

untapped **PLANNING**

“Change of Use to Educational Facility”

7 James Street, Argenton

Lot 14 & 15 Sec L DP 8993

Prepared for: Alesco Senior College

Date: 20 August 2018

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Alesco Senior College to prepare a Development Application (DA) and accompanying documentation for a proposed change of use to allow an *Educational Facility* on Lot 14 Sec L DP 8993 at 7 James Street Argenton.

The development is considered to constitute State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011.

1.2 Site Details

The subject site comprises Lot 14 & 15 Sec L DP 8993 with a street address of 7 James Street Argenton.

The site has a total combined area of approximately 1,500m², with a street frontage of approximately 37m to James Street. The block is rectangular in nature and is generally flat.

The site is zoned R2 Low Density Residential under the Lake Macquarie Local Environmental Plan (LEP) 2014.

Development for the purposes of Educational Facilities are prohibited within the zone, however State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 allows for the use of the site as an Educational Facility with the consent of Council. This is discussed further in this report.

The following plan shows the site location in the context of the local area.



Figure 1: Locality of the subject site.

2. Proposed Development

2.1 Proposal Objectives

The objective of the proposed development is to seek approval for the change of use of the site to facilitate the use of the site for *Educational Facility*.

2.2 Summary of Development

The development involves the utilisation of the existing building for the purposes of an *Educational Facility*. The Educational Facility will be operated by Alesco Senior College, WEA Hunter.

It is anticipated that the College will facilitate learning for initially 45 students, growing to a maximum of 80 and be staffed by a maximum of 9.

The college will operate Monday to Friday 8am to 4pm.

Alesco Senior College started in 2002 as Alesco Learning Centre - a registered and accredited, non-government independent school specifically designed for the inclusion of young people who cannot or will not complete their education within a traditional setting. The school offers grades 10-12 to young people of Newcastle, Lake Macquarie, Port Stephens and the Upper Hunter.

Alesco Senior College aims to offer education to young people whose circumstances have previously prohibited them from finding success in education and to provide opportunities for these young people to prove their capabilities; that their potential is endless and they can succeed in an environment that is designed specifically for their inclusion and experiences.

Alesco Senior College is a secondary school, set within an adult learning environment. It is a school which encourages young people to participate in education and training that leads to a sustainable future. It offers students the opportunity to complete their Higher School Certificate in a supportive environment which focuses on programs to meet individual students learning needs.

Alesco also has the FLEX program for students looking for success but who need a little bit more flexibility. Graduates of Alesco Senior College will most likely move onto further vocational training or sustainable employment. Some of our students who have an identified and targeted vocational pathway may pursue a future in tertiary education or University.

Alesco Senior College places emphasis on the strengths in provision of services to students.

These include;

- The creation of a small safe, supported environment,
- Staff work with students on a basis of empowerment, rather than a model of power and control,
- That access through education allows the inclusion of other support mechanisms.

The Alesco Senior College also firmly believes in the following key principles:

- The student is the centre of the education plan, and all plans revolve around the needs of the student educationally, emotionally and socially,
- That there is rigor in the educational program provided,
- Students have the opportunity to experience an adult learning environment and undertake a Board of Studies based curriculum.

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 14&15 Sec L DP 8993, and is known as 7 James Street Argenton.

The site has a combined total area of approximately 1,500m², with a frontage of 37m to James Street.

Existing on the site is a single storey building and attached garages and carports.

Past approvals on the site include;

- DA-69/1980 Gymnasium (Health Clinic)
- DA-639/2002 Addition to recreation facility and associated works
- DA-2456/2007 Community Facility & Carport

Vegetation on site has been generally cleared in the past and now comprises minimal vegetation. No vegetation will be impacted upon by this development proposal and no construction work or site modifications are proposed.



Figure 2: Subject site viewed from James Street



Figure 3: Subject site viewed from James Street

3.2 The Locality

The subject site is located within the suburb of Argenton.

Immediately to the south the site is bound by James Street and beyond this the main North-South Railway line.

The site is bound the remaining sides by residential dwellings. This section of James Street contains a total of nine (9) dwellings and the subject site.

The street terminates into a cul-de-sac to the east of the subject site.



Figure 4: Aerial Photography.

3.3 Land Uses

The subject site currently contains a single storey buildings with associated garage and carport areas.

The site has past approvals for;

- DA-69/1980 Gymnasium (Health Clinic)
- DA-639/2002 Addition to recreation facility and associated works
- DA-2456/2007 Community Facility & Carport

The allotment contains parking for eight (8) spaces on site, with a further five (5) spaces located immediately adjacent to this as public off-street parking.

The site is largely clear of vegetation and no significant trees will be required to be removed to facilitate the proposal.

3.4 Topography

The site contains a gentle slope to the rear. The site's topography does not present any constraints that would impede the proposed development.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses that would prohibit the change of use proposed.

3.5.2 Acid Sulfate Soils

The subject site is identified as containing Class 5 potential Acid Sulfate Soils.

Given that the development is a reuse of an existing structure and no earthworks are proposed, the development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.6 Vegetation

The subject site is generally cleared of vegetation. Scattered trees are located in the carpark edges and within the building line setback to James Street. The proposal will not require the removal of this vegetation.

3.7 Bushfire

The development site is not noted as being bushfire prone.

Given the development is not for a Special Fire Protection Purpose and no building is proposed, no further Bushfire Assessment is required.

3.8 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance. The site is also not mapped as being within a Sensitive Aboriginal Landscape Area.

Given that the proposal is for change of use of a portion of an existing building it is considered that any possible Aboriginal relics located on the site will not be affected.

3.9 Traffic, Access and Road Network

The site is located on James Street. This street is a short residential street with dwellings on the northern side of the street and the main north railway to the south.

Parking for sixteen (16) cars is available in an onsite carpark at the front property, rear of the front. The carpark has separately defined entry and egress driveways that are proposed to be retained by this change of use.

On-street parking is also available on the James Street frontage but is not relied upon for this development. Immediately in front of the premises is space for five (5) vehicles to utilise on-street parking.

The site is adjoined by residential developments all with their own off-street parking.

The development provides for eight (8) parking spaces including a dedicated disabled space. Five (5) spaces are available for on-street parking immediately in front of the property. It is also noted that James Street contains development on the northern side only and any additional parking on the southern side of the street will not impact upon any residential dwelling or its amenity.

3.10 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

Given past uses of the site it is envisaged that no augmentation to the existing services will be required.

4. Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

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

The development relies upon State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 as the use of the site as an Educational Establishment is otherwise prohibited in the zone.

Under Clause 33 – Definition of ‘prescribed zone’, the site, being R2 – Low Density Residential, is defined as being a prescribed zone.

As such clause 35 of the SEPP is applicable.

Clause 35 of the SEPP States;

35 Schools—development permitted with consent

(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.

(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.

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

Under subclause 35(1), development for the purposes of a school is permissible in the R2 Low Density Residential Zone.

Clause 35 also requires consideration against the design quality principles set out in Schedule 4. This schedule is discussed below however in considering the developments compliance with the design criteria it is important to take into account that the school it to occupy an existing building.

Schedule 4 Schools—design quality principles

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Comment: No physical works are proposed to the existing building structure. Suitable landscaping is considered to exist to mask the bulk of the building from the street.

The site is not identified as a scenic protection area and the use of the existing building will in no way detracts from the area or alter the existing streetscape or amenity.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Comment: The building as it exists is considered to be adaptable. This is evident given the range of uses the site has enabled in its current form.

It is seen to be more sustainable to utilise the existing built form than to demolish a building that is otherwise fit for the purpose of a school.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note. *Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment: Being a single building with a well-defined entrance, wayfinding on the site will be welcoming and accessible.

The site has defined entry and exit points for vehicles and defined pathways to the entrance.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Comment: The use of the existing building will not prevent the school from being a safe, secure environment.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Comment: The school will provide for a pleasant and engaging. Being a school for years 10-12, Alesco Senior College is a secondary school, set within an adult learning environment. It is a school which encourages young people to participate in education and training that leads to a sustainable future. It offers students the opportunity to complete their Higher School Certificate in a supportive environment which focuses on programs to meet individual students learning needs.

The site will be set up to achieve these goals.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Comment: The school and building as existing on site is flexible and adaptive and capable of the proposed educational facility. The facility is easily adaptable to cater for the needs of the school.

Principle 7—aesthetics

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

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

Comment: Reuse of the building as a school will not result in any altering of the existing streetscape or aesthetics.

The use of the existing building will enable the school to further enhance educational opportunities for students.

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

Clause 15 of Schedule 1 – State Significant Development General states,

15 Educational establishments

(1) Development for the purpose of a new school (regardless of the capital investment value).

(2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.

(3) Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.

Under subclause (1) the minister is considered to be the consent authority.

4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Lake Macquarie Local Environmental Plan 2014.

It is considered that the proposed change of use of an existing premises to facilitate an Educational Facility is best defined as;

educational establishment means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

While this use is prohibited under the provisions of the Lake Macquarie LEP 2014, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 is applicable to the site and allows for the use of the site as an Educational Establishment.

This SEPP is discussed elsewhere in this report.

Lake Macquarie Local Environmental Plan 2014

Under the Lake Macquarie Local Environmental Plan 2014, the site is zoned R2 – Low Density Residential. An excerpt of the Lake Macquarie Local Environmental Plan 2014 zoning map is shown in Figure 6.

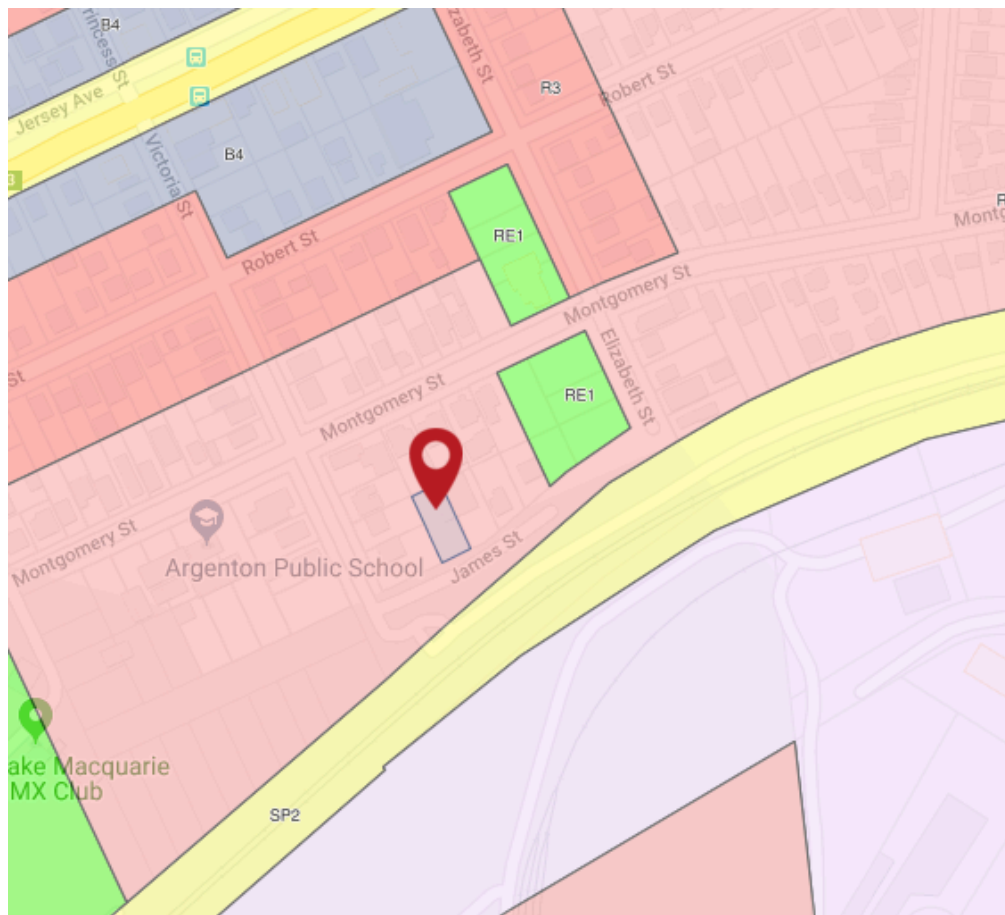


Figure 6: Site Zoning under Lake Macquarie Local Environmental Plan 2014

The provisions for the R2 Low Density Residential zone state;

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that is sympathetic to the scenic, aesthetic and cultural heritage qualities of the built and natural environment.

Comment: The proposed Educational Facility will not adversely impact on any adjoining land uses, nor will it impact on the residential amenity of the surrounding dwellings. The development will make use of existing structures and students will be inside the building for lessons.

It is considered that the proposed change of use will not be contrary to the zone objectives, nor will it adversely impact on existing residents of the area.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Sewage treatment plants; Shop top housing; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any other development not specified in item 2 or 3

Comment: Educational facility is prohibited in the zone however is permissible under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Part 4 - Principal Development Standards

None of the Principle Development Standards are considered to be applicable to this Change of Use application.

Part 5 – Miscellaneous Provisions

No Miscellaneous Provisions are considered to be relevant to this proposal.

Part 7 – Additional Local Provisions

Clause 7.1 – Acid sulfate Soils

The site is identified as containing Class 5 Acid Sulfate Soils. Given no external modification to the existing building, or site modifications, are proposed, it is considered that no Acid Sulfate Soils will be disturbed and as such no further assessment of Acid Sulfate is required.

Clause 7.3 – Flood Planning

The subject site is not identified on Flood Planning Map – Sheet FLD_08B as being within a Flood Planning Area.

Clause 7.6 – essential services

Clause 7.6 states;

(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The development is considered to be consistent with this clause as the site and existing building provides each of the listed essential services.

DEVELOPMENT CONTROL PLANS

The proposed development is a change of use with no initial building works proposed. Controls relevant to the proposal have been discussed in the table below.

Parking rates for an educational Facility are not contained within Part 3 – Development within Residential Zones, so Part 5 has been used for discussion of parking matters.

Part 5 – Development in Industrial, Business Park and Infrastructure Zones	
3.11 Traffic and Vehicle Access	
<p>1. A Traffic Impact Statement must be prepared and submitted with any commercial/retail or industrial application for development of an area greater than 1000m², or where access to the site will be via an arterial or sub-arterial road.</p> <p>2. Access points to a site are to be kept to a minimum and should be kept to one where possible.</p> <p>3. Direct access to arterial and sub-arterial roads must be minimised to maintain the efficient flow of traffic on those roads. Alternative access is encouraged where available.</p> <p>4. Driveways must be located as far as possible from intersections.</p> <p>5. All driveways must be designed and constructed to provide adequate sightlines.</p> <p>6. Driveways and internal road circulation must be designed to cater for safe manoeuvring and queuing, so as not to disturb traffic operations on external roads.</p> <p>7. The design and layout of the development must reflect the type of vehicles that will need to access the site/development. It must</p>	<p>1. While the development exceeds 1000m², access and parking on site have been previously approved and no changes are proposed.</p> <p>A Traffic Impact Statement is not considered to be warranted in this instance.</p> <p>2. Site access is to remain unchanged from the existing access and egress points.</p> <p>3. No change to the existing access is proposed.</p> <p>4. The driveway entrance is to remain unchanged from its current approved format. The access points do not conflict with any intersections.</p> <p>5. No changes are proposed to the existing site access, however the current access arrangements are consistent with this clause.</p> <p>6. The development and existing internal circulation are consistent with this requirement.</p> <p>7. The existing access and egress points are suitable for a large variety of vehicles and will not require upgrading to facilitate this proposal.</p>

<p>also ensure that vehicles can enter and leave the site in a forward direction.</p> <p>8. Driveways are of a type, construction and width suitable to the proposed development, and are designed so as not to detract from the streetscape.</p>	<p>8. No change to the existing driveway arrangement is proposed.</p>
<p>3.12 Design of Parking and Service Areas</p>	
<p>1. Parking and service areas must be behind the front setback area, and should be located to the side or rear of the development.</p> <p>2. Car park design must include direct, safe and well marked pedestrian routes from the parking area to building entries.</p> <p>3. Car park design must not result in dead-end aisles.</p> <p>4. Parking aisles must be orientated at right angles to the main building frontage to facilitate pedestrian movement.</p> <p>5. The design of vehicle parking areas must include appropriate lighting for safe pedestrian movement and security.</p> <p>6. Note: The design of parking areas must comply with the provisions of AS2890 Parking Facilities.</p> <p>9.</p>	<p>As the premises is an existing approved building and the Development Application only seeks a change of use, no change to the existing approved and constructed parking or service areas are proposed.</p>
<p>3.15 Car Parking Rates</p>	
<p>Educational Establishment</p> <p>Secondary School</p> <ul style="list-style-type: none"> • One Space per 1.5 full time equivalent staff, plus one space per 50 students. 	<p>The school will cater for up to 80 students and require 9 staff.</p> <p>This equates to a requirement of;</p> <ul style="list-style-type: none"> • 6 staff spaces • 2 student spaces <p>The development is compliant having eight spaces provided on site. Sufficient area exists for up to an additional 5 spaces as on-street parking.</p>

Part 9 – Specified Land Uses	
17.1 Design	
<p>1. Signs must be compatible with the design, scale and architectural character of the building or the site upon which it is to be placed.</p> <p>2. Design must ensure that signs are not confused with, or reduce the effectiveness of traffic control devices.</p> <p>3. Supporting structures of signs must be of a high aesthetic appearance, and must not interfere with the visual amenity of the area.</p> <p>4. Materials used for signs must be durable, fade-proof and of a high aesthetic quality.</p>	<p>Signage does not form part of this application and any future signage will be consistent with the provisions of State Environmental Planning Policy (Exempt and Complying Codes) 2008</p>