle. The building is to

have a corrugated iron, gable roof, with walls being clad in a mix of materials including brick, timber, fibro sheeting and perforated aluminium. The finished floor level (FFL) of Block G will be 36.56 which is the same as Block E adjacent. The two storey form will respond to the topography of the site, with the ridge line at RL 45.5. This represents a maximum building height of 11.1m from natural ground level (NGL) in the northern elevation.

A verandah will wrap around the north and north-west elevation of the building overlooking the playground areas. Stairways for circulation will be incorporated into the ends of the building and screened with aluminium battens.

The GFA of the school will increase from 2,584.98m² to 4,076.36m², which is an increase of 1,491.36m². This represents a FSR of 0.15:1 (excluding the existing 12 demountable classrooms to be removed).

The following two images provide a visual representation of the two storey extension (Block G).



Figure 1: 3D images of the proposed new classroom building (Block G)

5.0 PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

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

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

a) Section 4.5 Joint Regional Planning Panels

Section 4.5 of the EP&A Act and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* requires the Joint Regional Planning Panel (JRPP) to determine applications for private infrastructure and community facilities (educational establishment) and Crown Development with a CIV over \$5million.

b) Section 4.46 – Integrated Development

The proposal requires a Bushfire Safety Authority under s100B of the *Rural Fires Act 1997* (NSW) due to the development involving a special fire protection purpose development. This was provided on 27 August 2019.

The proposal was referred to the Department of Planning, Industry and Environment, Biodiversity and Conservation Division (DPIE) as Integrated Development under s90 of the *National Parks and Wildlife Act 1974* on 23 October 2019. Following preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) advice from DPIE was received stating that the proposal is no longer Integrated Development under s90 of the *National Parks and Wildlife Act 1974*. This is discussed in detail below.

5.1.2 State Environmental Planning Policies (SEPPs)

SEPPs considered relevant to this development proposal and respective comments are provided as follows:

SEPP No. 44 – Koala Habitat Protection

At the time of lodgement, SEPP No. 44 – Koala Habitat Protection applied to the proposal. It is noted that this SEPP has since been repealed, with the commencement of SEPP (Koala Habitat Protection) 2019. Clause 15 of SEPP (Koala Habitat Protection) 2019 requires that the proposal be assessed as if the SEPP had not commenced. The site area at 2.73ha triggers the application of SEPP 44 to the proposal pursuant to clause 6. Clause 7 of the SEPP requires Council to consider whether the site contains potential koala habitat. The site contains a number of immature to mature Eucalypt trees, both planted and remnant, thus meeting the requirement for potential koala habitat. An ecology assessment was prepared, and is discussed in detail below. The report concludes that the proposed development will not result in a significant impact to threatened species and communities. All works proposed are within an established area of the school, and the closest mapped koala sighting on the NSW BioNet Koala Species Sighting database is 6km to the north. As such, potential impacts arising on

potential koala habitat are considered to be minimal, and further assessment under the SEPP is not required.

SEPP Infrastructure 2007

The proposed works are located within the site, away from existing electrical infrastructure. The closest physical works comprise car park works (to the service entry) which are 5.2m from the existing substation on site. The proposal does not trigger the referral requirements of Clause 45 of the SEPP. The proposal does not raise any issues that conflict with the SEPP.

SEPP No. 55 –Remediation of Land

This policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment. A Stage 1 and 2 Environmental Site Assessment (ESA) was undertaken (Environmental Investigation Services, 18 September 2018) which concludes that the site is suitable for the proposal.

The report identifies that the site appears to have been historically filled to achieve existing levels. Soil samples were taken from seven boreholes, and elevated concentrations of contaminants above the SAC were not identified. On this basis, it was concluded that the potential risks associated with contamination within the investigation area are low. Further investigation is not recommended however, any consent granted will require compliance with the report. The proposal is considered suitable for the site pursuant to clause 7 of the SEPP.

The proposal is acceptable in regard to this State Policy subject to a condition being imposed that any unexpected finds protocol to manage potential contaminated materials, (if found on site during construction works) is included. A condition of consent has been included in the conditions schedule attached to this report.

SEPP (Educational Establishments and Child Care Facilities) 2017

This SEPP allows various alterations, additions and expansion of school facilities as exempt development, complying development or development with consent, or development without consent under Part 5 of the EP&A Act. The SEPP aims to accommodate schools and their functioning, and give the flexibility to accommodate intensification, repair, refurbishment etc. as the school ages and the surrounding population grows. Public schools are legally required to accommodate all children within their local catchment, and intake can fluctuate considerably between years and may be hard to predict. This SEPP aims to allow flexibility in the provision of education infrastructure.

Pursuant to Clause 35, the proposal is permissible with consent in the prescribed R1 zone. The clause requires a Consent Authority to take into consideration the design

quality of the development against the design quality principles in Schedule 4. A design statement from the architects is included within the application, as summarised in the following table.

Principle	Comment
1 – context, built form and landscape	The design is based on a detailed site analysis. The existing building layout and sloping site has been used to design the proposal, and will assist in defining the free play space. It is acknowledged that the proposal represents a different building form for the school, with the addition of two storey development, however, it is considered that the proposal responds to topography and potential privacy and overshadowing impacts have been mitigated. It is proposed to install Aboriginal motifs on the Block G lift tower and new door/building signage are proposed to include Aboriginal motifs and storytelling specific to the local area.
2 – Sustainable, efficient and durable	The principles of environmentally sustainable development (ESD) have been considered in the design. The building orientation, sunshade and passive thermal design elements will assist in reducing reliance on mechanical ventilation. Solar panels are also proposed. Construction materials and finishes are low maintenance. Internal walls are non-load bearing, allowing for flexibility of room configuration in the future.
3 – accessible and inclusive	The extension provides an accessible ground plane, which is connected to a lift to provide accessibility to the upper level. Covered walkways and defined spaces assist in wayfinding. Section 6.28 of the EPA Act requires the Crow to comply with the BCA. The hall, and to a lesser extent the library in Block D, can be used out of school hours by the community. Additional accessible car parking spaces will be provided as a result of the proposal.
4 – health and safety	Natural light, ventilation and acoustics are used to create healthy and safe learning and teaching environments. The existing site is fenced, and the proposal will not impact on this. Pedestrian gates are locked during school hours.
5 – amenity	The proposal is designed to provide a variety of teaching and learning spaces that are accessible, and have access to natural light, ventilation and have good room acoustics. Internal layouts are flexibility, allowing for collaborative/team teaching.
6 – whole of life, flexible and adaptive	Consideration of ESD principles discussed above allows for flexibility in design, and internal walls can be altered as the needs of the school change with time. Internal space is flexible, and can accommodate a variety of classes and teaching methods, including team teaching.
7 – aesthetics	The form of the building has a strong articulated form that will provide a sense of identity for the school and the community. The design has been developed and includes elements such as coloured sun shading blades, fenestration, screens and articulation to mitigate the bulk of

	the two storey building, including when viewed from the rear yards of adjoining residences.
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Table 1: Schedule 4 Schools Design Quality Principles

The proposal does not comprise Traffic-generating development pursuant to clause 57 of the SEPP. Clause 57 applies to development for the purpose of an Educational Establishment, that will result in an increase in the premises being able to accommodate 50 or more additional students, and involves the enlargement or extension of an existing premises or new premises. Given this application is for an increase in student population from 602 students to 640 students (increase of 38 students) the application is considered “an enlargement or extension of the existing premises” and is not for an increase in students of 50 or more. Hence the application is not required to be referred to the RMS.

It is noted that under this SEPP many works undertaken on the site in the past could have been carried out as development permitted without consent under Clause 36. This includes installation of portable classrooms, or permanent classrooms of single storey, kiosk/cafeteria or carpark, minor internal and external alterations, demolition etc. Under this clause any development without consent may allow an increase in students and staff of less than 10% (compared to the average of each of those numbers in the 12-month period before the development commenced).

SEPP (State and Regional Development) 2011

Educational Establishments are prescribed under this SEPP and can be defined as Regional or State Significant Development. Schedule 1, State Significant development specifies that any Education Establishment for the purpose of a new school, or development for alterations and addition to existing schools with a CIV value of \$20mill or more, or for the purpose of a Tertiary Institution would be considered to be State Significant Development. This proposal is for alterations and additions with a CIV of \$13.2 million and is not State Significant Development.

Schedule 7, Regionally Significant development specifies that Private Infrastructure and Community Facilities over \$5million, such as Education Establishments are regionally significant development. This proposal has an estimated CIV of \$13.8million and is Regionally Significant Development. The proposal will be reported to the Joint Regional Planning Panel for determination.

SEPP (Vegetation) 2017

This policy commenced on the 25th August 2017, to protect biodiversity values and preserve the amenity of trees and other vegetation in non-rural areas across NSW. The SEPP (Vegetation) works with the *Biodiversity Conservation Act 2016* (NSW) and the *Local Land Services Act 2013* (NSW) to create a framework for the regulation of clearing of native vegetation in NSW. Under Clause 5 of this SEPP, Maitland LGA is not included within the specified Local Government Areas, however the site is zoned R1 General Residential which is specified as a prescribed zone and hence this SEPP applies. The

site is not within a mapped area of Outstanding Biodiversity value and has a Native Vegetation Clearing threshold of 0.5ha.

The SEPP applies to clearing of:

1. Native Vegetation above the Biodiversity Offset Scheme (BOS) threshold (specified under Part 7 of the BC Regulation 2017) which requires an approval from the Native Vegetation Panel (Part 4) established under the Local Land Services Amendment Act 2016; and
2. Vegetation below the BOS threshold where a proponent requires a permit from Council, if that vegetation is identified in Council's DCP.(The Maitland DCP requires consent for clearing/pruning for trees over 3m in height, or with a canopy spread of more than 3m and a trunk diameter of 100mm at 1m etc and is within a R5, E3 or E4 zoning, or in an URA, or for a site area greater than 1000m²)

This proposed lot is 2.73ha in area and seeks to remove 20 trees. An inspection of the trees identified for removal did not detect any habitat features (such as hollows) that could provide habitat to threatened species of fauna. The vegetation to be removed is not considered to constitute 'native vegetation' as it lacks native structure and composition of the communities that would occur at this location (such as Lower Hunter Spotted Gum-Ironbark Forest). The majority of trees are exotic species or horticultural specimens of native trees that may have been planted onsite at the time of the schools establishment. Hence the removal of trees does not equate to the Biodiversity Offset Scheme (BOS) threshold.

The preliminary biodiversity advice prepared by SLR (19 June 2019) in accordance with Section 7.3 of the BC Act, concluded that the proposed development is not likely to impose a significant impact on threatened species and ecological communities and therefore does not trigger the application of the BOS.

5.1.3 Local Environmental Plan

Maitland Local Environmental Plan 2011 (MLEP2011)

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (Maitland LEP). The proposed development is defined as an Educational Establishment, comprising Alterations and Additions to Existing Public School (Ashtonfield Public School), which is a permissible type of development within the R1 zone.

The proposal is consistent with the objectives of the zone, as it will allow the continuation of an existing non-residential land use, without an impact on residential amenity.

The following clauses of the Maitland LEP 2011 are relevant to the assessment of the proposal.

Clause 5.10 - Heritage Conservation

The proposal is not located within a heritage conservation area under the LEP 2011, and does not involve an item listed under LEP 2011 as a heritage item. The site contains a known area of archaeological subsurface deposits, which is protected from disturbance via a restriction on the use of land under DP 1132254. The proposed works are located outside this area, and the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Apex Archaeology, March 2020) concluded that the proposal will not have an impact on any known items.

The proposed works are not within the delineated archaeological deposit area on the site, however, as the site does contain a place of Aboriginal heritage significance, the provisions of clause 5.10(8) apply. Consultation with DPIE has occurred via the Integrated Development provisions, and assessed in detail within the submitted ACHAR. The ACHAR was referred to DPIE who advised that the DA is not integrated under s90 of the National Parks and Wildlife Act 1974, as an AHIP application is not required for the proposed development. ACHAR identifies three Aboriginal sites that have previously been recorded within the proposed development area. Two of these (AHIMS #38-4-0711 and #38-4-0712) have been destroyed under a previous Consent to Destroy (Permit #2475), which was issued for the original construction of the Ashtonfield Public School. The third site (AHIMS #38-4-0954) is a registered Potential Archaeological Deposit (PAD) that was originally identified and subject to archaeological test excavation in 2004, prior to the original construction of the school.

While the previous Consent to Destroy authorised harm to part of this PAD, a remaining portion of the PAD was subject to additional archaeological test excavation in 2019 under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010) as part of the assessment for the current development proposal. This testing determined that the remaining portion of the PAD is not a site. Updated Aboriginal Site Impact Recording Forms have been supplied to the Aboriginal Heritage Information Management System (AHIMS) and each of the three sites are listed as 'destroyed' on AHIMS.

The ACHAR concludes that there are no valid Aboriginal sites within the school boundaries and the project is not considered likely to impact on Aboriginal cultural heritage within the proposed development area. The ACHAR recommends that no further assessment is required for the site and the proposed development does not require an AHIP application. A condition of consent is recommended requiring compliance with the recommendations of the ACHAR, including, the preparation of an unexpected finds protocol.

The proposal has satisfied the requirements of Clause 5.10 of the Maitland LEP, and the proposal will not have a significant impact on heritage.

Clause 7.1 – Acid Sulfate Soils

This clause aims to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 under the MLEP 2011. Given the nature of works to be undertaken on site and the classification of the soils on site, an acid sulfate soils management plan is not required.

Clause 7.2 – Earthworks

Earthworks associated with this development will be undertaken in accordance with approved plans listed in the schedule of conditions attached to this report, and are considered to be ancillary to the development works on site. Some minor excavation and levelling of the site will be necessary to create a level building platform and for extension of the associated car park.

The FFL of Block G will be RL 35.188, which will require some minor earthworks. Earthworks primarily comprise cut less than 0.5m adjacent to Block E, with the north east section built up using infill slab and piers. At its highest point, the north east corner of Block G will be 1.188m above natural ground level.

The car park extension for both the staff car park and service area will be on grade, with only minor levelling earthworks required. The finished level of the service area car park ranges from RL 36.73 to RL 36.68, compared to the existing ground level of up to RL37.03 directly adjacent to the extension.

Erosion and sedimentation control measures will need to be implemented during the construction phase, in accordance with the submitted plan and recommended conditions. The proposal is not expected to result in a significant impact to soil stability, and will not have a significant impact on any adjoining properties given that the earthworks are generally located a minimum of 2.7m from boundaries with residential properties for the car park, and 5.78m for Block G, and the earthworks are minor in nature.

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

There are no draft environmental planning instruments relevant to this development.

5.3 Section 4.15(1)(a)(iii) any development control plan

The Maitland Citywide Development Control Plan 2011 applies to this development as follows:

- A.4 Community Participation
- B.2 Domestic Stormwater

- B.5 Tree Management
- B.6 Waste Not – Site Waste Minimisation & Management
- C.1 Accessible Living;
- C.11 Vehicular Access and Car Parking; and
- C.12 CPTED

A.4 Community Participation

The proposal was advertised and notified from 15th July 2019 to 29th July 2019. Two Submissions were received objecting to the proposal. The issues raised within the submissions are discussion in detail below, and include:

- privacy/overlooking;
- traffic concerns relating to increased traffic on Adele Crescent (rear pedestrian access gate); and
- traffic safety concerns – the safety of students moving via the Adele Crescent gate is a concern.

B.2 Domestic Stormwater

The proposal is not for residential purposes, however, is located in a R1 General Residential zone. The applicant has provided a preliminary stormwater management plan (3229_CIV-SD SW_001 rev: E dated 18-11- 19) which shows the stormwater management of development site. The drainage system is to be designed such that the total of the sites stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm events (1-100year ARI). Internal drainage system including sizes of drainage pits/pipes, OSD etc are to be designed and constructed to cater stormwater runoff generated by the proposed development. The stormwater drainage systems are to be designed such that the development does not adversely affect downstream receiving waters. Preliminary drainage plan show the grassed table drains, swales and erosion control measures for the development site. The proposal complies with the DCP.

B.5 Tree Management

The DCP applies to R1 zoned and consent from council is permitted under this chapter of the DCP, for:

- any tree over 3m in height, has a branch spread of 3m or more and a trunk diameter of 100mm or more at 1m high; and
- is to be retained as a condition of consent of development attached to the land, or on a restriction or covenant; and/or
- The total site area is greater than 1000m² and located within an Urban Release Area (URA); and/or
- is zoned R5, E3 or E4 and is for an individual lot or has a total site area of more than 1000m².

This land is zoned R1 and has a total site area of greater than 1000m², however is not located within an URA. Preliminary Biodiversity Advice by SLR Consulting Australia (dated 19 June 2019) been submitted with the application, which considered the relevant statutory provisions in accordance with the SEPP (Vegetation) and the BC Act 2016. The removal of trees does not equate to the Biodiversity Offset Scheme (BOS) threshold and it is concluded by SLR that the proposed development is not likely to impose a significant impact on threatened species and ecological communities.

An Arboricultural Impact Assessment Report & Method Statement (Glenyss Laws Consulting Arborist, Rev B, 6 June 2019) was submitted with the application. The proposal will result in the removal of twenty (20) x trees. Five are impacted by the new classroom building, and the other 15 by alterations/additions and car parking works. One tree (T22) is considered to have high retention value, five trees (T7, T18, T25, T26 and T31) a less critical value, and the remaining 14 to have low retention value (T2, 3, 3A, 4, 5, 6, 8, 19, 20, 21, 23, 24, 28, 29). Tree 22 is located to the east of the existing car park, and will required removal to facilitate the extension of the car park on site. A condition of consent is recommended that the development shall comply with the recommendations of the Arboricultural Impact Assessment Report & Method Statement.

B.6 Waste Not – Site Waste Minimisation & Management

A waste management plan (WMP) was submitted with the proposal that included measures to recycle and store waste in an environmentally acceptable manner during the construction and operational phases. Waste will be generated as part of the operations for the site and this will be managed through the provision of skip bins on the site, which will be collected by a private contractor, in accordance with existing arrangements. A permanent enclosed bin area has been constructed with access to the onsite service carpark. The proposed measures are considered sufficient to cater for the development and the proposed development.

Section C.1 – Accessible Living

This section applies as the proposal includes the use of premises and existing building for commercial style uses. The proposal includes ramps and widened doorways to provide continuous and equitable access to the proposal. Two accessible car parking spaces are provided within the 39 space car park. Covered walkways are provided throughout the site, as well as a lift within the proposed two storey building.

An Accessibility Capability Statement (Group DLA, Rev C, 3 June 2019) was submitted with the application which provides an assessment of the proposal against relevant provisions of the Disability (Access to Premises – Building) Standards 2010, BCA, and referenced access standards to the extent necessary under the EPA Act provisions for a DA. The report states that the proposal is capable of compliance with the relevant statutory accessibility legislation and will ensure reasonable access provision for people with disability to and within the proposed development.

Section C.11 – Vehicular Access & Car Parking

The existing site vehicular access will remain unchanged by the proposed construction works onsite, with the two separate vehicle entry/exits retained. The existing “Drop Off” no parking zone and designated bus zone will also remain unchanged on Norfolk Drive along the schools street frontage.

Councils DCP requires parking for Educational Establishments at a rate of “1 space for every employee or staff member. Plus provision of a drop off/pick up area”.

The existing staff car park will be extended accommodating an additional five spaces. A service car park is provided for onsite deliveries and waste management/collection. Six car parking spaces are proposed to be constructed within this area. Landscaping to the proposed additional parking areas will be consistent with that already onsite.

The application seeks to increase staff from 35 to 37. An increase to the onsite parking is proposed with a total of 11 additional parking spaces, providing a total of 39 car parking spaces, including two accessible car parking spaces within the existing staff parking areas. Access to the car parking areas will be managed by secure gates to ensure only staff or service vehicle parking/access.

New spaces are dimensioned 2.4m x 5.5m and have a two way aisle width of 6.7m wide for the extension to the staff car parking area. This is consistent with Councils DCP for parking rate and aisle dimensions. The end most of the aisle of the staff carpark provides an additional 110mm width for vehicle manoeuvring in and out of parking spaces in a forward direction. This is not consistent with Councils DCP requirement of 2.6m, however satisfies the AS 2890.1/2004 for off-street parking.

The width of the additional six spaces within the service area is only 2.4m which does not meet Councils’ DCP however, additional aisle width is provided due to configuration of the service vehicle manoeuvring area, and compliance with AS 2890.1/2004 is achieved, therefore, this variation is acceptable. Sufficient circulation space is provided to allow adequate manoeuvring of vehicles to and from the site as currently proposed. On-street parking is to remain available to the general public.

C.12 CPTED

The proposed works continue to provide opportunities for natural and casual surveillance from within the development by staff and users. The school premises are surrounded by security fencing to minimise unauthorised access, and pedestrian gates are locked (except for the main gate) during school hours to restrict movements in an out. The layout and landscaping design aims to prevent/deter theft or crime with high visibility and demonstrates clear guardianship of the land and definitive school boundaries. Therefore, the proposal remains consistent with this chapter of the DCP.

5.4 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The development has been assessed against the relevant clauses of the *Environmental Planning & Assessment Regulation 2000*. A BCA Capability Statement (Group DLA, 3/4/19) was submitted with the proposal demonstrating the proposal meets the requirements of clause 93 and 145 of the Environmental Planning and Assessment Regulation 2000 (NSW) concluding that the development can achieve compliance with the deemed to satisfy provisions of the BCA.

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

The following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

<u>Potential Impacts</u>	<u>Comments</u>
<i>Context and setting</i>	This has been addressed in the Schedule 4 Design Statement. The proposed additions are suitably located within the existing school site. The two storey form responds to the topography of the site, without a significant impact on adjoining residential amenity. The proposal will not alter existing vehicular or pedestrian arrangements to and from the site. The proposal is sympathetic to the existing built form, and will substantially improve the teaching space available within the school. No significant impacts are expected.
<i>Acoustic</i>	<p>The site contains existing acoustic fencing around its perimeter, as required by DA 04-005.</p> <p>The primary potential acoustic impact during operation will be from the two storey proposed Block G building (both as a result of student activity, and mechanical plant), and the extension to the staff car park which directly adjoins the rear yards of existing residential properties within South Seas Drive.</p> <p>Mechanical Plant for the proposal will be located on a 8.5m by 3.2m concrete slab in a ventilated enclosure on the south-east side of proposed Block G. Once the final equipment type is selected for the proposal, a qualified acoustic engineer/consultant will undertake a final assessment and specify any acoustic treatments for the plant enclosure in accordance with industrial noise guidelines Any acoustic</p>

	<p>treatments required to meet such guidelines shall be installed on site prior to occupation of the proposal.</p> <p>Internal noise design levels are based on the Educational Facilities & Standards Guidelines Design Guide. Details will be included in detailed design plans. Potential acoustic impact as a result of operations will be limited to school hours, and existing operations. Classroom activity within Block G is not expected to result in a significant acoustic impact.</p> <p>Construction of the proposal also has the potential to result in an acoustic impact. A Construction Noise Management Plan (CNMP) will be conditioned to be developed prior to the commencement of site works once a contractor has been appointed and a construction program complete. A copy of the CNMP shall be provided to Council. Any impacts will be short term and mitigated in accordance with the CNMP and industry practice. No significant impacts are expected.</p>
<i>Visual Privacy</i>	<p>The proposal has the potential to result in visual privacy impacts on residents adjoining the southeast of the site, fronting Adele Crescent, given the two storey nature of Block G. This has been considered through the design of the proposal, and further mitigated given existing vegetation along this boundary. Block G is setback a minimum of 5.78m from the boundary. Fenestration is arranged on the upper elevations to minimise overlooking impacts, and a selection of window treatments are provided. Windows to teaching areas in the south east corner will be provided with privacy film and use angled blade screening elements attached to the exterior of the building. The amenities block on this elevation will be provided with high level opaque windows. Glazed elements further along the building provide for an increased setback and angled blade screening elements attached to the exterior of the building. Classrooms are only occupied between 9:00am to 3:00pm which limits the potential exposure to normal school hours. No significant impacts are expected.</p>
<i>Solar Access</i>	<p>Shadow diagrams have been prepared and are provided in the development plans attached to this report. Block G has the potential to impact on solar access given its two storey design. Adjoining properties and their private open space will maintain full solar access in summer. Solar access will largely be maintained during winter, with the exception of the 3pm winter solstice, which will impact a small portion of the rear of 8 and 10 Adele Crescent. These residents will continue to receive more than 3 hours of sunlight to at least 50% of the principal area of private open space between 9am and 3pm on the winter solstice. This minor overshadowing is not significant enough to warrant refusal of the application. No significant impacts are expected.</p>

<p><i>Access, transport and traffic</i></p>	<p>There are two main access driveways to the existing school, off Norfolk Street. The southern driveway provides vehicular access to the staff car park while the northern driveway provides access to the service vehicle area. No new driveways are proposed for the site, however, additional car parking is provided within both vehicle areas. Traffic Generation for the proposal is as follows:</p> <p>AM peak - 10 additional vehicles driving to The School - 8 additional vehicles leaving The School</p> <p>PM peak - 4 additional vehicles driving to school - 6 additional vehicles leaving The School</p> <p>The existing traffic survey revealed that between 8am and 9am 570 vehicles passed through the Norfolk/South Seas Drive intersection and between 4pm and 5pm 489 vehicles passed through the intersection. During the AM peak (8:30am – 9:00am) the total additional vehicles generated by The School is less than 5% of the total vehicles through the intersection, and the proposal will have negligible impact on the intersection. Further, the PM peak (2:45pm – 3:15pm) occurs outside of the commuter PM peak (4pm – 5pm).</p> <p>The existing drop off/ pick up zone has sufficient capacity for the additional generated traffic if it is used correctly. However, the traffic survey undertaken revealed that the existing drop off/ pick up zone were not being managed correctly. As a result, it concluded that the following recommendations should be adopted:</p> <ul style="list-style-type: none"> • The School should encourage parents to not all arrive at the same time and to spread out over The School zones (8am – 9:30am and 2:30 – 4pm) if possible • Parents should consider sustainable transport measures where feasible • Parents can park around the local streets and walk the students to school. Local streets within 500m of The School include Norfolk Street, Tasman Close, Lindeman Street etc. • The drop off/pick up zone should be managed by staff with drivers moved on if a student is not waiting • Parents dropping off/picking up students in unauthorized zones (e.g. the service bay) or performing illegal moves (e.g. u -turns) should be penalised/fined.
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	<p>It is recommended that prior to the occupation of the proposal, an updated Traffic Procedure Management Plan, incorporating a Drop Off Pick Up Management Plan (DOPUMP). This shall include a communication strategy incorporating how the school will communicate with the school community on these matters. This will allow for flexible implementation of the traffic consultant's recommendations, in consultation with Council. A draft condition is recommended on this basis.</p> <p>In response to the issues raised in the submission period (refer to detailed discussion below) an advice is recommended that: <i>A No Stopping zone operating during School Zone times of 8.00am – 9.30am and 2.30pm – 4.00pm be located on Adele Crescent Ashtonfield along the kerbside parking lane between the access driveways of House No. 3 to House No. 7, may be implemented by Council in the future.</i></p> <p>This may be required in the future to eliminate parking on the Adele Crescent road bend opposite access gate to the school to reduce pedestrian crossing movements on this section of road and improve sight distance to pedestrians. The increase in activity associated with the current development application is unlikely to result in any change to the existing traffic and parking conditions near the school access gate; however, incremental increases over time may increase traffic on Adele Crescent and have greater impact on these conditions. Hence, it is not considered necessary to impose this as a condition of consent for this proposal however, it may be required in the future.</p> <p>With respect to the car parking, the proposed student/staff increase requires 11 additional car parking spaces on-site (according to Council's DCP). It is proposed to extend the existing staff car park and service bay to accommodate these additional spaces on-site resulting in a total provision of 39 spaces.</p> <p>An emergency vehicle access corridor 4m wide, from the school's internal service bay to the free play area will continue to be provided. It is considered that the traffic generated by the development is minor and negligible impact on the local road network. Pedestrian access to and from the proposal will not change, and no significant impacts are expected.</p> <p>Construction of the proposal has the potential to result in traffic impacts within the locality. The applicant is required to provide a Traffic Management Plan to Council to identify the impacts of construction vehicles, on traffic efficiency and road safety. A condition for TMP has been imposed accordingly.</p>
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<i>Public domain</i>	<p>The proposal will not significantly impact the existing approved presentation to the public domain. The main building works are located to the rear of the site within the established school grounds. The relocation of the demountable buildings will have a minor impact within the streetscape, given the visual impact in foreground views of the school. However, these will be temporary only. No significant impacts are expected.</p>
<i>Utilities</i>	<p>The proposed new and amended school buildings can be connected into nearby utilities and services without the potential for adverse impacts.</p>
<i>Heritage</i>	<p>There will be no adverse impacts to local, state or commonwealth heritage as a result of the proposal. The main potential impact relates to Aboriginal Archaeology given the site history and restriction on the use of land under DP1132254, as discussed above.</p> <p>In April 2003 Therin Archaeological Consulting Pty Ltd (TAC), published an Aboriginal Archaeological Heritage Assessment report for DA 04-0005. This report undertook two site inspections, one in 30th April 2003 and 3rd June 2003. Two aboriginal sites were identified on the site each which contained artefacts. As a result of the high probability of other subsurface deposits a Preliminary Research Permit (PRP) was obtained under Section 87 of the NPW Act 1974, to undertake subsurface archaeological testing. It was noted within this initial report, that once testing was completed, any disturbance or destruction would require a AHIP permit under Section 90 of the NPW Act 1974 to cover any ground disturbance to the study area during the course of the development of the school such as structures, landscaping, installation of pipes or cables and possibly revegetation works.</p> <p>It was noted on Page 22, <i>"that after the Public School has been constructed, further development within the grounds of the public school may require the issuing of an additional Section 90 (NPW Act 1974) Heritage Impact Permit, and this should be discussed with the NPWS at the time these future developments are being planned."</i></p> <p>March 2005 an Aboriginal Heritage Preliminary Research Permit Investigation Report was prepared for testing/exploration works completed under a Preliminary Research Permit issued under s.87 of the <i>National Parks and Wildlife Act 1974</i>, PRP Permit No 2000. The works completed 36 excavation test pits which identified 11 aboriginal artefacts. The test pits were undertaken within the south-western two thirds of the study area. The report recommended that any works that require ground penetration must be undertaken under a S.90 AHIP to permit the disturbance or destruction of any aboriginal objects.</p> <p>On the 15th June 2006, the DEC issued consent (# 2475) pursuant to Section 90 of the <i>National Parks and Wildlife Act 1974</i>. This consent was</p>

issued for only the explored south-western proportion of the site anticipated to be disturbed by development and infrastructure to construct the school, as per DA 04-0005.. Any development or ground penetrating works outside of this area, would require a separate s.90 AHIP permit and would be classified as integrated development under the EP&A Act.

The proposed new building is outside of the area contained and protected under AHIP #2475 issued 15th June 2006.

An Aboriginal Cultural Heritage Assessment Report, Ashtonfield Public School, Ashtonfield NSW (ACHAR) (Apex Archaeology, 3 March 2020) was prepared and submitted. The ACHAR identifies three Aboriginal sites that have previously been recorded within the proposed development area. Two of these (AHIMS #38-4-0711 and #38-4-0712) have been destroyed under a previous Consent to Destroy (Permit #2475), which was issued for the original construction of the Ashtonfield Public School. The third site (AHIMS #38-4-0954) is a registered Potential Archaeological Deposit (PAD) that was originally identified and subject to archaeological test excavation in 2004, prior to the original construction of the school.

While the previous Consent to Destroy authorised harm to part of this PAD, a remaining extant portion of the PAD was subject to additional archaeological test excavation in 2019 under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010) as part of the assessment for the current development proposal. This testing determined that the remaining portion of the PAD is not a site. Updated Aboriginal Site Impact Recording Forms have been supplied to the Aboriginal Heritage Information Management System (AHIMS) and each of the three sites are listed as 'destroyed' on AHIMS.

The ACHAR concludes that there are no valid Aboriginal sites within the school boundaries and the project is not considered likely to impact on Aboriginal cultural heritage within the proposed development area. The ACHAR recommends that no further assessment is required for the site and the proposed development does not require an AHIP application.

The proposal shall comply with the recommendations of the Aboriginal Cultural Heritage Assessment Report, Ashtonfield Public School, Ashtonfield NSW (Apex Archaeology, 3 March 2020), as detailed below:

- The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas

		<p>not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.</p> <ul style="list-style-type: none"> • Should unanticipated archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to DPIE under Division 1, Section 89A of the NPW Act. • In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both DPIE and the RAPs for the project would be required. <p>This has been conditioned and no significant impacts are expected.</p>
<i>Flora Fauna</i>	&	<p>The site comprises planted species with a pocket of remnant vegetation within the northeast corner, which includes LHSCIF EEC and potential habitat for threatened species of fauna. As discussed above, the proposal will result in the removal of 20 trees. The proposal avoids the removal of vegetation within the northeast corner.</p> <p>The site is not mapped as containing biodiversity value under the biodiversity maps by OEH, and the proposal does not trigger the application of the BOS and does not require the preparation of a Biodiversity Development Assessment Report (BDAR).</p> <p>Complementary landscaping will be undertaken, consistent with the established landscape theme of the site. Consent includes compliance with the submitted landscape plan, including the tree protection plan. No further mitigation measures, or conditions of consent are recommended, and the proposal is unlikely to impact on flora and fauna.</p>

<i>Other land resources</i>	The proposal will not inhibit access to land or other known resources that could be within the area. No significant impacts are expected.
<i>Water/Soils</i>	<p>The applicant has provided a preliminary stormwater management plan (3229_CIV-SD SW_001 rev: E dated 18-11- 19) which details the stormwater management measures for the site. Council requires that drainage systems for commercial developments are to be designed such that the total of the site's stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm events (1-100year ARI). An on-site detention (OSD) tank with overflow path for major storm events has been proposed to manage post development flows of the site. This will connect to an existing pit adjacent to the northern boundary.</p> <p>The stormwater drainage system is designed such that the development does not adversely affect downstream receiving waters. WSUD principles will be implemented to improve the stormwater quality to minimise discharge of sediments, pollutants and nutrients into the stormwater drainage system.</p> <p>Preliminary drainage plan details grassed table drains, swales and erosion control measures for the development site. It is required to provide Gross Pollutant Traps (GPT) as this development may generate more pollutants. Required stormwater quality measures are to be designed and constructed prior to occupation of the proposal.</p> <p>The proposal also has the potential to impact on soils. During construction the site will be managed for erosion and sediment control to minimise any potential impacts to water or soils. Following the proposed disturbance works the land will be stabilised and returfed or landscaped appropriately as per the approved plans.</p> <p>Based on the results of the geotechnical investigation, the area of the proposed new building classifies as Class 'P' in accordance with AS2870-2011. This is due to the thickness of uncontrolled fill present as well as the potential for abnormal moisture conditions resulting from the presence of existing buildings and paving and existing nearby trees.</p> <p>The proposed floor level of the building will be slightly above existing ground level (GL) at the southern end of the block and a little over 1m above GL at the northern end. Due to the difficulty of compacting fill to good engineering standards in confined conditions and the need to construct retaining walls to support the fill, it is recommended that the proposed ground floor be fully suspended above GL.</p> <p>All fill used to replace unstable areas or existing fill or raise site levels should be engineered fill. Fill should be compacted in layers not</p>

	<p>greater than 200mm loose thickness, to a density of at least 98% of Standard Maximum Dry Density (SMDD).</p> <p>It is not expected that there will be a significant adverse impact to water or soils as a result of the proposal.</p>
<i>Air and Microclimate</i>	<p>The development proposes adequate water and soil management measures which reduce the potential for air and microclimate impacts during construction and operational phases of the development. Some dust is anticipated during the construction of the proposal however, this will be managed in accordance with industry guidelines. It is unlikely that there would be an adverse impact to air or microclimate as a result of the proposal.</p>
<i>Waste</i>	<p>The proposal will continue to be serviced by waste services. A WMP was submitted with the proposal that included measures to recycle and store waste in an environmentally acceptable manner during the construction and operational phases. Waste will be generated as part of the operations for the site and this will be managed through the provision of skip bins on the site, which will be collected by a private contractor, in accordance with existing arrangements. A permanent enclosed bin area has been constructed with access to the onsite service carpark. The proposed measures are considered sufficient to cater for the development and the proposed development, and no significant impacts are expected.</p>
<i>Energy & ESD</i>	<p>The development will continue to be connected to existing energy services and is not considered to not have potential for adverse energy impacts. Passive solar design principles have been used during the design of the proposal. The energy demands of the proposal are likely to be typical of educational establishments within the state. As discussed above, the principles of environmentally sustainable development (ESD) have been considered in the design.</p>
<i>Natural hazards</i>	<p>The development is considered integrated development under Section 91 of the EP&A Act, as the land is for an Educational Establishment, a Special Fire Protection Purpose (SFPP), and is within mapped bushfire prone lands, under the LEP and for which 100B of the Rural Fires Act 1997 (Rural Fires Act) applies. A Bushfire Assessment Report was prepared for the proposal, and GTAs issued by the NSW RFS requiring the entire property to be managed as an inner protection area.</p> <p>The site is not mapped as environmentally constrained under other parts of the LEP. Issues relating to archaeology have been discussed in detail above.</p>
<i>Technological hazards</i>	<p>The development is unlikely to be affected or have any adverse impacts upon technological hazards.</p>

<i>Safety, security and crime prevention</i>	This application proposed a number of minor changes to the approved building footprints, and construction of an additional building (Block G). These will not alter the currently approved and operating safety, security and crime prevention measures employed on the site such as fencing, access control, open visible areas, defined pedestrian connections etc. The current measures onsite are considered adequate and will not be affected by the application. No significant impacts are expected.
<i>Social and Economic impact in the locality</i>	The proposal will have a positive social and economic impact within the locality, through the creation of jobs during construction and operation, and the provision of enhanced classroom facilities which provide flexible learning opportunities. The proposal will result in a number of positive benefits to the immediate locality and wider community through the provision of additional schooling facilities, variety of development densities and form in the locality, and is appropriately located within the existing school footprint. These will contribute to a positive benefit the community and will assist in generating economic and social benefit.
<i>Construction</i>	Construction of the proposal is not expected to cause any adverse impacts and can be adequately managed by industry guidelines and best practice. The construction program and access requirements are still be finalised. Preliminary investigations suggest the use of Council's reserve to the north of the site. This may have some short-term impacts on noise and access within this locality however, these would not be significant. Any consent to use this land would require a Licence from Council, including provisions for rectification of any property damage. Prior to the commencement of works a Construction Management Plan (CMP) shall be prepared. A copy of the CMP shall be provided to the Certifying Authority, and Council prior to the commencement of works. This will also include a traffic CMP. No significant impacts are expected.
<i>Cumulative impacts</i>	The proposal will facilitate the intensification of development on the existing school development site. The primary potential impact relates to increased traffic, as discussed above. Social and economic impacts are considered positive and the development will not create or contribute significantly towards any adverse cumulative within the locality area.

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

The site contains an established public school pursuant to DA 04-005. In consideration of site suitability there are two key questions to consider; does the proposal fit within

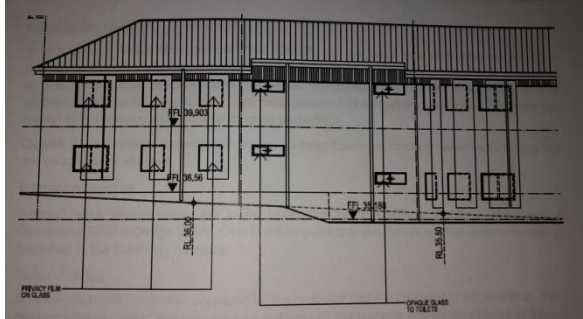
the locality, and is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposal will not result in a significant impact to adjoining properties, and the proposed works are typical of an educational establishment. The increase in height and form within the site to two stories as a result of this proposal has been considered throughout the assessment process, and it is not considered that it will have an unreasonable impact on residential amenity or public domain. The design of the building is in keeping with the established character of the school and the building responds to the topography of the land and its location. The built form is characteristic of its institutional appearance, however, is of high architectural standard. Issues relating to privacy and overshadowing, traffic and pedestrian access, acoustic, geotechnical constraints, bushfire and Aboriginal archaeology have been addressed throughout the assessment of the proposal. The site is considered suitable for the proposal.

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

The proposal was publically notified/advertised for a period of 14 days in accordance with the Maitland Development Control Plan 2011 from 15 July 2019 to 20 July 2019. A total of two submissions were received during the exhibition period objecting to the proposal. A summary of the submissions is provided in the following table:

Review of Submissions		
Submission No.	Issue	Comment
1	<u>Privacy</u> In the Department of Education's community consultation I received representations that the windows overlooking my property would be elevated in a high position in the relevant wall facing the back of my property. On review, it is difficult to determine if the plans reflect the assurance given to me at this meeting. I am seeking further assurance that the views from the relevant windows are restricted in such a manner	The applicant has advised that they are aware of this issue, and the proposal was designed accordingly. The proposal has the potential to result in visual privacy impacts on residents adjoining the southeast of the site, fronting Adele Crescent, given the two storey nature of Block G. Block G is setback a minimum of 5.78m from the boundary. Fenestration is arranged on the upper elevations to minimise overlooking impacts, and window treatments are provided. Windows to teaching areas in the south east corner will be provided with privacy film and use angled blades attached to the exterior of the building. The amenities block on this elevation will be provided with high level opaque windows. Glazed elements further along

	<p>that the privacy of my property (and that of my neighbours) is maintained.</p>	<p>the building provide for an increased setback and angled screening elements attached to the exterior of the building. The following image displays some of the privacy treatments applied to this elevation.</p>  <p>Classrooms are only occupied between 9:00am to 3:00pm which limits the potential exposure to these normal school hours. No significant impacts are expected, and this issue is not considered significant enough to warrant refusal of the proposal.</p>
2	<p><u>Pedestrian Safety</u></p> <p>We have been lobbying since commencement of this school for the safety of the students being delivered to school via the gate on Adele Crescent. This gate was always envisioned for students walking to school, and the original DA specified this gate to be discouraged as a drop off/pick up point. In recent years the gate is attended by a staff member. There are many statutory declarations and accounts from residents that show occasions where students have escaped through the gate when left unattended, and of incidents witnessed by</p>	<p>Issues relating to potential traffic and pedestrian safety impacts are discussed in detail above. It is considered that the traffic generated by the development is minor and will have a negligible impact on the local road network. Pedestrian access to and from the proposal will not change, and no significant impacts are expected.</p> <p>As discussed above, it is recommended that an updated Traffic Procedure Management Plan, incorporating a Drop Off Pick Up Management Plan (DOPUMP) and communication strategy be implemented. This will allow for flexible implementation of the traffic consultant's recommendations, in consultation with Council. This has been conditioned.</p> <p>It is noted that this issue has been ongoing, and raised frequently by the objector since commencement of the</p>

	<p>residents of vehicle accidents and children being hit and knocked to the ground by vehicles, even dragged along by vehicles trying to release school bags stuck in car doors, as parents allow their children to jump out of their cars before driving off.</p> <p>We believe the back gate is now the main entrance for most students attending the school. The back gate should be for walking students only.</p> <p>We feel any funding should also include the infrastructure to provide a safe delivery of students from vehicles to the school.</p> <p>A proper kiss and ride route through the side of the park in a one way lane off Norfolk Street onto Adele Crescent, with a left turn only and then onto South Seas Drive.</p>	<p>school. In 2012 Council wrote a detailed letter to the objector concluding that "Council's observations that the congestion experienced in Adele Crescent is similar to congestion levels occurring in many local street surrounding schools... for relatively short 15-20 minute duration." Closing the gate to Adele Crescent would force additional pedestrian and vehicle traffic onto Norfolk Street.</p> <p>Council does not consider that the adjoining reserve area to the north should be used as a drop off/pick up area. Council considered the implementation of a concrete footpath to this gate however, it was considered to be outside the nexus given the minimal impact on pedestrian traffic as a result of this DA. The applicant will continue to promote the use of this gate for students.</p> <p>As discussed above, Council may approve a No Stopping zone in the future separate to the development works. An advice is recommended that: A No Stopping zone operating during School Zone times of 8.00am – 9.30am and 2.30pm – 4.00pm be located on Adele Crescent Ashtonfield along the kerbside parking lane between the access driveways of House No. 3 to House No. 7, may be implemented by Council in the future. Any installation of kerbside signage would be subject to a separate approval process through Council's Local Traffic Committee. This may be required in the future to eliminate parking on the Adele Crescent road bend opposite access gate to the school to reduce pedestrian crossing movements on this section of road and improve sight distance to pedestrians. The increase in activity associated with the current development application is unlikely to</p>
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		<p>result in any change to the existing traffic and parking conditions near the school access gate; however, incremental increases over time may increase traffic on Adele Crescent and have greater impact on these conditions. Signage supply and installation costs are within Council's budget for this type of parking management measure. It is not considered that there is a sufficient nexus between the proposal and traffic safety to warrant the application of this as a consent condition. Further, it is noted that discussions were undertaken with the objector however, statutory declarations of accident history were not provided. This issue is not considered significant enough to warrant refusal of the proposal.</p>
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Government Agency Submissions

General terms of approval (GTA's) have been provided by the following government agencies on the basis that the development is classified as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*. A summary of the requirements of each government agency is provided in the following table:

Government Agency Submissions (GTA's)		
Responding Agency	Integrated Development Provision	Summary of requirements
NSW RFS	S100B <i>Rural Fires Act 1997</i> (NSW)	<p>General Terms of Approval were issued by the NSW Rural Fire Service (Ref D19/2414) dated 27 August 2019, as follows:</p> <p><i>Asset Protection Zones</i></p> <p>The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:</p> <ol style="list-style-type: none"> 1. At the commencement of building works, and in perpetuity, the entire property shall be managed

		as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset Protection Zones'.
NSW DPIE BCD	s90 National Parks and Wildlife Act 1974 (NSW)	<p>The DA was initially referred to DPIE BCD on 23 October 2019 as Integrated Development however, payment and information was outstanding, hence the referral did not commence until 28 October 2019. BCD stopped the clock on 12 November 2019, advising that information supplied with the application did not adequately assess the impacts of this proposal on the Aboriginal archaeological and cultural heritage values of the subject land requesting the applicant supply an Aboriginal Cultural Heritage Assessment Report (ACHAR), to support an application for an Aboriginal Heritage Impact Permit (AHIP).</p> <p>An Aboriginal Cultural Heritage Assessment Report, Ashtonfield Public School, Ashtonfield NSW, (Apex Archaeology, 3 March 2020) was submitted. BCD provided correspondence dated 20 March 2020 (Ref: Doc 20/227822-1) advising that BCD has reviewed the additional supplied documentation, and is satisfied with the findings of the ACHAR, which recommends that no further assessment is required for the site and the proposed development does not require an AHIP application.</p> <p>Based on the information presented in the supplied ACHAR, BCD has determined that the DA is no longer integrated under s90 of the National Parks and Wildlife Act 1974, as an AHIP application is not required for the proposed development. Therefore, BCD is no longer an Approval Body with respect to this DA and does not need to issue GTAs for this development. BCD has no further comment with respect to this DA.</p>

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

The proposal is generally consistent with the relevant heads of consideration pursuant to section 4.15 of the EPA Act, and the identified impacts are mitigated to an acceptable level. The proposal will permit the construction of permit infrastructure within the school, to accommodate for existing student numbers. The provision of permanent infrastructure and removable of demountable buildings will provide an enhanced

educational environment for students and teachers, resulting in a wider community benefit. The proposal is unlikely to impact on any Federal, State and Local Government or community interests. The proposal is therefore in the public interest.

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval, subject to conditions.

Recommendation

Pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979*, the following is recommended:

- A. That the Hunter & Central Coast Joint regional Planning Panel grant consent to Development Application number 18-2086; and
- B. That the objectors be notified of this decision.

SIGNED (Assessing Officer)

Tegan Harris, Senior Town Planner – Date: 2 June 2020



Authorised for submission to JRPP

Leanne Harris, Coordinator Development Assessment
Planning & Environment – Date 2 June 2020



APPENDIX A – DRAFT SCEHDULE OF CONDITIONS

APPENDIX B – GENERAL TERMS OF APPROVAL NSW RFS

**APPENDIX C - DEVELOPMENT PLANS
(UNDER SEPARATE COVER)**

APPENDIX D – DPIE BCD COMMENTS

APPENDIX E – SUBMISSIONS