

**HUNTER AND CENTRAL COAST  
REGIONAL PLANNING PANEL**

<b>HCCRPP No</b>	<b>PPSHCC-98</b>
<b>DA Number</b>	16-2021-951-1
<b>Local Government Area</b>	Port Stephens
<b>Proposed Development</b>	Educational Facility – demolition of existing junior school buildings and construction of two-storey school building with associated site works and landscaping
<b>Street Address</b>	176 Salamander Way SALAMANDER BAY, 182 Salamander Way SALAMANDER BAY, 184 Salamander Way SALAMANDER BAY
<b>Applicant/Owner</b>	<b>Owner</b> – St Philips Christian Education Foundation Limited <b>Applicant</b> – Barr Planning
<b>Number of Submissions</b>	Two (2)
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	The development is regionally significant development in accordance with clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is an Educational Establishment with a capital investment value more than \$5 million.
<b>List of All Relevant s4.15(1)(a) Matters</b>	<p><b>Environmental planning instruments: s4.15(1)(a)(i)</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (55) Remediation of Land (SEPP 55);</li> <li>• State Environmental Planning Policy (Koala Habitat Protection) 2021;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy (Coastal Management) 2018;</li> <li>• State Environmental Planning Policy No.64 – Advertising and signage;</li> <li>• Port Stephens Local Environmental Plan 2013.</li> </ul> <p><b>Development Control Plan: s4.15(1)(a)(iii)</b></p> <ul style="list-style-type: none"> <li>• Port Stephens Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Attachment 1 – Development Plans Attachment 2 – Recommended Conditions of Consent Attachment 3 – Schedule of Appendices for application supporting documentation
<b>Recommendation</b>	Approval with conditions
<b>Report by</b>	Emily Allen (Principal Development Planner)
<b>Report date</b>	18 February 2022

# ASSESSMENT REPORT AND RECOMMENDATION

## EXECUTIVE SUMMARY

The land subject of this Development Application (DA) is 176, 182 and 184 Salamander Way, Salamander Bay. The site currently supports an existing Educational Establishment, being St Philips Christian College and is zoned SP2 Infrastructure. St Philips Christian Education Foundation Limited owns the site.

Barr Planning, the applicant, is seeking approval for alterations and additions to the existing Education Establishment on the subject site. The use is permissible as it is identified on the Port Stephens Local Environmental Plan 2013 (PSLEP2013) Land Zone Map as SP2 Infrastructure – School/child services.

Clause 5 of Schedule 7 nominates private infrastructure and community facilities with a capital investment value (CIV) over \$5 million, including educational establishments, as 'regionally significant development'. The proposed development has a CIV of \$9,800,000 excluding GST and is considered regionally significant development. The consent authority will therefore be the Hunter and Central Coast Regional Planning Panel (HCCRPP).

## 1.0 RECOMMENDATION

That DA 16-2021-951-1 (**PPSHCC-98**) for alterations and additions to an Education Establishment at 176, 182 and 184 Salamander Way, Salamander Bay (Lot 1 DP 847022, Lot 143 DP 715013 and Lot 144 DP 715013) be approved subject to the conditions in **Attachment 2**.

## 2.0 INTRODUCTION

This Development Application (DA) seeks approval for alterations and additions to an Education Establishment. Barr Planning on behalf of St Philips Christian Education Foundation Limited has lodged the application.

The application is to be determined by the Hunter and Central Coast Regional Planning Panel (HCCRPP) due to the development being an educational establishment with a Capital Investment Value (CIV) more than \$5 million, in accordance with State Environmental Planning Policy (State and regional Development) 2011.

Key aspects of the proposal are provided in Section 5.0, with detailed plans and reports provided in the supporting appendices provided under **Attachment 3**.

### 3.0 BACKGROUND

#### Context

St Philips Christian College was originally founded in 1995. The school was originally started in the existing church adjacent to the now school site. The school has developed over time, acquiring other surrounding lots to form the campus as it currently operates.

The main school buildings and facilities are located on 176 Salamander Way, and the junior school and Out of School Hours centre (OOSH) are located on 182 and 184 Salamander Way.

#### Application History

A summary of the main applications relating to school uses lodged on the lots has been included below. Applications for minor development and alterations have not been included.

#### 176 Salamander Way, Salamander Bay Lot 1 DP 847022

DA	Proposal	Determination
7-1996-894-1	School	Approved 13/08/1996
7-1997-60009-1	Library Building	Approved 10/09/1997
7-1998-61339-1	New Stage 3 Classrooms and Public Amenities	Approved 24/09/1998
16-2006-1023-1	Educational Establishment – Junior Building	Approved 26/09/2007
16-2010-637-1	Trade Training Centre	Approved 26/10/2010
16-2017-647-1	Demolition of Existing Building, Alteration and Additions to Existing Building, and Construction of New 3 Storey Educational Establishment Building	Approved 18/04/2018

#### 182 Salamander Way, Salamander Bay Lot 143 DP 715013

DA	Proposal	Determination
7-1994-21062-1	School	Approved 01/08/1994
16-2021-362-(as amended)	Addition to Educational Establishment (Classroom)	Approved 01/03/2013

#### 184 Salamander Way, Salamander Bay Lot 144 DP 715013

DA	Proposal	Determination
16-2014-451-1	Demolish building, fill in pool and clear vegetation	Approved 05/08/2014

174A and 100 Salamander Way, Salamander Bay Lot 23 DP1044009 & Lot 21 DP1044009 (Council land)

DA	Proposal	Determination
16-2016-770-1	Approved 164 car parking spaces, incorporating one accessible parking space and 14 bus set down bays.	Approved 13/06/2017

178 and 180 Salamander Way, Salamander Bay Lots 141 & 142 DP 715013 (Rock Church)

DA	Proposal	Determination
7-1987-3661-1	Place of worship, bookshop, coffee shop and amenities	Approved 19/10/1987
7-1994-21062-1	School	Approved 01/08/1994

Lease on 174A and 100 Salamander Way, Salamander Bay

St Philips has a lease with Port Stephens Council (PSC) on this lot of land for use as a car park for the school. This car park was approved under DA 16-2016-770-1. This lot is owned by PSC and classified as community land. There is currently a planning proposal lodged with PSC to reclassify this land to operational, which is currently under assessment.

Pre-Lodgement Meeting

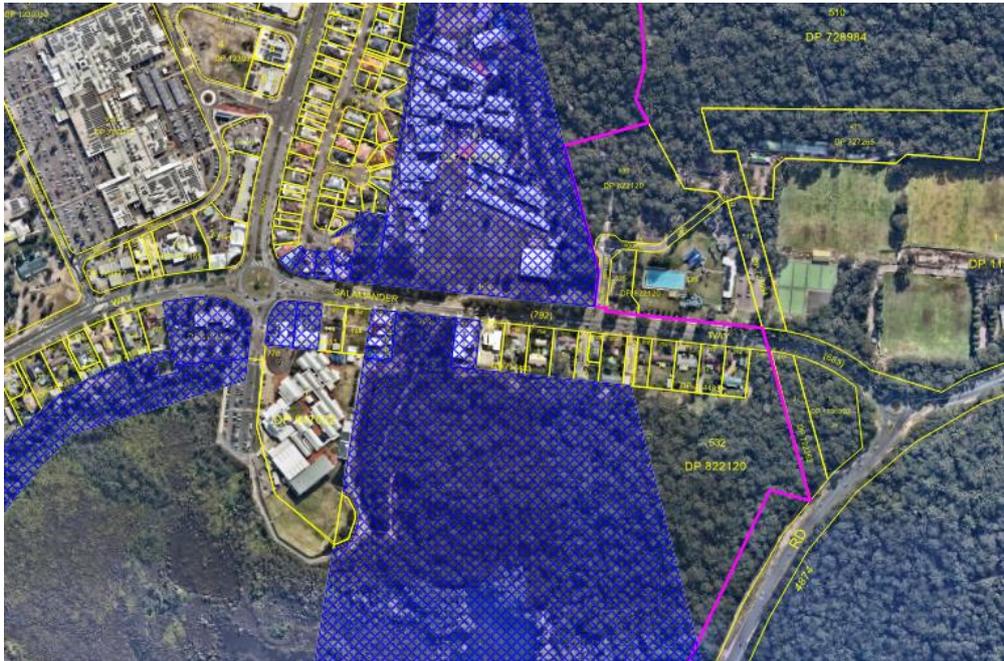
A pre-lodgement meeting was held with the applicant on 27 May 2021. The key issues discussed were:

- Acid sulfate soils
- Drainage
- Car parking
- The reclassification of adjacent council owned land

These have been addressed within the application.

Community Consultation

The application was notified in accordance with the Port Stephens Community Engagement Plan from 9 November 2021– 23 November 2021 for 14 days. There were two (2) submission received during this period. Both were from adjoining landowners, Hunter Water and Crown Lands. Crown Lands made no objection to the development. Hunter Water made no objection to the development, subject to all works being undertaken wholly within the subject site, which is consistent with the proposed development.



**Figure 1: Notified neighbours shaded in blue.**

#### **4.0 SITE DESCRIPTION**

The development is located at No. 176, 182 and 184 Salamander Way, Salamander Bay. The site is located on the edge of the main commercial and retail centre of Salamander Bay.

To the north of the site is Salamander Way and Tomaree Education Centre, which includes Tomaree High School, Tomaree Public School and a TAFE. To the east of the site is Narnia preschool, a large lot of Crown Land, Ambulance Station, NSW RFS station and single residential dwellings. To the west is the Rock Church and to the south is the main campus of St Philips. Further to the south beyond the school is a large parcel of Council owned land that is densely vegetated.

The main entrance to the school is from the southern entry off the roundabout on Salamander Way.

No. 182 contains the existing junior school buildings. There is a single driveway to the site from Salamander Way that remained after the original house was converted into the junior school building. There are four (4) concrete car spaces off this driveway. No. 184 is mainly vacant and contains half of the OOSH building. No. 176 contains the majority of the schools buildings, part of the OOSH buildings and the schools recreational facilities.



**Figure 2: Aerial of the site and surrounding development.**



**Figure 3: Zoomed in aerial view of development site.**

Site Visit

A site visit was carried out on 17<sup>th</sup> February 2022. The site and surrounds can be seen in the figures below.



Figure 4: Looking south towards the site from Salamander Way.



Figure 5: The junior school building on site, existing driveway and car parking area.



**Figure 6: The Rock Church which is west of the site.**



**Figure 7: School crossing in front of junior school area.**



**Figure 8: View to the north from the development site.**



**Figure 9: Portion of the development site that is currently vacant grassland. OOSH is the white building behind the security fence.**



**Figure 10: Narnia preschool to east of development site.**



**Figure 11: Existing demountable junior school buildings to be demolished.**



**Figure 12: Existing OOSH building to be demolished.**



**Figure 13: View from the school to Narnia to the east.**



**Figure 14: View of the eastern adjacent bushland.**

## **5.0 PROPOSAL**

The development proposal includes the following:

1. Demolition of three existing junior school buildings, OOSH building, four car spaces, driveway, tree removal and fencing.
2. Construction of new two-storey junior school building including classrooms and associated support rooms, administration area, staff room, and multipurpose lab.
3. Associated earthworks and landscaping.
4. Use of land at Lot 144 DP 715013 (No.184) as an Educational Establishment.
5. Business signage.

The proposed works are concentrated on No. 182 and No. 184, however, the OOSH also crosses the boundary of No.176.

The proposed junior school building is two storeys in height, 56 metres in width and 24 metres deep. The height to the main roof is approximately 10.4 metres and the top of the fly roof is 12.7 metres.

The ground level contains multiple classrooms, which provide flexibility in their ability to be expanded or closed off. There is a foyer, meeting and office area for staff in the north-west section, and a staff hub in the north-east section. The second level is dedicated to class rooms and learning spaces.

The proposed ground level is slightly raised above natural ground and there are stairs and ramps provided for inclusive access to the proposed junior school building. Access

between levels is via a lift located to the south of the building or staircases located in the central north, south-west and south-east sections.

The exterior of the building is primarily masonry. There are coloured brick accents used throughout along with timber batten screens and timber framed entry doors. It is proposed to include indigenous artwork on the ceiling of the fly roof.

The proposal seeks consent to remove one liquid amber tree. Landscaping treatment and additional trees plantings are proposed around the new school building. There is a sandstone block wall incorporated along the northern frontage with business signage 'St Philips Christian College' included.

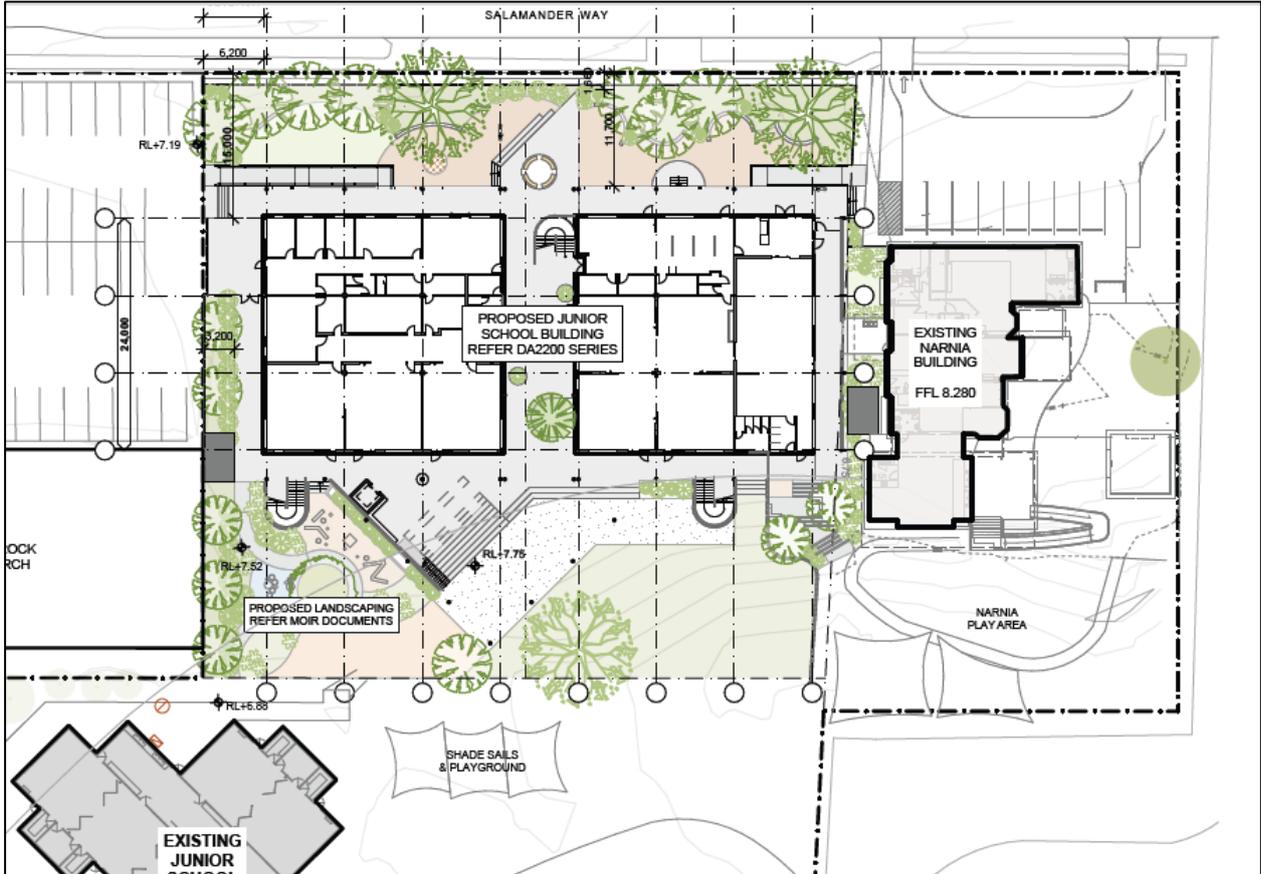


Figure 15: Proposed site plan



**Figure 16: Artist impression of building along Salamander Way**

### Consolidation of lots

The applicant outlined in the Statement of Environmental Effects that Lot 143 DP 715013, Lot 144 DP 715013, Lot 1 DP 734433, and Lot 1 DP 847022 would be consolidated into one lot. This will create one single lot that will contain the entire Educational Establishment.

The lot consolidation does not form part of this development application and will be carried out separately.

### Construction staging details

The junior school buildings proposed to be demolished currently support the junior school administration area, learning support and two kindergartens. The remainder of the junior school, being Years 1 – 4, are accommodated within the main school campus and will continue to operate as usual. The two kindergarten classes will be temporarily accommodated within the existing school library. The junior school administration and learning support will be temporarily accommodated in the main administration building during construction.

Construction is intended to commence in the middle of 2022 with completion anticipated in 2023.

### Architectural Design

The project architect SHAC, provided a response to the HCCRPP comments from the briefing held on the 8 December 2021, regarding the scale of the entry and how the design potentially encourages access from Salamander Way whilst not forming an access point. The SHAC response has been provided below:

‘SPCC New Junior School presents a holistic design solution for a modern education ecosystem. This design seeks to celebrate context, community and country.

SPCC Port Stephens has a deep connection to the Port Stephens community. The schools' physical presence however is limited by the Church of the Rock (not associated in ownership or aligned with the school), the roundabout approach and a narrow frontage to Salamander Way.

The site is nestled into a soft green setting with mountains, wetlands and Salamander town centre on its edges. The buildings is flexible, agile, adaptable and biophilic.

The entry canopy and roof structure acts as the visual marker announcing an important education environment, the new Junior School seeks to provide a portal to the education campus beyond and a glimpse of the student's world. The central green crevasse allows natural daylight, vegetation and natural ventilation to permeate between the buildings. Deliberately not intended as a main entry, it is a functioning meeting place and plaza for students, teachers and parents to gather, collaborate, learn together and then exhibit their work. The important hierarchical central roof provides a dynamic shelter shading a yarning circle, amphitheatre and double height green canyon space. It provides an elevated, uplifting and inspirational sense of place. It evokes the spreading of a wetland birds plumage – “under your wing”. A metaphorical safe and nurturing place for children to feel welcome, known and worthy. This can all be seen and shared with the passing community, making the process of learning transparent.

Although the entry/admin does exist on the northern face of the building fronting the road, however with limited pedestrian and safe student access, most students and parents will arrive and engage with this building from within the existing school campus.

Therefore the multidirectional transverse approach culminates in a central gathering and entry plaza under the main central roof both in the short term and futureproofed for the long term'.

The design of the building and landscaping provides an attractive development which will increase the quality of the streetscape. Whilst it is understood the entry to the building has been exaggerated through the fly roof, the fencing, landscaping and road layout will not encourage the public to access the site from this location. The fencing and signage is continuous along the front and does not present an opening that would suggest this is the main entry to the school. The current driveway crossovers in the road reserve will be removed so that it is clear there is no vehicle access on this frontage. Considering this, Council is supportive of the design as proposed.

## **6.0 PLANNING ASSESSMENT**

### **6.1 Section 2.15 – Regional Planning Panels**

Section 2.15 and Schedule 2 of the *EP&A Act* provides that the Regional Planning Panel (RPP) is the determining authority for regionally significant development. In this case, the Hunter and Central Coast Regional Planning Panel (HCCRPP) is the determining authority for the subject application, as the proposal is regionally significant development as identified under Schedule 7 Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development'), being an

Educational Establishment with a Capital Investment Value (CIV) over \$5 million. The development has a CIV of \$9,800,000.

## **6.2 Section 4.46 – Integrated development**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent from one or more of the bodies outlined. This development requires approval in accordance with Section 100B of the Rural Fires Act 1997 as schools are categorised under special fire protection purposes (SFPP).

A referral was sent to NSW RFS and General Terms of Approval (GTA), under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, were issued by NSW RFS dated 7 January 2022 (ref: DA20211123005111-Original-1).

The conditions of the approval included that:

- The entire property in perpetuity must be managed as an inner protection area in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019. The asset protection zone can be accommodated on site and does not require further tree clearing.
- New construction on the western elevation is to comply with BAL 12.5 construction standards.
- New construction on the eastern, northern, southern and roof elevations are to comply with BAL 19 construction standards.
- The existing Bushfire Emergency Management and Evacuation Plan shall be amended to include the new building and requirements of the GTAs.
- Other general access, servicing and landscaping requirements.

A condition of consent to comply with these GTAs will be included in the determination.

## **6.3 Section 4.15 Evaluation**

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

### **6.3.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument**

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

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

In accordance with Part 4 clause 35(1), the development is permissible as it is being carried out within a prescribed zone, SP2. The site is also zoned specifically for School/Child services under the LEP and currently contains an existing Educational Establishment.

Schedule 4 school – design quality principles of SEPP (Educational Establishments and Child Care Facilities) 2017 applies to the development. An assessment of these principles has been provided in Table 1 below.

**Table 1: Design quality principles**

<b>Principle</b>	<b>Comment</b>
Principle 1—context, built form and landscape	<p>The proposed design enhances the natural environment of the area and incorporates elements to show connection with the Traditional Custodians of the land, the Worimi People in the external material selection.</p> <p>The landscape design incorporates many native species and enhances the streetscape through the new plantings proposed.</p> <p>The site is not within an area nominated as having high scenic quality, though the building does provide an attractive design, which is compatible with the natural environment surrounding the site. The proposed building and landscaping is a betterment of the school existing facilities located on the site.</p>
Principle 2—sustainable, efficient and durable	<p>The design has included sustainable elements including the use of fans and louvered windows where possible over air conditioning, solar panels are also included along with water reuse measures through roof capture.</p> <p>The external materials used are primarily masonry, which is durable combined with timber battened screens and colorbond adding material and visual variety.</p> <p>The layout of the building is in a grid pattern to allow flexibility and adaptability of spaces to cater for different class sizes and learning types over time.</p>
Principle 3—accessible and inclusive	<p>The linear design of the building and landscaped areas provides clear direction and access around buildings.</p> <p>Ramps at 1:14 and 1:20 are included along the northern elevation for wheelchair access, and a lift is included to the south to allow access between levels of the building.</p>
Principle 4—health and safety	<p>The development includes fencing along all external boundaries to ensure children are kept within the grounds. The fencing is</p>

Principle	Comment
	typical of school grounds and will integrate well with the proposed landscaping and design elements, particularly along the northern frontage.
Principle 5—amenity	Externally, there are a range of thoughtfully designed spaces to provide opportunities for engagement and learning for children, such as the yarning circle in the central north and all weather amphitheatre to the south.  During the site inspection, significant noise emissions in the area that would require the building to require above standard attenuation treatments was not identified.
Principle 6—whole of life, flexible and adaptive	The design of buildings internally allows for flexibility of spaces for future purposes. The grid pattern allows rooms to be joined and increased or decreased in size based on the needs of the school.  The external areas provide wide walkways and landscaped areas, which will cater for potential student increases or if there are school events.
Principle 7—aesthetics	The overall design of the building and landscaping is attractive and a positive addition to Salamander Way. The design delivers a positive visual statement along the street and improves the current school presence.  The building is expected to provide an uplift to the built environment and encourage high quality design as other sites may develop over time.

Considering the above, the development is considered consistent with this policy.

**State Environmental Planning Policy (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. A referral was sent to Ausgrid as per Clause 45 of the policy, as the development is being carried out adjacent to overhead power lines along Salamander Way. Ausgrid outlined that there are 11000 volt and Low Voltage overhead power lines on Salamander Way. Ausgrid outlined several of conditions relating to the works being carried out in accordance with the Ausgrid specifications. These conditions are included in the determination.

### **State Environmental Planning Policy (55) Remediation of Land (SEPP 55)**

The objective of this policy is to provide a State-wide planning approach to the remediation of contaminated land. As per Clause 7, the consent authority must not consent to the carrying out of any development unless it has considered whether the land is contaminated and if it is, that it can be managed or remediated appropriately.

Lot 144 DP 715013 was previously occupied by a residential dwelling house and swimming pool. The demolition of the dwelling and filling in of the pool took place under DA-16-2014-451-1. The conditions of consent included a requirement that Virgin Excavated Natural Material (VENM) is used for the filling of the pool. The site is not known to have previous uses in addition to the former residential use.

There is no recorded contamination on Councils register or the public register. Considering this, the site is unlikely to be contaminated and the proposed use of the site as an Educational Establishment is suitable in accordance with SEPP No. 55.

### **State Environmental Planning Policy (Koala Habitat Protection) 2021**

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) provides for the consideration of koalas and koala habitat in the development assessment process throughout NSW.

Clause 10 of the Koala SEPP provides for development assessment relating to land within an approved koala plan of management:

*(1) This clause applies to land to which this Policy applies and to which an approved koala plan of management applies.*

*(2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.*

The proposed development is considered consistent with the Port Stephens Comprehensive Koala Plan of Management (KPOM). The land to be developed is not located within preferred koala habitat or supplementary koala habitat. The subject land is identified as link or buffer and there are no preferred koala habitat or feed species trees located on the site or proposed to be removed. Development is considered consistent with the aims of this policy.

### **State Environmental Planning Policy (State and Regional Development) 2011**

Schedule 7 of the SRD SEPP outlines regionally significant development that must be assessed by the relevant Regional Planning Panel (RPP). Clause 5 of Schedule 7 stipulates that any of the listed development in that clause that has a capital investment value (CIV) more than \$5million is regionally significant development.

The application must be determined by the Hunter and Central Coast Regional Planning Panel (HCCRPP) as the CIV is \$9,800,000.

## **State Environmental Planning Policy No.64 – Advertising and Signage**

This Policy aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

The development proposes business signage along the frontage of the site, which is not considered exempt or complying development. Clause 8 of the policy outlines that a consent authority must not grant consent to signage unless it is consistent with the objectives of clause 3(1)(a) and satisfies the criteria in Schedule 1.



The objectives of Clause 3 have been assessed below:

*(i) is compatible with the desired amenity and visual character of an area,*

The signage is compatible with the desired future character of the area. The signage is not typical of what is included in this area, noting there is not a large array of business signage along this part of Salamander Way.

The signage is on sandstone blocks, which are approximately 1 metre high and 14 metres long, that is integrated with the proposed landscaping treatment. The signage will add to the enhancement of the visual quality of the school along the street frontage.

*(ii) provides effective communication in suitable locations,*

The sign is located in the centre of the proposed new junior school site. It provides an effective means of communication to announce to passers-by that the building is part of the school. This is particularly important for wayfinding, so that families and children can locate the school easily.

*(iii) is of high quality design and finish,*

The use of sandstone block work is an attractive feature, which is durable and provides a high quality finish to elevate the appearance of the school and proposed building.

**Table 2: Schedule 1 Assessment**

<b>Assessment Criteria</b>	<b>Comment</b>
1 Character of the area	The signage is compatible with the desired future character of the area. The signage is not typical of what is included in this area, noting there is not a large

Assessment Criteria	Comment
	array of business signage along this part of Salamander Way. The signage is on sandstone blocks, which integrates with the proposed landscaping and will provide an attractive form of signage for the school.
2 Special areas	The signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas
3 Views and vistas	The signage is approximately 1 metre above ground level and does not obscure any views.
4 Streetscape, setting or landscape	The proportion of the sign integrates in with the landscaping treatments and scale of the building. It is an attractive form of signage through the use of sandstone blockwork and does not contribute to any form of visual clutter.
5 Site and building	The signage is located outside of the security fence and not on the proposed school building. The design is compatible with the overall architectural theme of the application.
6 Associated devices and logos with advertisements and advertising structures	Not applicable.
7 Illumination	The sign is not illuminated.
8 Safety	The sign is setback from the road and does not obstruct views or corridors for vehicles or pedestrians.

Considering the above, the proposed signage is consistent with this policy.

### **State Environmental Planning Policy (Coastal Management) 2018**

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.

Part of No.176 is mapped within the proximity area of coastal wetlands. The demolition of the OOSH is occurring is outside of this area, and therefore no assessment of the policy is considered required. The works will not impact scenic values or coastal processes.

## **Port Stephens Local Environmental Plan 2013**

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

Port Stephens *Local Environmental Plan 2013* (LEP2013) applies to land identified upon the 'Land Application Map'. The subject development occurs upon land located within the land application area. Therefore, LEP2013 applies to the development.

### **Clause 2.3 – Zone objectives and Land Use Table**

The site is zoned SP2 Infrastructure. The objectives of this zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The use shown on the land zoning map is School/Child Services. The proposed development is for the purposes of a school building, making it permissible with consent in this zone and consistent with the objectives as it is a related use.

### **Clause 2.7 – Demolition requires development consent**

The development includes the demolition of the three existing junior school buildings and the OOSH demountable building. This demolition cannot be carried out as exempt or complying development and requires development consent.

The applicant provided a demolition plan and conditions of consent have been recommended.

### **Clause 4.3 – Height of buildings**

There is no maximum height of building applying to the site.

### **Clause 4.4 – Floor space ratio**

There is no floor space ratio applying to the site.

### **Clause 5.21 – Flood planning**

The development site is partially mapped as affected by the probable maximum flood (PMF). The proposed building is located out of the flood affected area and no flood conditions are required to be imposed.

### **Clause 7.1 – Acid sulfate soils**

The site is mapped as containing Class 3 acid sulfate soils (ASS), which requires development consent if works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface are proposed.

The development includes excavation of more than 1 metre, primarily where the underground on-site detention basin is located. As required by this clause, an acid sulfate soils management plan (ASSMP) has been prepared by 5QS dated 16 February 2022 for the proposed works in accordance with the Acid Sulfate Soils Assessment Guidelines.

The boreholes taken during investigations did not encounter ASS at 1 metre below ground. It was acknowledged that if the final stormwater design does require further excavation as part of the construction certificate, then a site-specific ASSMP would be required and will detail the measures needed to minimise impact if ASS are encountered further below 1 metre. It will be conditioned that an ASSMP must be prepared if any cut more than 1 metre is proposed prior to the release of the Construction Certificate. Accordingly, the requirements of this clause have been satisfied for the proposal.

Clause 7.2 – Earthworks

The proposed development requires minimal cut and fill, and any proposed cut is primarily for the underground on-site detention basin. The cut is centralised to this area and unlikely to have any adverse impact on the site or surrounds. Due to the site being mapped as potentially containing Class 3 and excavation for the on-site detention basin being more than 1 metre below ground, an ASSMP report has been provided by the applicant to manage the process in the event acid sulfate soils are encountered.

Clause 7.6 – Essential services

Reticulated water, sewer, electricity and telecommunications service the site.

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

Nil relevant.

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

Chapter B – General Provisions

**Table 3: Development Control Plan Assessment**

Section	Comment
B1 Tree Management	<p>The application proposes the removal of one tree, a Liquid Amber. Approval is required as the trunk appears more than 5 metres away from the existing building on site. The tree is not a significant tree and does not have high retention value.</p> <p>The Landscape Plan prepared by Moir Landscape Architects proposes 19 new trees on site, ranging in size and species,</p>

Section	Comment
	<p>which will accommodate the proposed tree loss.</p> <p>The trees range from a mature height of 3m (Crepe Myrtle) to 20m in height (English Oak).</p> <p>Due to the planting proposed the removal of the one tree is supported.</p>
B2 Natural Resources	<p>The site contains mapped Koala Buffer and Koala Link areas, in accordance with the Koala Planning Map. The site is not mapped as containing vegetation that is preferred Koala Habitat or feed species. Therefore, it is not considered this development will reduce Koala habitat or feed trees.</p> <p>The development is not taking place in any areas mapped as wetlands.</p>
B3 Environmental Management	<p>The site is mapped as containing Class 3 acid sulfate soils. As outlined in Clause 7.1 above, an ASSMP has been provided and conditions of consent will be included for the management of ASS on site.</p> <p>The development is not considered to create any additional noise impacts during operation, but will during construction. A Construction and Environmental management Plan will be required to mitigate potential impacts on neighbours and students during construction.</p>
B4 Drainage and Water Quality	<p>The application was supported by a Stormwater Management Plan prepared by Northrop Consulting Engineers. The plan proposed an on-site detention (OSD) basin that will limit the post-development flows leaving the site to the pre-development flow rate. The OSD is 39m<sup>3</sup> and located underground in the north-west of the site. This will detain the roof catchment area. In addition to this, an infiltration trench is proposed on the southern side of the site, sized to infiltrate runoff for all storms up to and including the 1% AEP.</p>

Section	Comment
	<p>Stormwater treatment devices have been included for water quality. A 15KL re-use tank adjacent to the OSD will capture this runoff and convey it to a bio-filtration basin in the north-west of the site.</p> <p>The stormwater design was supported with conditions by Councils development engineers.</p>
B5 Flooding	<p>The site is partially mapped as affected by the probable maximum flood (PMF). The proposed building is located out of the flood affected area and no flood conditions are required to be imposed.</p>
B6 Williamtown RAAF Base – Aircraft Noise and Safety	<p>Not applicable.</p>
B7 Heritage	<p>Not applicable.</p>
B8 Road Network and Parking	<p><u>Car Parking</u></p> <p>The development proposes the removal of four existing car parking spaces currently located within the front setback of the existing junior school building.</p> <p>There are a total of 180 car parking spaces provided for the school, primarily serviced by the car park leased from PSC. Staff parking is allocated 71 spaces and public, parents and students are allocated 87 spaces. Additionally, there are 14 visitors spaces and 8 disabled car parking spaces provided within the school site, accessed via the Kiss and Drop Zone.</p> <p>Considering the proposal does not increase student numbers and the car parking currently provided appears sufficient, the provision of parking is considered acceptable for the ongoing operation of the site.</p> <p><u>Traffic Management</u></p> <p>The applicant provided a letter from the Rock Church (Attachment L) outlining an arrangement in place to use the Rock Church’s carpark as a Kiss and Drop zone</p>

Section	Comment
	<p>for schools junior school drop off and pick up.</p> <p>An Operational Traffic and Access Management Plan has been prepared (Attachment J) by St Phillips Christian College to facilitate safe and efficient access to school.</p> <p>The Plan outlines how buses enter the school site, pedestrian access, car parking, drop-off and pick-up arrangements and other general operational details relating to traffic.</p> <p>It is considered that effective traffic management will not be hindered by the proposal.</p>

### Chapter C – Development Types

There are no controls in this chapter applying to the development of schools.

#### **6.3.4 Section 4.15(1)(a)(iia) Any planning agreement or draft planning agreement entered into under section 7.4**

No planning agreement or draft planning agreement applies, nor is required to be entered into as part of the development.

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

No matters prescribed within the regulations apply to the proposed development that have not been addressed in the preceding sections of this report.

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

##### Economic Impacts

The development will generate jobs during the construction phase of the development. The applicant has outlined no additional students or staff are to be catered for, therefore the ongoing economic impact is considered unchanged.

### Social Impacts

The development is considered to have a positive social impact on the surrounding area. The new building has been architecturally designed to provide an attractive interface with the streetscape, which will uplift the built form in the area. The upgraded school facility will have a positive impact on the way residents and visitors interact about the suburb. The new school building will also provide for positive social impacts on students who will be afforded better facilities to aide their learning.

### Impacts on the Built Environment

The development will provide an attractive addition to the existing built environment. This section of Salamander Way has a mixture of adjoining uses including the existing school, pre-school, NSW Ambulance and RFS, and residential dwellings. The new building will activate an underutilised site and deliver an attractive street presence.

### Impacts on the Natural Environment

The application has addressed the impacts to the natural environment, such as stormwater, water quality, tree removal and excavation. It is considered that the redevelopment of the site will have no adverse impact on the natural environment. The landscaping proposed will enhance the natural environment.

#### **6.3.7 Section 4.15(1)(c) the suitability of the site for the development**

The site is zoned SP2 – School/child services, which is compatible with the proposed development. The development will form a logical extension and upgrade of the existing school facilities. It is considered the development can be appropriately catered for through the existing road network and existing essential services available. On this basis, the site is suitable for the proposed development.

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

The application was notified in accordance with the Port Stephens Community Engagement Plan from 9 November 2021– 23 November 2021 for 14 days.

Two (2) submissions were received. Neither objected to the proposal.

#### **6.3.9 Section 4.15 (1)(e) the public interest**

The development is considered in the public's interest. The existing school provides for private education to the local area. The proposed development will deliver an upgraded school facility to cater for student needs and local families.

#### **6.3.10 Contribution towards provision or improvement of amenities or services (developer contributions)**

The development is subject to Section 7.12 Contributions under the Port Stephens Local Infrastructure Contributions Plan 2020. The development will be required to pay 1% of

the CIV and a condition of consent has been included requiring payment prior to the release of a Construction Certificate.

## 7.0 CONCLUSION

It is recommended that the Hunter and Central Coast Regional Planning Panel, as the consent authority, approve development consent to DA 16-2021-951-1 (PPSHCC-98) for an Education facility at 176, 182 and 184 Salamander Way, Salamander Bay (Lot 1 DP 847022, Lot 143 DP 715013 and Lot 144 DP 715013), pursuant to Section 4.16 of the EP&A Act subject to the conditions in **Attachment 2**.

Signed (Assessing Officer)



Date: 22-02-2022

Emily Allen  
Principal Development Planner

Reviewed (Supervising Officer)



Date: 22-02-2022

Ryan Falkenmire  
Planning and Developer Relations Coordinator

Authorised for submission to HCCRPP



Date: 22-02-2022

Kate Drinan  
Manager Development Assessment & Compliance