



Hastings Secondary College Port Macquarie Campus Upgrade

State Significant Development Assessment

SSD-11920082

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
CAPA	Creative and Performing Arts
CIV	Capital Investment Value
Council	Port Macquarie – Hastings Council
CTMP	Construction Traffic Management Plan
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PMHLEP	Port Macquarie-Hastings Local Environmental Plan 2011
PCYC	Police Citizens Youth Club
SIA	Social Impact Assessment
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
TA	Transport Assessment
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the upgrade of Hastings Secondary College Port Macquarie Campus at 16 Owen Street, Port Macquarie.

The application has been lodged by the NSW Department of Education (the Applicant) and the site is located within the Port Macquarie-Hastings local government area (LGA).

Assessment summary and conclusions

The Department of Planning, Industry and Environment (Department) considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in submissions as well as the Applicant's response to these. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The key issues identified with the proposal include traffic, transport and parking, built form and urban design, and visual impacts. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement, Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS). Minor outstanding issues can be addressed through the Department's recommended conditions of consent.

The Department considers that the road network has capacity to accommodate traffic generated by the proposal and sufficient car parking is available on site and surrounding streets. The proposed built form and landscaping is acceptable in the context of the site and surrounds, and in consideration of the internal uses of the buildings. While the proposal would result in a significant change to private views to selected properties, the proposal on balance is acceptable having regard to established planning principles.

The proposal

The proposal seeks approval to refurbish part of two existing buildings and construct a Creative and Performing Arts (CAPA) building, a joint-use Police Citizens Youth Club (PCYC) building, covered outdoor learning area (COLA), new covered walkways and lift connections, upgrades to the school entrance, and signage. Associated works include demolition, tree removal, earthworks, landscaping, stormwater works and services upgrades. The proposal has a Capital Investment Value (CIV) of \$29.867 million and would generate 42 construction jobs and six full time equivalent operational jobs associated with the PCYC.

Statutory context

The proposal is SSD under section 4.36 of the EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011. Therefore, the Minister for Planning and Public Spaces is the consent authority. In accordance with the Minister's delegation to determine SSD applications, signed on 26 April 2021, the Executive Director, Infrastructure Assessments may determine this application.

Engagement

The application was publicly exhibited between 28 May and 27 July 2021. The Department received a total of 36 submissions, including six from public authorities and 30 from the public, 18 of which objected to the proposal. An additional four submissions from public authorities and one supplementary submission from the public were received in response to the Applicant's Response to Submissions (RtS). Issues raised in the submissions include traffic, transport and parking, built form and urban design, and visual impacts.

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1 Introduction

This report provides an assessment of a state significant development (SSD) application for the Hastings Secondary College Port Macquarie Campus Upgrade at 16 Owen Street, Port Macquarie.

The proposal seeks approval to refurbish parts of two existing buildings and construct a Creative and Performing Arts (CAPA) building, a joint-use Police Citizens Youth Club (PCYC) building, covered outdoor learning area (COLA), new covered walkways and lift connections, upgrades to the school entrance, and signage. Associated works include demolition, tree removal, earthworks, landscaping, stormwater works and services upgrades.

The application has been lodged by NSW Department of Education (the Applicant). The site is located in the Port Macquarie-Hastings local government area.

1.1 Site description

The site is located approximately 1km south-east of the Port Macquarie town centre, approximately 250m west of Oxley Beach and 350m south of Town Beach. The site adjoins Port City Bowling Club to the north, Burrawan Street to the south, Oxley Oval to the east and Owen Street to the west. The site's location in the regional and local context is shown in **Figure 1** and **Figure 2**.



Figure 1 | Regional context map (Base source: Nearmap EIS 2021)



Figure 2 | Local context map (Base source: Nearmap 2021)

The site has an area of approximately 3.45 hectares (ha) and is irregular in shape with two street frontages:

- Owen Street to the west with a frontage of 211.14m
- Burrawan Street to the south with a frontage of 130.15m.

The topography of the school site falls from south-east to north-west at approximately 15m over 300m. There are no natural watercourses identified across the site. Vegetation on the site is mainly located towards the pedestrian entry area along Owen Street.

A separate school agricultural plot, which does not form part of this application, is located to the west of the site at 3 Burrawan Street.

The site currently has a maximum building level of two storeys and no on site parking. The site contains a range of educational and ancillary buildings that have been constructed and expanded at various stages since 1962, including classrooms, administration/staff facilities, amenities, multi-purpose hall and recreation facilities. The existing buildings and structures are described below and are shown **Figure 2** and **Figure 3**:

- Building A built in 1961-62 is used for general learning and administration
- Building B built in 1964-67 is currently used for art and music
- Building C built in 1962 is currently used for pupil facilities
- Building L built in 1971 is currently used for science and a library
- Building S is a weatherboard demountable building
- Building T built in 1971 is currently used for technical and applied sciences
- Building U, unknown when built, is currently used for pupil facilities
- Building TAS built in 1961-62 is currently used for technical and applied sciences
- The MPC (Multi-Purpose Centre) built in 1985 is currently used as a multi-purpose building

- Buildings W and X, construction date unknown, are storage sheds.

The main entrance and pedestrian entry to the school is off Owen Street which includes extensive on-street parking. There are three pedestrian refuges located along Owen Street, including:

- Owen Street at the entry gates to the school
- north of the Owen Street/Burrawan Street intersection
- east of the Owen Street/Burrawan Street Intersection.

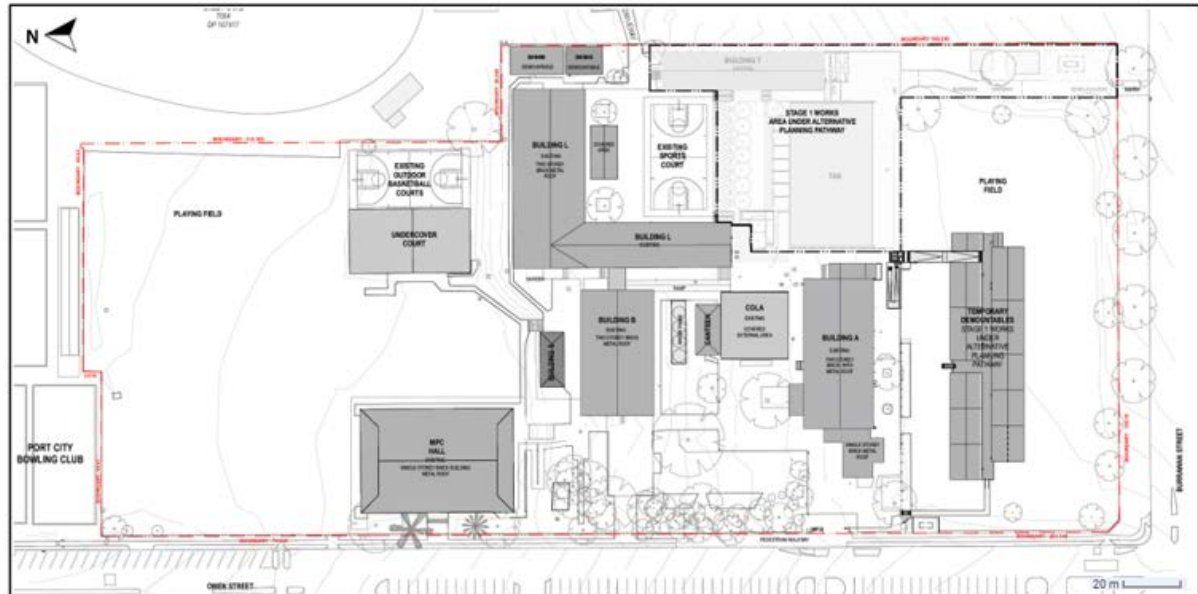


Figure 3 | Existing Site Plan (Source: Applicant's EIS 2021)

1.2 Surrounding development

Surrounding development within 500m of the site comprises retail, commercial, residential, and short-term rental accommodation (tourism) land uses (**Figure 2**).

To the north, the site adjoins the Port City Bowling Club, and to the east the site adjoins Oxley Oval, with Oxley Beach beyond. The western side of Owen Street comprises low and medium density residential development with one building being eight storeys in height.

2 Project

The key components and features of the proposal as detailed in the Environmental Impact Statement (EIS) and amended in the Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS) are provided in **Table 1**.

Table 1 | Main components of the project

Aspect	Description
Project summary	Upgrades to Hastings Secondary College Port Macquarie Campus, including refurbishment of part of two existing buildings, and construction of a Creative and Performing Arts (CAPA) building, a joint-use PCYC building, covered outdoor learning area (COLA), new covered walkways and lift connections, upgrades to the school entrance, and signage. Associated works include demolition, tree removal, earthworks, landscaping, stormwater works and services upgrades.
Site preparation and demolition	<ul style="list-style-type: none"> Removal of Building S and existing demountable buildings. Demolition of part buildings/awnings, landscaping, concrete, beams and other structures.
Built form	<ul style="list-style-type: none"> Refurbishment of Building B to create one larger general learning space. Refurbishment of Building L to create four home bases, physical education staff room, two physical education general learning spaces, one staff/study support unit and ancillary uses. New two storey CAPA building, including four general learning spaces, two seminar/rehearsal rooms, health/physical education/performing arts workshop, two visual arts general learning spaces, visual arts workshop, ancillary facilities, and display windows. New three storey PCYC building, including three multi-purpose rooms, a gym, two sports courts, ancillary facilities (offices, change rooms, storerooms, kitchen area and youth hub), and car parking.
Heritage	<ul style="list-style-type: none"> The site is not listed as being of local heritage significance under Port Macquarie Hastings Local Environmental Plan 2011 (PMHLEP). A Statement of Heritage Impact in the EIS recommends the listing of Building A and Building B on the Department of Education's Section 170 Heritage Register under the <i>Heritage Act 1977</i>. Works to Building A include alterations to the entry for compliance with equitable access requirements. Only minor internal refurbishment (and no external works) are proposed to Building B.
Site area	<ul style="list-style-type: none"> 3.45ha.
Uses	<ul style="list-style-type: none"> Continued use as a secondary college. PCYC for shared use by the school and the community.
Access	<ul style="list-style-type: none"> Existing vehicular access for maintenance is provided off Burrawan Street. Existing rear access from public car park off Pacific Drive.

Aspect	Description
	<ul style="list-style-type: none"> New vehicle access proposed off Owen Street to access the proposed PCYC carpark.
Car parking	<ul style="list-style-type: none"> Existing (no change): <ul style="list-style-type: none"> No vehicle parking located on site 151 spaces in Owen Street 44 spaces in Council car park at Oxley Oval 51 spaces in Church Street 31 spaces in Gordon Street. Proposed: <ul style="list-style-type: none"> 17 car parking spaces, two disabled spaces (total of 19 car parking spaces) and two mini-bus spaces to be provided in PCYC building.
Drop-off / pick-up	<ul style="list-style-type: none"> Existing bus zone and drop-off/pick-up area on Owen Street.
Bicycle parking	<ul style="list-style-type: none"> No bicycle parking currently on site. 155 spaces proposed comprising 152 adjacent to Building A and three in the vicinity of the PCYC building.
Public domain and landscaping	<ul style="list-style-type: none"> Removal of 26 trees. Landscaping works including the planting of 72 trees, large and small-medium shrubs and groundcovers.
Hours of operation	<ul style="list-style-type: none"> Overall school hours including extra-curricular activities: 7:30am to 4:30pm Monday to Friday PCYC operating hours: 6am to 7:45am and 2:45pm to 10pm, Monday to Sunday.
Student and staff numbers	<ul style="list-style-type: none"> No change to student and staff associated with the school. Six full-time equivalent staff anticipated at the PCYC.
Signs	<ul style="list-style-type: none"> New school identification sign at entry with metal lettering of the school's name.
Jobs	<ul style="list-style-type: none"> 42 construction jobs and six full-time equivalent operational jobs associated with the PCYC.
CIV	<ul style="list-style-type: none"> \$29.867 million.

2.1 Physical layout and design

The proposed new CAPA would be located in the centre the Owen Street frontage of the site. The PCYC would be located at the northern end of the Owen Street frontage. The proposed site plan and photomontages are shown in **Figure 4** and **Figure 8**.

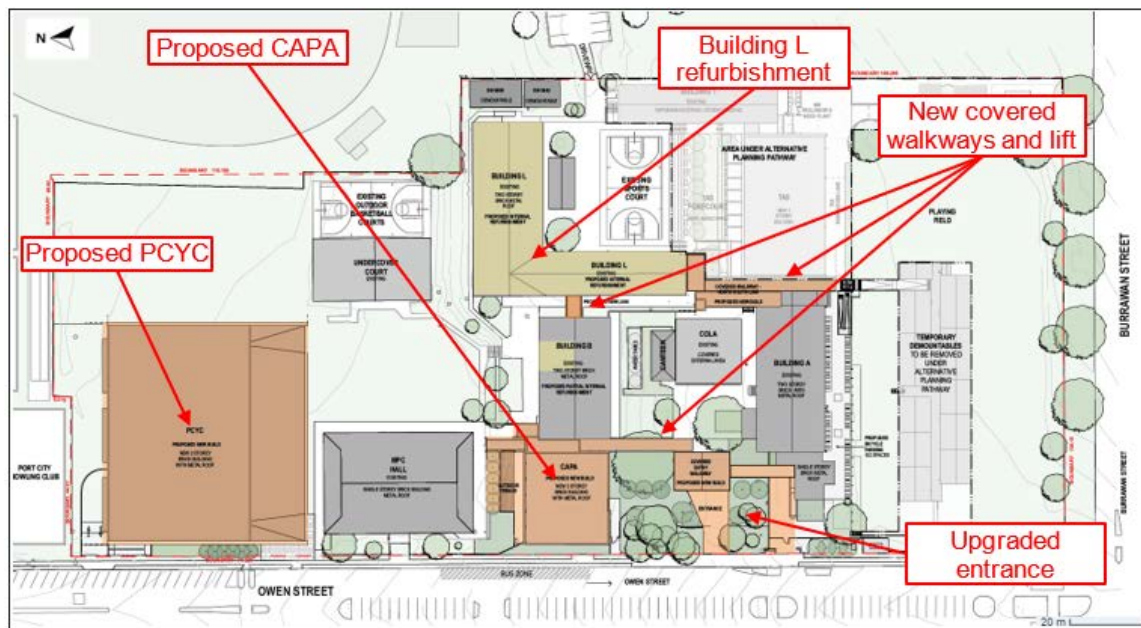


Figure 4 | Proposed Site Plan (Source: Applicant's EIS 2021)



Figure 5 | Photomontage of entrance with CAPA to the left (Source: Applicant's EIS 2021)



Figure 6 | Photomontage of Owen Street frontage from Gordon Street (Source: Applicant's EIS 2021)



Figure 7 | Photomontage of PCYC (Source: Applicant's EIS 2021)

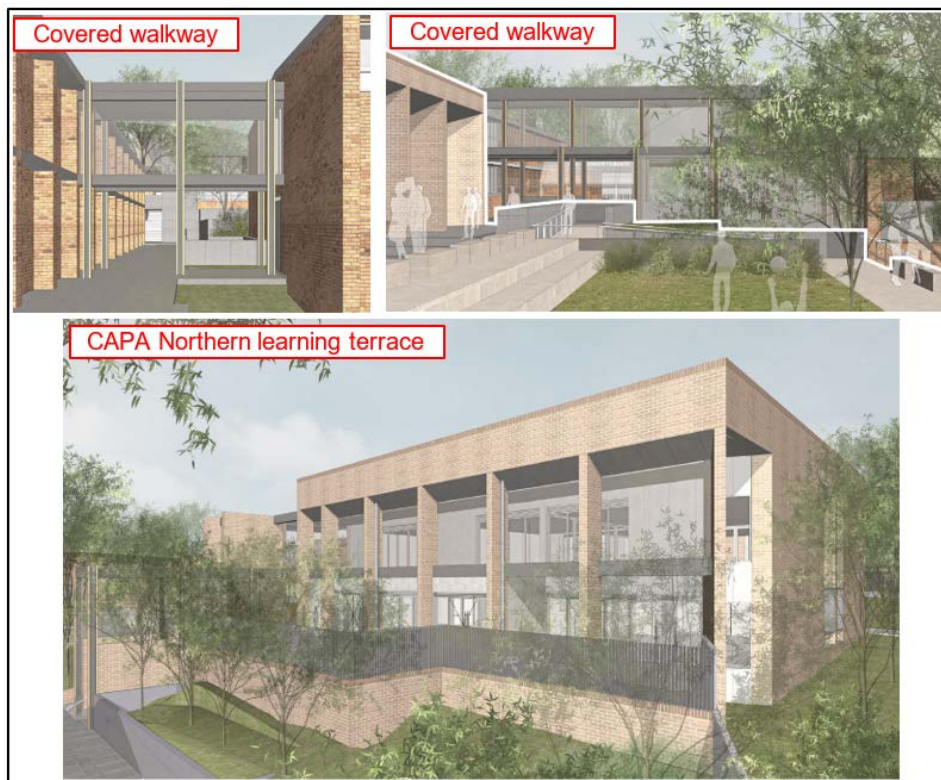


Figure 8 | Photomontages of selected internal spaces (Source: Applicant's EIS 2021)

2.2 Uses and activities

The proposal would continue the use of the site as an educational establishment and incorporate community use of the PCYC. Hours of operation in **Table 1**.

2.3 Timing

Construction works are anticipated to occur over a period of 13 months.

2.4 Related development

The Applicant advises that other upgrade works would be carried out as development without consent under Part 5 *Environmental Planning and Assessment Act 1979* (EP&A Act), in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) or with local development consent. These works include (**Figure 9**):

- tree removal under a local development application (DA 2021/29) approved by Council on 3 March 2021
- works to be undertaken under a Complying Development Certificate, including:
 - demolition of Building C
 - demolition of the existing technical and applied studies building
 - demolition of paved area, awning and gardens between Building C and Building T
 - demolition of internal walls and doors in Building T
 - removal of glazing and lightweight wall infill in Building T
- works to be undertaken under a Complying Development Certificate in the south/east portion of the site, including:
 - internal refurbishment to level 1 of Building T and minor refurbishment works to the ground level
 - minor external refurbishment works to the western access way of Building T
 - a new technical and applied studies facility, east of Building A
 - associated landscaping to the north, east and south of the technical and applied studies facility
 - refurbishment of the vehicular access way from Burrawan Street
 - new waste enclosure
 - new kiosk substation
 - new water meter and fire booster assembly and associated services reticulation.

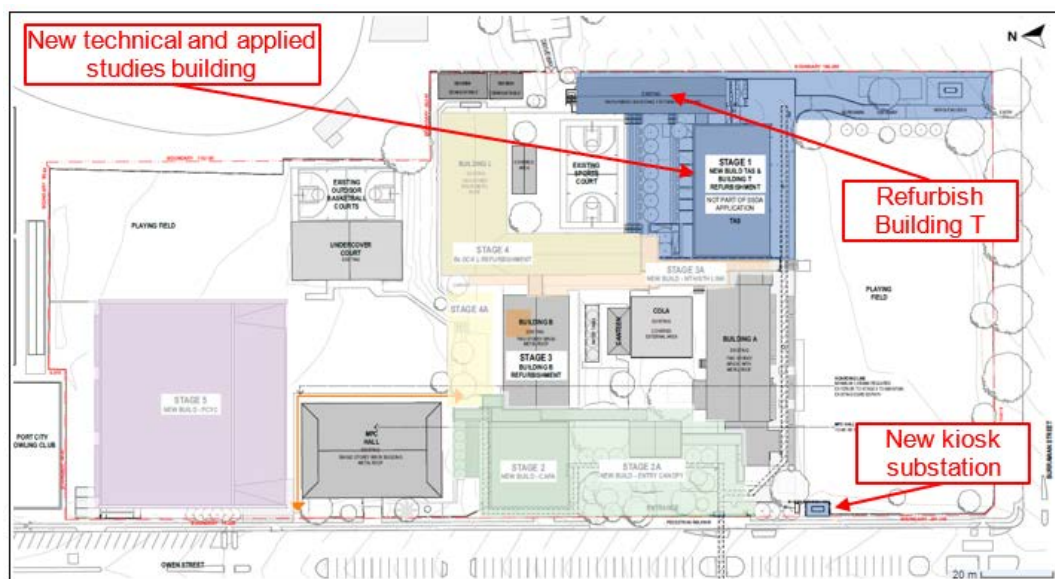


Figure 9 | Related works (Source: Applicant's EIS 2021)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers in NSW by 2031 compared to 2017. This means that NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure, the NSW Department of Education is investing in the delivery of new schools and the upgrade of existing schools.

The Department considers that the proposal is appropriate for the site given it is consistent with:

- North Coast Regional Plan 2036, as it proposed upgrades and new facilities continue to deliver important education services
- Transport for NSW's Future Transport Strategy 2056, as active travel to the school would be encouraged through the provision of 155 bicycle bays and of end-of-trip facilities
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it provides upgrades to existing learning spaces, provides new modern digitally enabled and specialised learning environments for students and new social infrastructure dedicated to young people
- Port Macquarie-Hastings Council's Local Strategic Planning Statement "Shaping Our Future 2040", as the proposal assists in growing the education sector through the provision of upgraded and new facilities.

The proposal would also provide investment in the region of \$29.867 million and generate 42 construction jobs and six full-time equivalent operational jobs associated with the PCYC.

4 Statutory context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 26 April 2021, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection
- there are less than 50 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.2 Permissibility

The site is zoned R3 Medium Density Residential under the PMHLEP. The R3 Zone is a prescribed zone under the Education SEPP and educational establishments are permissible within the R3 Zone. Therefore, the Minister or a delegate may determine the carrying out of the development.

The proposal includes the shared use PCYC, which would be used by the school during the day and used by the PCYC in the morning and evening outside of school hours. The PCYC is considered:

- ancillary to the primary educational use of the site and the proposed building, which is permissible with consent
- a community facility under the PMHLEP which is permissible with consent.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (see **Appendix D**).

4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the proposal and that have been considered in the assessment of the proposal.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at provided in **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site is suitable for use as an educational establishment with shared use of the PCYC – both of which will contribute to the social welfare of the community. The redevelopment would not unreasonably negatively impact the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land, as it is consistent with the site's historic use as an educational establishment and would improve educational facilities.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other	The proposal would protect the environment, as detailed in Section 6 .

Objects of the EP&A Act	Consideration
species of native animals and plants, ecological communities and their habitats,	
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) included in the EIS identified the Aboriginal cultural heritage values of the site in consultation with Aboriginal communities and sets out appropriate mitigation measures to protect these values.</p> <p>The proposal would not detract from any heritage significance (Section 6.4).</p>
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the built environment (Section 6.2).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Section 5.1 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and publishing the proposal on the Department's website.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including:

- use of efficient building fabric and high-performance glazing systems
- consideration of solar access into CAPA and PCYC building designs

- use of natural ventilation and air circulation through ceiling fans and openable windows
- new lighting, heating, ventilation and air conditioning to be controlled by time switch or motion sensor for energy conservation
- electricity metering and sub-metering systems to monitor and manage electricity consumption.
- provision of a roof-mounted photovoltaic system
- rainwater tanks to be installed to service irrigation or toilet flushing system to reduce water demand on site.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development.

In order to ensure that ESD is incorporated into the proposed development, the Department has recommended a condition that requires the Applicant to register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process as agreed by the Planning Secretary, prior to the commencement of construction.

Subject to this condition, the proposed development is consistent with ESD principles as described in Appendix 23 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** and relevant appendices or other sections of this report and EIS/RtS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .

Section 4.15(1) Evaluation	Consideration
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Despite this, consideration has been given to relevant DCPs in Section 6 and at Appendix B .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(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	Appropriately mitigated or conditioned (Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 and 6 .
(e) the public interest	See Section 6 .

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

On 25 March 2021, the Environment, Energy and Science Group of the Department (EESG) determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG's decision and on 20 April 2021 determined that the application is not required to be accompanied by a BDAR under section 7.9(2) BC Act.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application between 28 May and 27 July 2021 on the Department's website.

The Department notified adjoining landholders and relevant state and local government authorities in writing. Representatives of the Department visited the site to provide an informed assessment of the proposal.

The Department has considered the comments raised in the public authority and community submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

5.2 Summary of submissions

The Department received a total of 36 submissions, comprising six submissions from public authorities and 30 submissions from the public, with 18 of these in the form of an objection.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4** and copies may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS exhibition

Council

Council made the following comments:

- consideration should be given to replacing Swamp Gum (*Eucalyptus ovata*) with a local species such as Swamp Mahogany (*Eucalyptus robusta*)
- further details should be provided to demonstrate that the site is not listed as Core Koala Habitat under State Environmental Planning Policy (Koala Habitat Protection 2021)
- no objection is held to existing on-street parking and traffic layout at the frontages to the site
- Council has not been consulted in relation to any proposed changes to the on-street parking arrangements (as originally proposed in the EIS but withdrawn in the RtS)
- no objection to stormwater management, water and sewerage servicing subject to conditions.

Council also provided recommended conditions.

Environment, Energy and Science Group (EES) of the Department (EESG)

EESG raised no issues in relation to biodiversity, the National Parks and Wildlife Service estate, climate change, sustainability and flooding. EESG advised that for completeness, the EIS should address certain management objectives for the coastal use area listed in section 9 of the *Coastal Management Act 2016*.

Environment Protection Authority

The EPA advised that it has no objection to the proposal. However, noted that for a proposal of this nature, the management of water quality and noise impacts during the construction phase can be particularly challenging. Conditions to minimise these risks should be incorporated in any approval conditions.

Essential Energy

Essential Energy provided comments in relation to electricity supply.

Heritage NSW

Heritage NSW advised that:

- the ACHAR satisfies the applicable guidelines, including in relation to consultation
- the recommendations provided in the ACHAR are supported.

Transport for NSW (TfNSW)

TfNSW:

- advised that Owen Street is a public (local) road under the *Roads Act 1993*. Therefore, Council is the roads authority for the road and Council approval is required prior to any works
- noted that the Traffic Assessment (TA) included with the EIS was found to be robust and comprehensive
- supported the recommendations of the TA
- provided various comments in relation to the preliminary School Transport Plan (STP) included with the EIS.

5.4 Public submissions

A total of 30 public submissions were received, including 18 objecting to the proposed development. Comments and concerns were raised including that:

- no consultation occurred with residents of 11 Owen Street despite comments in the EIS noting extensive consultation has occurred with relevant stakeholder groups including the community
- the school is old and has had very minimal maintenance done over the last 15 years due to promised upgrades
- the modelling for this project continues to be flawed as there are significantly higher student numbers than what the modelling says, by approximately 100 students
- the proposed classroom remodelling includes a loss of two science labs which is intolerable, especially in a very high achieving science and engineering school
- given that the upgrades would not meet the current and historical student numbers, it is concerning that demountable buildings would need to be maintained after the upgrade is complete
- there is no plan to rectify the issue of windows that don't open and blinds that do not function in the classrooms

- there is no plan to install air-conditioning in classrooms currently lacking climate control
- the proposed toilet block upgrade fails to preserve privacy and doesn't maximise ventilation
- the PCYC would:
 - cause unacceptable significant ongoing noise and disruption to the amenity of nearby residents, including the 16 residential apartments at 11 Owen Street
 - be intrusive, given the bulk and scale of the building and would not fit with the aesthetics of the area which is recognised as a welcoming, scenic open parkland corridor and is regarded as one of the attractive features for tourists of the Town Beach and Oxley Beach areas
 - result in significant adverse visual impacts for residents, particularly at 11 Owen Street
 - cause increased traffic, parking and congestion on Owen Street with consequent safety issues
 - result in the loss of a significant portion of the school's northern field
 - be inappropriately located next to a licensed premise (Port City Bowling Club) which could create a higher likelihood for poor social outcomes
 - be inappropriately located as the site is less accessible to the community.

5.5 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant respond to the issues raised in the submissions.

On 15 September 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition. The RtS included:

- a detailed and consolidated Visual Impact Assessment (VIA)
- updated technical reports, Architectural Design Report and Transport Assessment
- Acoustic Addendum, ESD Addendum and Stormwater Management Report Addendum
- Koala Assessment Report
- Updated Landscape Plans.

The RtS confirmed that proposed changes to on street parking originally proposed in the EIS had been removed from the application, following consultation with Council. As such, the proposal retains existing on street car parking as detailed in **Section 2** and **Table 1**.

The RtS was made publicly available on the Department's website and referred to public authorities. The Department received an additional four submissions from public authorities and one supplementary public submission in response to the RtS.

Given that the submissions to the RtS were received outside the statutory community participation period, the Department did not place them on the website. A summary of the issues raised in the public authority submissions is provided at **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Environment, Energy and Science Group (EES) of the Department (EESG)

EESG advised that it no further issues.

Environment Protection Authority

EPA advised that it considered the RtS to be satisfactory and it had no further comments.

Heritage NSW

Heritage NSW confirmed that no further Aboriginal cultural heritage constraints are known to exist on the site. Heritage NSW recommend that an unexpected finds protocol be required, should the application be granted consent.

Transport for NSW (TfNSW)

TfNSW requested that the Department require the Applicant to consult it in relation to the detailed STP. TfNSW recommended that its previous recommended conditions be considered.

5.6 Supplementary response to submissions

On 15 October 2021, the Applicant submitted a SRtS which responded to matters raised by the Department in relation to the RtS. The SRtS also responded to Government Architect NSW (GANSW) feedback received from a State Design Review Panel held on 4 August 2021, which provided advice on the proposed design. The SRtS included:

- a statement from the acoustic consultant that prepared the Noise and Vibration Impact Assessment (NVIA) to confirm the:
 - proposed operational noise levels
 - noise management measures required for the development to stay within the operational noise criteria
- an architectural statement, including revised external materials, in response to GANSW advice.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic, transport and parking
- built form and urban design
- visual impacts.

Each of these issues is discussed below. Other issues considered during the assessment of the application are discussed at **Section 6.5**.

6.1 Traffic, transport and parking

The EIS included a Traffic Assessment (TA) that was updated in the RtS and described and assessed the transport aspects and impacts of the proposal.

6.1.1 Existing conditions

Local and collector roads surrounding the school (**Figure 10**) include:

- Owen Street – a collector road adjoining the western side (and main frontage) of the site. The road is two-way with on-street parking on either side and in a central strip. Bus zones and drop-off/pick-up areas are located on the eastern side of Owen Street. The road has a north-south alignment from its intersection with William Street and a speed limit of 40km/h
- Burrawan Street – a local road that is two-way, with on-street parking on both sides of the road. The road has an east-west alignment and forms the southern (secondary) frontage of the site. The road has a speed limit of 50km/h with 40km/h school zone restrictions during school hours
- Gordon Street – a collector road that starts at its intersection with Owen Street adjoining the north-western corner of the site. The road is two-way, with on-street car parking on both sides of the road. West of Lord Street, Gordon Street has two lanes in each direction with a central median. Gordon Street provides access from the site to the town centre
- Lord Street – a north-south collector road approximately 200m west of the site. The road has parking on either side of the street and a speed limit of 50km/h
- Pacific Drive – a collector road which does not adjoin the site, but provides access to public carparking and a rear entrance to the site via Oxley Park to the east. The road is two-way with restricted on-street parking and a speed limit of 50km/h.



Figure 10 | Local road network (Base Source: Nearmap 2021)

The main entrance and pedestrian entry to the school is off Owen Street which includes extensive on-street parking, bus zone and parent/carer drop-off/pick-up and three pedestrian refuges (Figure 11).

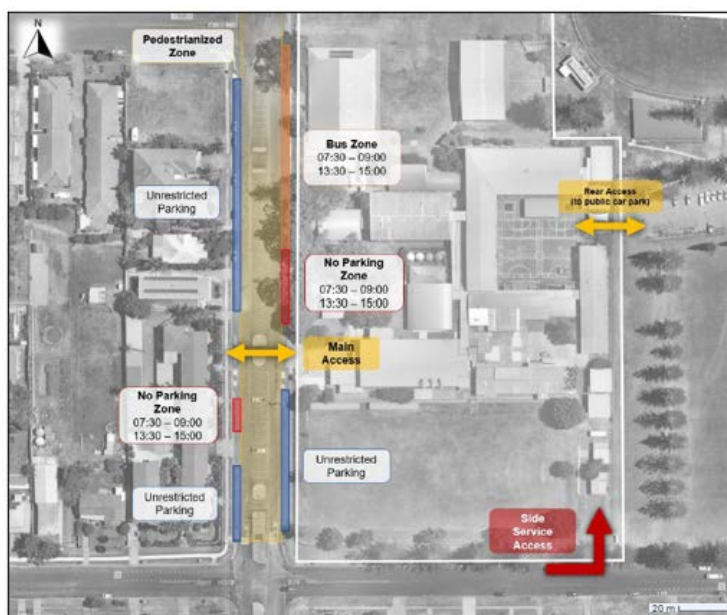


Figure 11 | Site access arrangements (Base Source: Nearmap 2021)

There are two public bus stops within a 400m walk west of the site on Lord Street, providing access to local and regional bus services. Public and dedicated school services stop on Owen Street at the front of the school. Bus services provide access to students in Port Macquarie and surrounding areas (Figure 12).

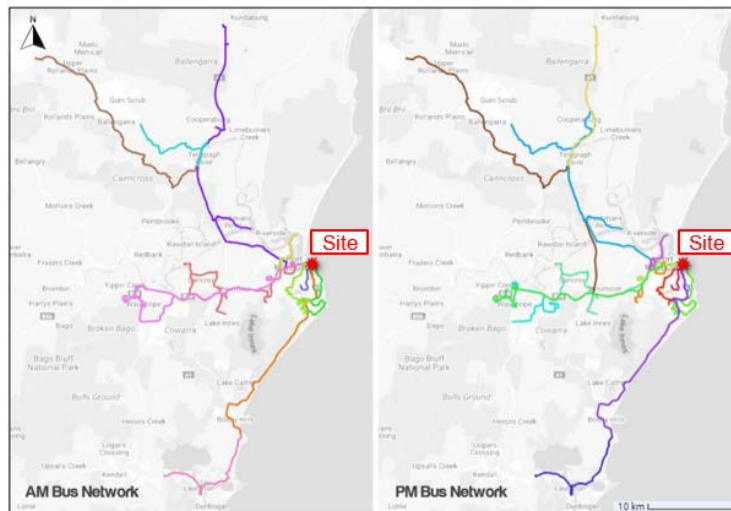


Figure 12 | AM & PM school bus services (Source: Applicant's EIS 2021)

6.1.2 Operational traffic

The TA notes the proposal would not change the numbers of students or staff at the school. However, community use of the PCYC would likely result in new trips to the site and was the focus of the TA's assessment of potential operational traffic impacts.

In considering the potential trip generation, the TA noted that the sports courts, gymnasium area, and multi-purpose rooms in the proposed PCYC would be booked on a scheduled basis, while the gym would remain open to public during club hours. The school would have exclusive use of the courts and multi-purpose room between 7:45am and 2:45pm, extended to 3.30pm some days for after-school team training.

The TA estimated the usage pattern for the proposed PCYC based on usage of the PCYC at Waitara for use of the courts, gymnasium, and multi-purpose rooms, and TfNSW guidance for use of the gym. The TA estimated that there would be 104 vehicle trips during the AM and PM peak hours, comprising 52 inbound trips and 52 outbound trips before and after gym classes.

The TA used this peak trip generation to analyse the performance of the key nearby intersections using the SIDRA intersection computer program. The intersections modelled included Owen Street / Gordon Street and Owen Street / Burrawan Street (**Figure 13**).

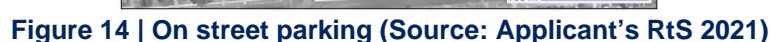


Figure 13 | Intersections analysed (Base source: Nearmap 2021)

The TA noted that there are inter-campus movements between the site and the school's separate Westport Campus, particularly for senior students attending classes between both sites. These movements occur intermittently throughout the day and are largely facilitated by taxi services or senior students using their private vehicles. Approximately 178 students are involved in these movements, with up to 712 trips per week estimated. The TA recommended inter-campus movements be managed through a School Operations Review, to identify options to reduce or remove the frequency of trips and ensure safe travel for students. In addition, to better accommodate current inter-campus trips, a 'transfer stop' is proposed to be located on Owen Street in the existing bus stop outside of bus drop-off/pick-up times.

The Department acknowledges that the proposal would not increase student or staff numbers at the school but would result in new traffic associated with additional uses on the site from the PCYC, both during and outside school hours. The Department has considered the findings and recommendations of the TA and is satisfied that the Applicant has demonstrated the road network has capacity to accommodate traffic generated by the PCYC. The Department notes comments made in relation to inter-campus travel and supports the TA's recommendations to reduce and manage these movements. The Department has recommended a condition that the School Transport Plan include arrangements for inter-campus transfers and consider options to reduce the frequency of transfers.

The site does not currently contain any on site parking. Existing school operations rely on on-street and public parking on streets surrounding the site, principally Owen Street (**Figure 14**). While the proposal would not increase the number of students or staff at the school, and therefore not change the existing parking arrangements, the proposed PCYC would create new demand for parking and includes provision of 19 spaces in the PCYC building.



The TA noted that as a multi-purpose facility, the uses proposed in the PCYC are not fully captured by the provision of the PMHDCP. Therefore, the TA considered the potential demand for parking by the PCYC having regard to demand by a similar PCYC facility in Waitara. The TA estimated that the PCYC could generate a maximum demand for 88 to 100 spaces during peak operational periods. As the proposal includes the provision of 19 parking spaces, the balance of parking demand (approximately 69 to 81 spaces) would have to be accommodated by existing on-street parking.

The TA noted that outside of school hours, sections of on-street parking fronting the site would not be required by the school and could be expected to be available for PCYC. The TA noted that:

- 46 spaces would be available on Owen Street in front of the site, assuming a 20% occupancy by residents of the 58 on-street spaces during the afternoon peak
- 43 spaces could be considered available on Owen Street and in public parking areas north-west of the site, assuming a 70% occupancy of the spaces by residents and visitors of neighbouring developments
- a further 44 spaces could also be available in the public car park immediately to the east of the school.

Concerns regarding increased parking demand on Owen Street generated from the PCYC were raised in public submissions. Council did not raise concerns in relation to parking demand.

In relation to the Applicant's original proposals in the EIS to expand on-street parking on Church and Gordon Streets, Council stated that it had not been consulted in relation to the proposals and that consultation is required if they are to be taken forward.

In its RtS, the Applicant stated Council had subsequently advised that the proposed changes to Church and Gordon Streets should be removed. The Applicant amended the application to remove the proposed changes in the RtS. Council did not comment in response to the RtS.

The Department has considered the information provided by the Applicant, and the concerns raised in the public submissions. The Department notes the existing school's reliance on existing on-street parking which is well-established and accommodated with extensive on-street and public parking. The proposed upgrades to the school would not change student or staff numbers and therefore would not change the current parking usage arrangements for the school.

Community use of the PCYC would largely occur outside of school hours, and parking demand related to the PCYC would occur when on-street parking is not required by the school. Taking this into account, the Department is satisfied that the Applicant has adequately demonstrated sufficient parking would be available to cater for expected demand generated by the PCYC.

The Department notes that the School Transport Plan would include measures to encourage modal shift towards public and active transport modes and reduce dependency on private vehicle usage. The Department has recommended a condition that a detailed School Transport Plan be prepared prior to operation of the school in consultation with TfNSW and Council.

The provision of bicycle parking and end-of-trip facilities in the PCYC would encourage active transport to the PCYC, reducing parking demand. A detailed PCYC Operations Plan is proposed for the PCYC, considering peak school use, to ensure community use of the PCYC does not create significant increases to traffic and parking demand during peak periods on school days. The

Department has recommended a condition requiring this to be prepared prior to operation of the PCYC.

6.1.4 Construction traffic and parking

A preliminary Construction Traffic Management Plan (CTMP) was included in the TA that set out measures to manage traffic and access during construction to provide a safe road environment, minimise impact on the surrounding road network, and maintain access for the local community.

The preliminary CTMP stated:

- a work zone is proposed on Owen Street at the front of the proposed PCYC to support construction of the PCYC
- an additional work zone may be required on Owen Street adjacent to the proposed CAPA building
- construction access would be off Owen Street at the northern end of the site or via the existing driveway off Burrawan Street
- access via the existing main entry gate would only be used where required under the management of authorised traffic controllers outside of school hours
- approximately four to 12 trucks per hour would access the site in AM and PM peak times
- no on site parking would be provided for construction workers
- construction workers would be encouraged to carpool or travel to / from the site using public transport where practicable
- any on-street construction parking would be in accordance with parking restrictions.

The Department has reviewed the preliminary CTMP and is satisfied that construction traffic could be adequately managed during construction, including during operation of the school, subject to the preparation of a detailed CTMP prior to the commencement of construction works. A detailed CTMP would be required to be prepared in consultation with TfNSW and Council and include specific construction management measures to ensure that impacts on the surrounding street network are minimised. The Department has also recommended a condition that requires the Applicant to prepare a construction worker transport strategy to minimise impacts from construction worker parking.

6.2 Built form and urban design

6.2.1 Layout and location of new buildings

The Applicant stated that the design development process determined the most suitable locations for the CAPA and PCYC buildings on the site (**Figure 15**) having regard to current site constraints, including built form and vegetation, planning controls, topography, and the need to achieve high levels of accessibility and connectivity.

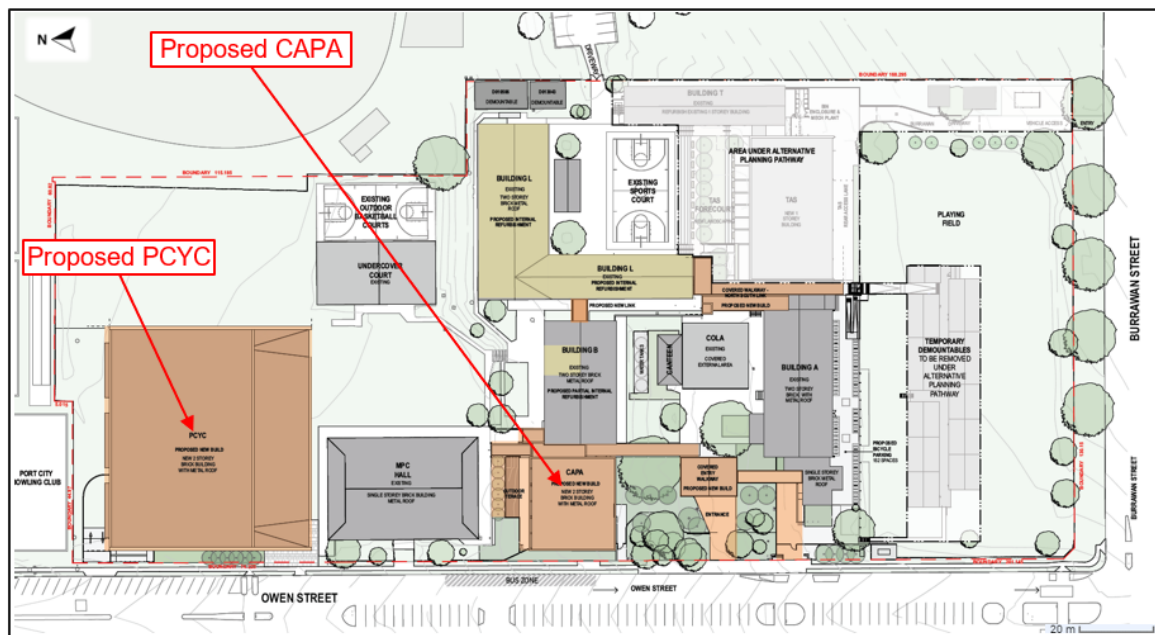


Figure 15 | Proposed site plan (Source: Applicant's EIS 2021)

The Applicant stated that the location of the CAPA was chosen so that it would be between the existing school entrance and the Multi-Purpose Centre, enabling easy access for community use of these buildings and reinforcing the role of this part of the site. The location also assists in creating a new entrance courtyard with a landscape focus. The location of the building forward of the Multi-Purpose Centre with a minimal front setback (2.8m) emphasises the location of the entrance in Owen Street and enables the removal of security fencing in front of the building, so that the facade becomes the line of enclosure.

The location of the PCYC was also selected with the shared use in mind, locating it adjoining the other shared use facilities on the site and the school entrance and in a location with direct street frontage. The Applicant stated that alternative locations were explored for the PCYC on the site, but they were limited and not considered feasible or appropriate due to the:

- need to be located close to the existing built form footprint of the school, concentrated in the centre of the site
- only undeveloped land on the site is comprised of open space areas to the north and south the built form
- need for a street frontage to facilitate its community use and need to be near to the Multi-Purpose Centre which is also a shared use facility
- need to facilitate easy community access to the shared facility, separated by security fencing from the rest of the school
- northern open space area being the closest of the two potential locations to the town centre and a more accessible location than the open space to the south.

Overall, the Applicant stated that there are no alternative locations on the site for the two new buildings that would provide the same outcomes with regard to connectivity and street presence without impacting on, or detracting from, existing school facilities or open spaces.

The location of the PCYC was an issue raised in public submissions given its potential noise and visual impacts.

The Applicant provided additional information in the RtS and SRtS to support the selected location. The Applicant stated the PCYC would be located on the western edge of the Port Macquarie Sporting Precincts, adjacent to Oxley Oval and the school's sporting facilities. The PCYC would expand on existing outdoor sports infrastructure and recreational offerings, enhancing community access to sports and social infrastructure. In addition, the location is consistent with the Oxley Park Precinct Structure Plan in the Port Macquarie – Hastings Development Control Plan 2013 (PMHDCP), as it strengthens east Port Macquarie as a destination for recreational activities and the enjoyment of coastal open space by residents and visitors. The Applicant also stated that the location at the end of Gordon Street is appropriate as it is a key route into the town centre, enhancing accessibility to the community and connecting the two school campuses.

The Department considered the information provided by the Applicant and concerns raised in the public submissions. The Department considers that the Applicant provides adequate justification for the location of the proposed new buildings and that the proposal represents a contextually appropriate informed design response.

6.2.2 Building height

Under the PMHLEP, the site is subject to maximum height of building controls of 26.5m along the Owen Street frontage, and 19m along the remainder of the site. The proposal complies with these controls, as the maximum height of the CAPA would be 11m and PCYC would be 13.88m.

Concerns were raised in public submissions about the height of the PCYC building and its impact on views (**Section 6.3**). The Applicant justified the proposed height noting the:

- proposal easily complies with the maximum height controls
- height is necessary to accommodate the proposed uses (full sized basketball courts) that are integral to the new community facility
- building would be appropriately scaled within its context, being situated in an area of Owen Street that includes a varying scale of residential, school and multi-unit residential buildings.

Noting that the proposal would be significantly lower than the maximum building controls, and the visual impacts of the proposal are acceptable on balance (**Section 6.3**), the Department considers that the proposed building height is acceptable.

6.2.3 Design and expression

The Applicant stated that the designs of the new buildings include simple geometric forms aligning with the framework of the existing campus. The designs are characterised by deep set north facing terraces or protected verandahs, with an emphasis on light and shade.

The proposed materials reflect the coastal location, with an emphasis on durable and simple materials that complement the existing campus. An overlay of colours are proposed to be used to selected exterior elements (such as wayfinding signage and detailed paintwork to steel) and to the interior which reflect the Indigenous planting.

Fenestration of the CAPA elevation fronting Owen Street would be limited, with the main windows focussing into the school site to the north and the south. Of the two windows facing onto Owen Street, windows at the lower level would be used to display student work in display boxes. Light would be let into the studios beyond through translucent glazing. The façade would be subdued brickwork to

complement the existing school buildings. The Owen Street elevation of the CAPA building is shown in **Figure 16**.



Figure 16 | CAPA Owen Street elevation (Source: Applicant's further information 2021)

The entrance to the PCYC would be expressed as a deep set verandah, in alignment with Gordon Street which forms a continuation of the Oxley Highway. This is an original Aboriginal Peoples pathway, route into the town centre, and a connection between the two campuses of school. The verandah would be lined with a warm timber coloured cladding and provide a public/civic space.

The Applicant stated that an important aspect of the PCYC design is the building's transparency. The entrance sequence, reception and foyer spaces have been designed to be visible from Owen Street, to provide an inclusive environment for the community. The large circular window is seen as a "eye" to the community function of the PCYC. Brickwork would be the main material used for the eastern and western facades of the PCYC, to complement the existing school buildings and contribute to streetscape views.

In response to comments made by the Government Architect State Design Review Panel, the Applicant refined the eastern and western facades of the PCYC, including:

- inclusion of fixed powder coated aluminium louvres to larger windows to provide solar protection
- refinement of the brickwork to include three tones of brick, expressed to be complimentary to the coastal dunes, and arranged to provide a subtle texture that would introduce shadow play across the façade.

The updated elevations and material details are shown in **Figure 17** and **Figure 18**.

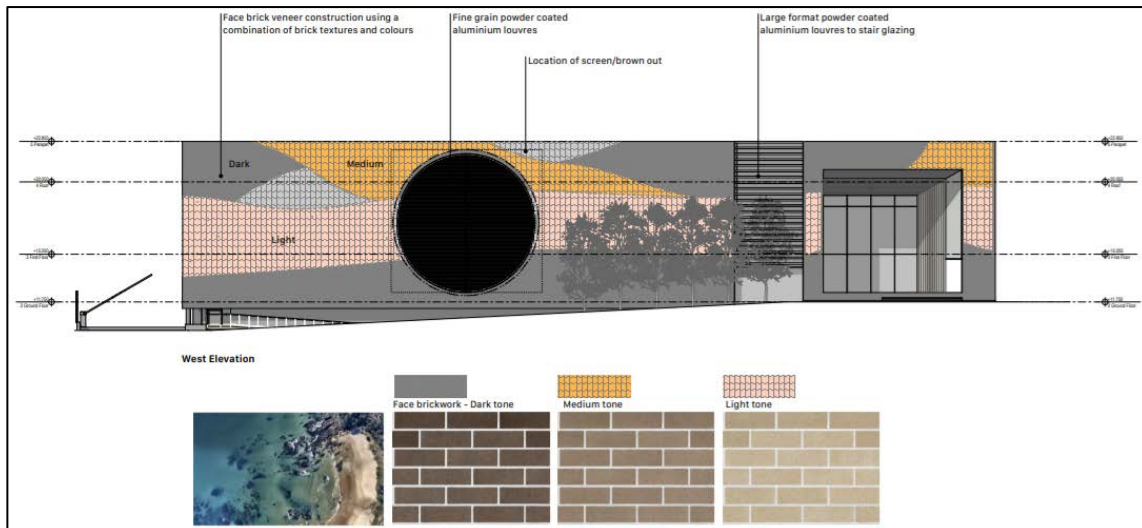


Figure 17 | PCYC Owen Street elevation (Source: Applicant's further information 2021)

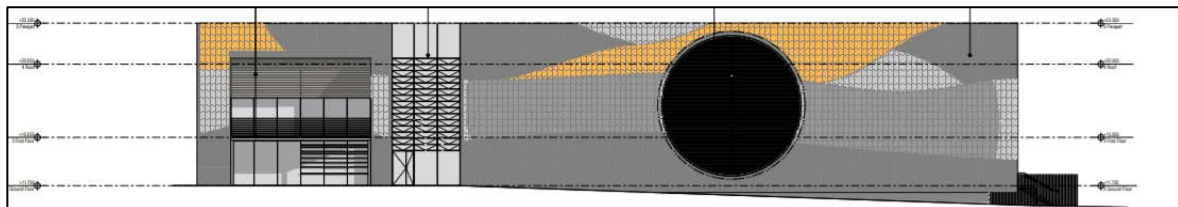


Figure 18 | PCYC eastern (Oxley Oval) elevation (Source: Applicant's further information 2021)

The northern façade which faces onto the Port City Bowling Club comprises a simpler design, comprising high level glazing and corrugated aluminium cladding (**Figure 19**).

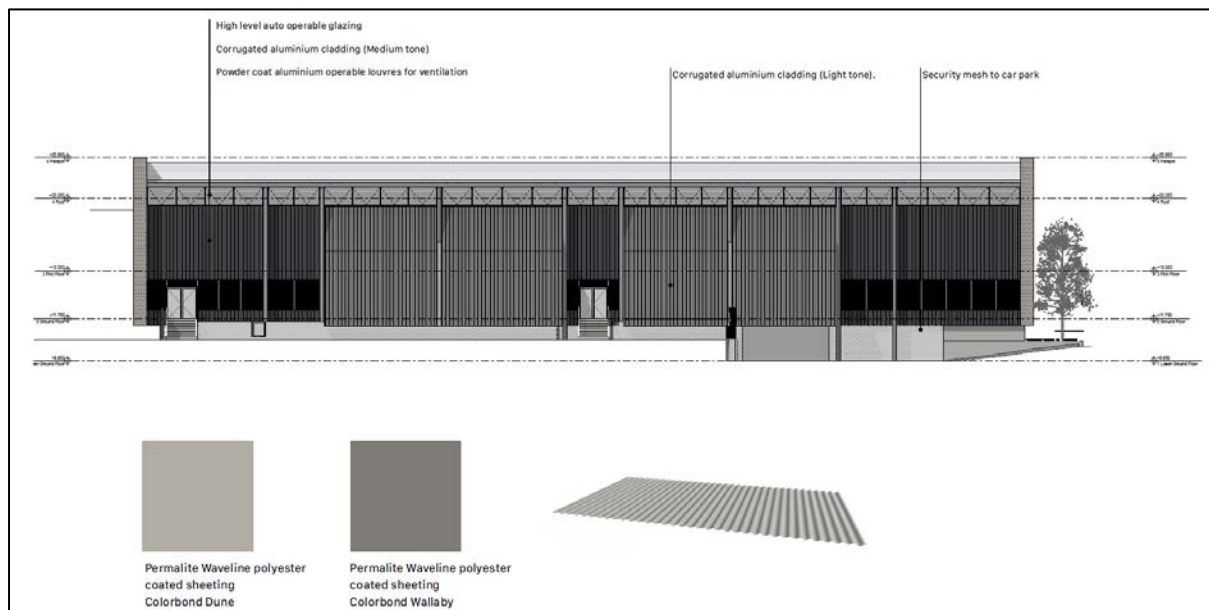


Figure 19 | PCYC northern (Port City Bowling Club) elevation (Source: Applicant's SRtS 2021)

The Department raised queries regarding the degree of articulation of the northern façade given the limited materials used and need to present an interesting and quality appearance responding to the views available to it from Owen Street and the Port City Bowling Club. The Applicant subsequently provided further details of the colour and profile of the corrugated sheeting and structural supporting piers.

The Department has considered the design refinements and additional information provided by the Applicant. The Department considers that the refinements provide a significant improvement in the façade design of the PCYC to Owen Street and towards the Port City Bowling Club. The use of three brick tones to the eastern and western facades serve to further break up the mass of the large elevations and present more interesting and engaging façades when viewed from Owen Street and Oxley Oval. The further detail provided below in **Section 6.2.4** in relation to the northern elevation and proposed landscaping also provides a more articulated and coherent façade.

Overall, the Department considers the proposal provides a quality architectural response that is appropriate to the use of the new buildings and their context in the site and surrounding area.

6.2.4 Tree removal and landscaping

The proposal includes the removal of 26 native and non-native trees, consisting of eight trees considered by the Applicant's Arborist to be of low retention value and 18 of medium retention value.

Proposed landscaping includes planting 72 trees and supporting shrubs and groundcovers. Landscaping would be focused around the upgraded school entrance, CAPA, PCYC and east of Building B (**Figure 20**).

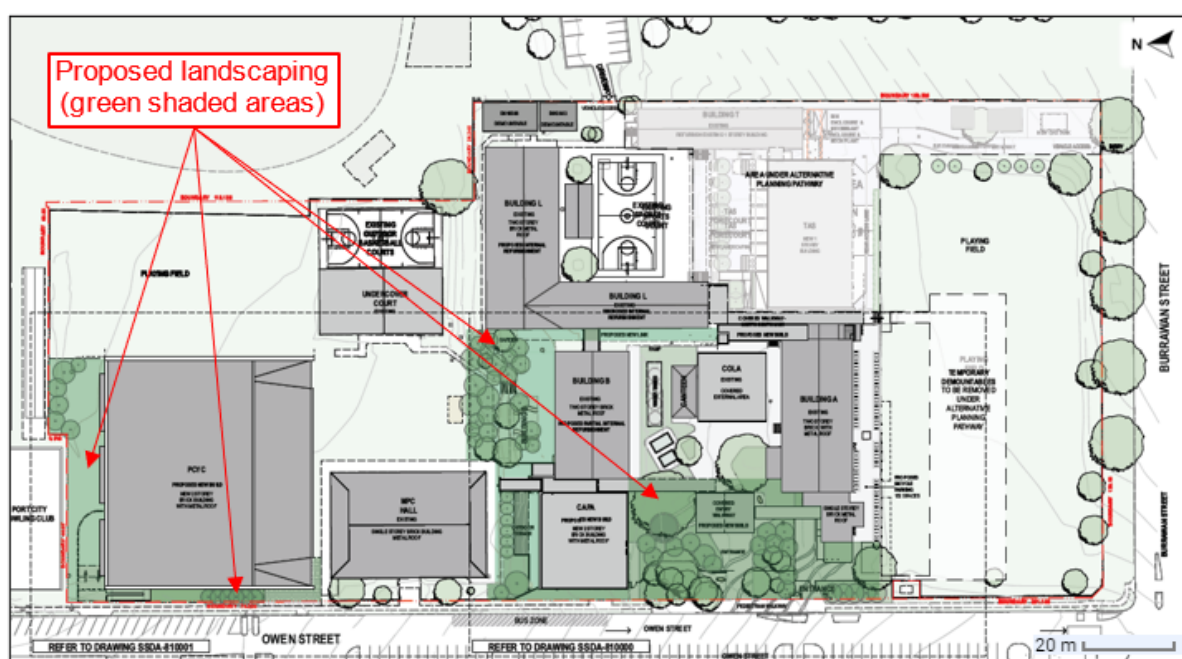


Figure 20 | Proposed landscaping (Source: Applicant's RtS 2021)

The Applicant advised that the landscape design was based on engagement with Aboriginal parties and informed by the coastal environment of the site.

The design provides a less formal entry to the school including a sandstone totem, artwork and vegetation. A series of formal and informal courtyards define outdoor spaces with differing characters. The new built form addresses these spaces either with north facing verandahs or new landscaped edges. Each courtyard includes species from the local ecological vegetation classes near the site (e.g. Dune Grasslands, Coastal Woodlands and Headlands (Littoral) Forest). Features include new koala use trees, a Yarning Circle and Bush Tucker Garden, providing opportunities for casual seating and learning in a bushland amphitheatre.

Following exhibition of the EIS, Council requested endemic species be used in planting.

In response to the comment, the Applicant included revised landscaping plans with the RtS. Overall, the revised plans substantially increase tree planting within the site from 32 proposed in the EIS to 72. This represents 46 trees above the 26 trees proposed to be removed. In addition to increased replacement numbers, revised landscape plans propose species that better contribute to endemic habitat on site, such as replacing Swamp Gum with Swamp Mahogany and 19 koala use trees to increase overall koala habitat.

The Department acknowledges the additional 40 trees to be planted and the Applicant's changes to tree species and inclusion of koala use tree species. Overall, the Department is satisfied that the proposal provides tree replacement at a ratio of more than one to one and would positively contribute to the landscape character and the habitat qualities of the site and surrounds. The Department notes the proposed landscaping includes planting along parts of the Owen Street frontage and northern boundary of the PCYC (**Figure 21**).

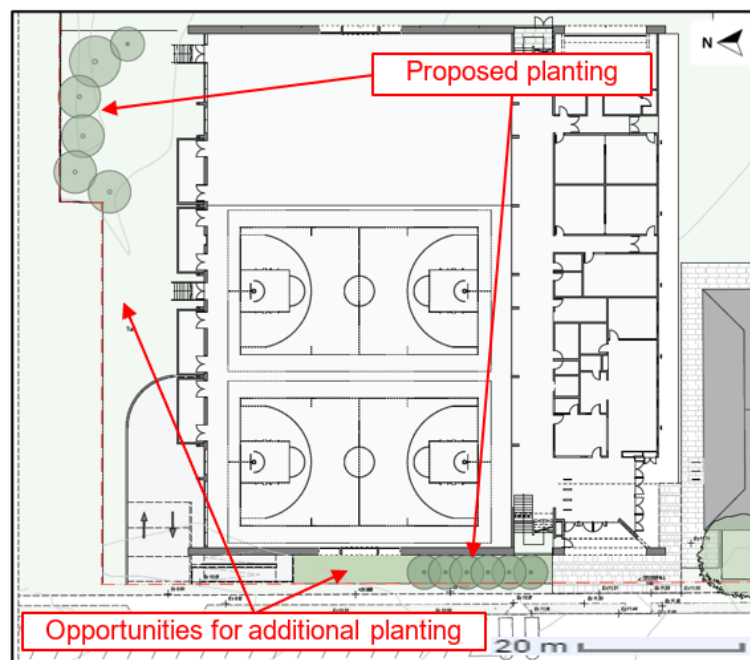


Figure 21 | Proposed landscaping (Source: Applicant's RtS 2021)

The Department considers that provision of additional planting along both elevations would soften and screen the PCYC from Owen Street, apartments at 11 Owen Street (**Section 6.3**), and the Port City Bowling Club. The Department also considers that the potential for provision of street trees along the Owen Street frontage should be considered in consultation with Council, noting existing paving, other structures, or constraints may limit these opportunities. The Department has recommended a condition requiring an amended landscape plan be prepared, detailing additional site planting and for street tree planting to be provided subject to consultation with Council.

6.3 Visual impacts

Public submissions raised concerns about potential significant view loss for residential properties adjacent to the site caused by the proposal. Concerns were particularly raised regarding impacts to views from 11 Owen Street (La Mer Apartments) directly opposite the proposed PCYC and 17-19 Owen Street (Mainsail Apartments) to the south-west of the PCYC. Both properties currently enjoy

views to the east / north-east over the current open school playing fields and Oxley Oval towards Oxley Beach and the ocean horizon beyond.

The location of the two apartment buildings in context of the proposed development and wider surrounds is shown in **Figure 22**.

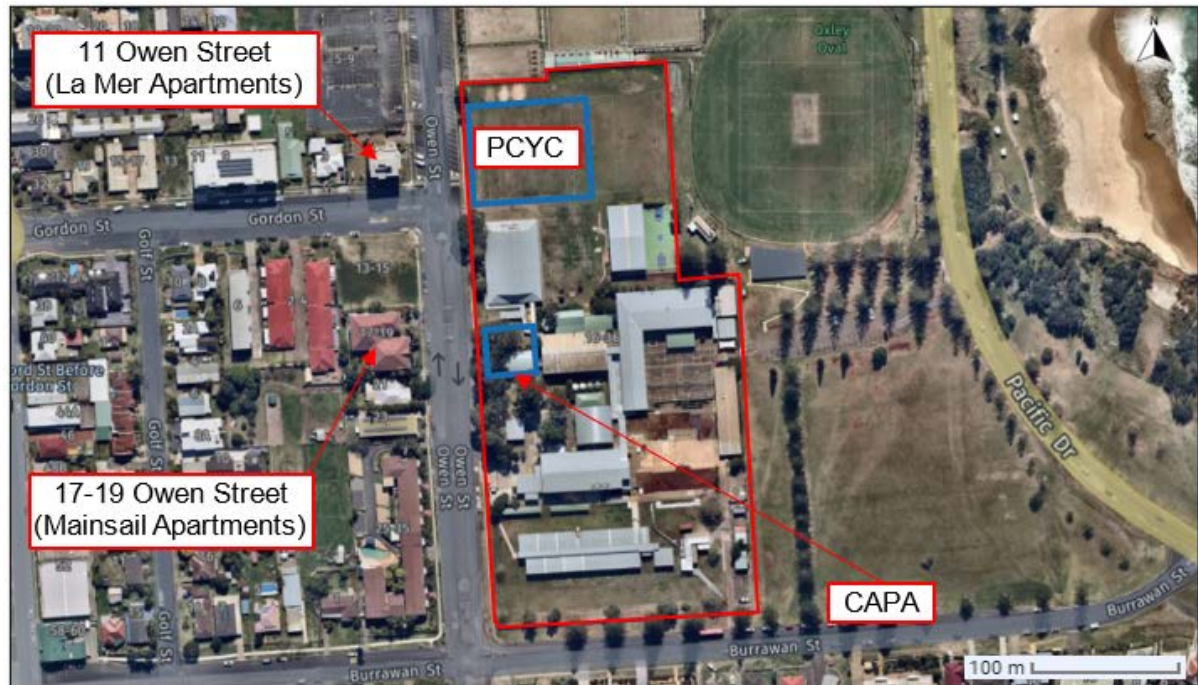


Figure 22 | View impact context (Base source: Nearmap 2021)

Impacts to views from the public domain and private properties were considered by the Applicant in a desktop View Analysis and VIA (public domain) included in the EIS and expanded and consolidated VIA in the RtS. The assessment undertaken in the VIA considered relevant planning principles established by the Land and Environment Court in:

- *Tenacity Consulting v Warringah* [2004] NSWLEC 140 (private view impacts)
- *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 (impacts to views from the public domain).

In relation to views from the public domain, the VIA found that the proposal would have an acceptable impact on the overall visual character of the surrounding streets and viewpoints. As the VIA noted, the number of people exposed to views in the public domain would be moderate, and most people would be engaged in active recreational pursuits so would be less sensitive to change.

In relation to private views, views from 11 Owen Street were found to have greater value due to the depth of visual field, although the sensitivity was not considered to be high as the views do not contain attributes such as the extensive presence of the ocean or the ocean/land interface. The VIA identified potential view impacts to apartments/dwellings at 11 Owen Street, 17-19 Owen Street, 21 Owen Street, and 23 Owen Street (**Figure 23**).



Figure 23 | Key assessed properties (Base source: Google Maps 2021)

Except for 11 Owen Street, the extent of impacts was found to be negligible or minor as existing views are limited due to existing screening vegetation or the distance, angle and elevation of the view.

Existing and proposed views from Unit 11 17-19 Owen Street are shown in **Figure 24**.



Figure 24 | View from Unit 11 (Level 3) 17-19 Owen Street (Source: Applicant's RtS 2021)

The VIA identified that of the eight storeys of 11 Owen Street, existing views across the site to Oxleys Beach and the ocean beyond would be impacted for apartments on levels two to five. The VIA found:

- all units above level two benefit from up to 180 degree views from Town Beach to the north to Windmill Hill to the southeast
- the PCYC building would have a significant impact on a portion of this view but would not preclude the remainder of the views enjoyed by the apartments
- the views impacted are characterised by playing fields as the dominant feature, with Norfolk Island Pine trees and views to the Pacific Ocean behind

- views from lower levels have a sliver of the Pacific Ocean, whilst upper levels have a greater depth of ocean views
- views to the ocean, Norfolk Island Pines and playing fields would be blocked from lower levels
- views to the ocean and Norfolk Island Pines would be maintained to upper levels
- overall, the proposal would cause a significant change to the nature of the views, with severe impacts at lower levels and moderate impacts at higher levels.

Existing and proposed views from selected apartments at 11 Owen Street are shown in **Figure 25**, **Figure 26** and **Figure 27**.



Figure 25 | View from unit 4 (Level 2) 11 Owen Street (Source: Applicant's RtS 2021)



Figure 26 | View from Unit 6 (Level 3) 11 Owen Street (Source: Applicant's RtS 2021)



Figure 27 | View from Unit 14 (Level 7) 11 Owen Street (Source: Applicant's RtS 2021)

Noting the above findings, the VIA considered the overall acceptability of the proposal having regard to the two key tests of reasonableness set out in established planning principles.

With regard to the first test, the VIA noted that the proposal complied with the planning controls affecting the site, including height and floor space ratio controls. Regarding height, the VIA particularly noted that the PCYC would have a maximum height of 13.88m which is significantly below the 19m and 26.5m maximum height controls that apply to the site under the Port Macquarie-Hastings Local Environmental Plan 2011 (PMHLEP).

Regarding the second test, the VIA concluded that the proposal represented skilful design that could not otherwise be designed to further reduce impacts, noting that the:

- PCYC is in the most suitable location in terms of site planning. There are no alternative locations that would otherwise avoid the visual impacts to 11 Owen Street without transferring those impacts elsewhere and resulting in poorer outcomes for the school and the PCYC (**Section 6.2.1**)
- PCYC was rotated 90 degrees in response to early engagement with Council to provide a slimmer building to the street and retain partial views across the playing fields from Owen Street between the PCYC and Port City Bowling Club
- design, scale and massing of the PCYC is necessary to accommodate the spaces required for the intended use of the building, including multi-purpose sports courts
- proposed design incorporates architectural devices to reduce the appearance of scale and bulk, including the use of transparent glazing in its Owen Street elevation and the combination of different yet cohesive external materials (**Figure 28**)
- landscaping within the front setback would soften views to the PCYC.



Figure 28 | Photomontage of PCYC (Source: Applicant's EIS 2021)

Overall, the VIA concluded that the proposal has been the subject to a rigorous technical and engagement process in consideration of visual impact matters. This process resulted in the incorporation of a number of design responses that seek to avoid and minimise potential significant adverse visual impacts. Overall, the VIA concluded that the proposal is acceptable.

The Department has carefully considered the concerns raised in the public submissions and information provided by the Applicant in the EIS, RtS and SRtS.

The Department conducted a site inspection on 20 September 2021, and in recognition of the scale of impacts to 11 Owen Street, captured video and photos of the existing visual environment from outside each level of the building using a drone. The information obtained by the Department was found to be generally consistent with the information presented by the Applicant.

Having regard to views from the public domain in consideration of the relevant established planning principles, the Department considers that the proposal would have acceptable impacts. The proposal would not affect any significant views or view corridors protected in the PMHDCP 2013. The proposed CAPA and PCYC buildings appropriately address Owen Street and provide interesting and quality architectural additions to the streetscape. In addition, the eastern elevation of the PCYC building that would face Oxley Oval would be of similar interest and quality as the Owen Street elevation. From both viewpoints, the proposal would appear as an addition the existing residential and mixed-use built form. As discussed in **Section 6.2.4**, the Department has recommended improved landscaping be provided along the northern boundary of the PCYC to further soften and screen views to the proposed building from the Port City Bowling Club.

Having regard to private views, the Department has assessed the potential impacts taking into consideration relevant planning principles. The four steps set out in the principles were considered:

Step one: *Assessment of views to be affected: water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views.*

The views affected by the PCYC generally encompass a grassed sporting field with built structures to the north (Port City Bowling Club) and to the south (existing school buildings). In the distance, further grassed areas and pine trees are visible. Views from 11 Owen Street are directly eastward across this plane. View from 17-19 Owen Street are more oblique, facing north-west. Lower levels of 11 Owen Street have slim views of the Pacific Ocean in the distance beyond the grassed areas and pine trees. Upper levels of 11 Owen Street have deeper ocean views. These views have value due to depth of field.

Step two: *Consider from what part of the property the views are obtained. For example, protecting views across side boundaries is more difficult than the protecting views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views.*

All units above level 2 benefit from up to 180° views from Town Beach to the north to Windmill Hill to the southeast. Views can be obtained from various positions across the front of the properties, including from living areas and balconies. The PCYC impacts the eastern view along the Owen Street frontage and beyond. Views in other directions are not impacted.

Step three: *Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*

The proposal would have severe impacts to lower level apartments at 11 Owen Street with eastward views across the site removed. Impacts to upper levels of 11 Owen Street and to 17-19 Owen Street would be moderate with partial views impacted but wider views maintained.

Step four: Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Under the Port Macquarie-Hastings Local Environmental Plan 2011 (PMHLEP), the site is subject to a maximum height of building control 26.5m along the Owen Street frontage of the site and 19m over the remainder of the site. The PCYC would have a maximum height of 13.88m with is significantly lower than, and complies with, the height planning controls. Under the PMHLEP, the site is subject to a floor space ratio control of 1:5:1. The proposal would have a floor space ratio of 0.327:1 which complies with the control.

As to whether a more skilful design could reduce the impact, the Department accepts that the scale and mass of the PCYC is necessary to accommodate the proposed internal uses, particularly internal multi-purpose courts (**Figure 29** and **Figure 30**).

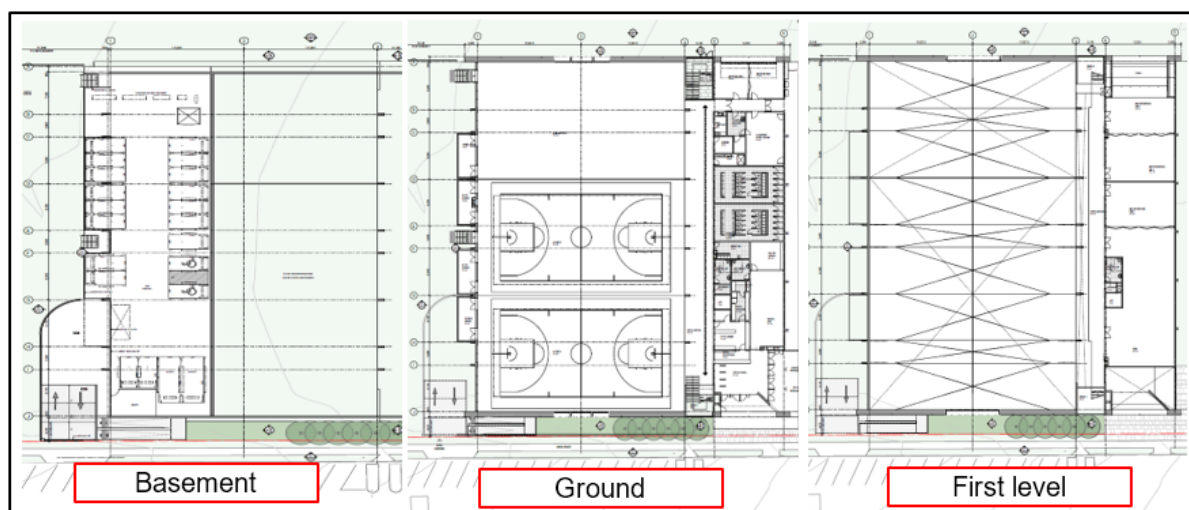


Figure 29 | PCYC floor plans (Source: Applicant's EIS 2021)

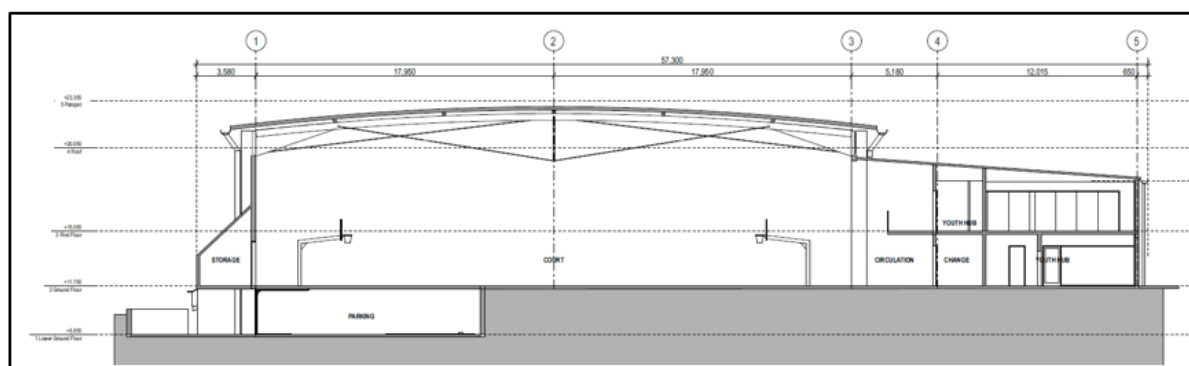


Figure 30 | PCYC section (Source: Applicant's EIS 2021)

The Department notes the design modifications that have occurred in the finalisation of the proposal, including the rotation of the building 90 degrees to be slimmer to the street, and design treatments used that seek to break up the mass of the building, including the large architectural window openings

to the street (**Figure 28**). The Applicant's design refinements, with the three tone brickwork (**Section 6.2.3**) further breaks up and adds interest to the elevation. Overall, the Department is satisfied that the siting and design initiatives for the PCYC represent skilful design, in accordance with established planning principles.

The Department notes that the proposal includes landscaping along part of the front of the PCYC building to soften and screen the appearance of the building to Owen Street and residential properties. The Department has recommended that additional planting be provided along the remainder of the front of the PCYC and along the northern side to screen views from the Port City Bowling Club. The Department considers that this would further soften the appearance of the building and mitigate the visual impact to adjoining residential properties, particularly 11 Owen Street.

Overall, the Department acknowledges that the proposal is a significant change to existing views, particularly to apartments in 11 Owen Street. However, following a careful assessment of the proposal against the established planning principles, the Department considers that the impacts would be acceptable subject to further landscaping treatments.

6.4 Other issues

The Department's consideration of other issues is provided at **Table 6**.

Table 6 | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended conditions
Site contamination	<p>A Preliminary Site Investigation was included in the EIS that found:</p> <ul style="list-style-type: none"> a general absence of gross soil contamination the site is suitable for the proposed use mapping indicates that naturally occurring asbestos may be present associated with underlying soils/bedrock with serpentinite origins, but testing did not confirm its presence naturally occurring chromium and nickel concentrations may also be present at increasing depths. <p>The Preliminary Site Investigation recommended:</p> <ul style="list-style-type: none"> precautionary measures should be taken if excavations result in the disturbance of the above materials procedures should be prepared to safely handle/manage materials including confirmatory testing where required an unexpected finds protocol should be prepared. <p>The EPA did not raise any concerns regarding contamination.</p>	<p>The Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for the proposed use as required by State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>The Department has recommended conditions requiring the development to be undertaken in accordance with the recommendations of the Preliminary Site Investigation, and that an unexpected finds procedure be implemented throughout construction works.</p>

Hazardous building materials	<p>A Hazardous Building Material Survey was included in the EIS. The Survey found hazardous building materials on site, which should be removed by a qualified person prior to any significant disturbance.</p> <p>The Survey recommended:</p> <ul style="list-style-type: none"> • following the removal of hazardous building materials, and prior to any demolition works taking place, a licensed asbestos assessor should carry out a clearance inspection to ensure that all hazardous building materials have been adequately removed from the site • air monitoring should be carried out throughout removal of hazardous building materials • a Materials Management Plan and Asbestos Management Plan be prepared. • warning signs should also be installed in the school building. 	<p>The Department has recommended conditions requiring the development to prepare a Hazardous Materials Management Plan, carried out in accordance with recommended waste storage and processing conditions.</p>
Biodiversity	<p>A Koala Assessment was included in the RtS that stated that Koalas were recorded on site in 2004 and 2006. It determined that vegetation at the site did not resemble any Plant Community Types and does not satisfy the definition of highly suitable Koala habitat. The Assessment found that the vegetation is not likely to be core Koala habitat under the Koala Habitat Protection SEPP 2021.</p> <p>In addition, the Assessment found that the site is located near the coast, is fragmented and somewhat isolated from areas of native vegetation by urbanisation. Consequently, the site is not likely to provide a key link or stepping stone between areas of remnant core Koala habitat within the area.</p> <p>The revised landscaping plan included in the RtS includes planting of 20 Koala use trees.</p> <p>As discussed in Section 4.5, EESG determined that the proposal is not likely to have any significant impact on biodiversity values and that a Biodiversity Development Assessment Report is not required.</p> <p>EESG made no comments in relation to biodiversity or impacts to Koala habitat.</p>	<p>The Department is satisfied that the Applicant has adequately considered potential impacts on Koalas, and is satisfied that proposed planting would increase Koala use trees on the site.</p>
Aboriginal cultural heritage	<p>An Aboriginal Cultural Heritage Assessment (ACHAR) was included in the EIS. This concluded that the proposal has a low risk of impacting Aboriginal archaeological material given the very high level of historical site disturbance.</p>	<p>The Department has reviewed the ACHAR and considers that potential impacts on Aboriginal cultural heritage have been appropriately addressed.</p> <p>Although the ACHAR indicates the potential for archaeological finds is unlikely, the Department considers it</p>

	<p>The ACHAR recommended unexpected finds procedures in the unlikely event that Aboriginal artefacts were to be found.</p> <p>Heritage NSW advised that the ACHAR had been undertaken in accordance with relevant guidelines and it supported the recommendations.</p>	<p>appropriate to recommend conditions requiring the implementation of an unexpected archaeological finds protocol.</p>
Stormwater and drainage	<p>Stormwater works are proposed to accommodate the new built form and landscaping works, having regard to stormwater volumes, detention, and quality treatment measures.</p> <p>Stormwater would be conveyed via a proposed below-ground pit and pipe system, with each system then directed to an on site detention tank before connecting to Council's system.</p> <p>Overland flow routes are provided away from existing and proposed buildings.</p> <p>A re-direction of the existing stormwater pipe in the proposed location of the PCYC would require a 3m wide easement over the new location of the stormwater pipe. An easement is proposed to benefit Council.</p> <p>A rainwater tank is also proposed for the PCYC for internal non-potable uses.</p>	<p>The Department has recommended conditions requiring the development to comply with the stormwater design, and comply with relevant Australian Standards and industry best practice.</p> <p>The Department has also recommended a condition requiring a 3m wide easement.</p>
Sediment, erosion and dust	<p>An Erosion and Sediment Control Plan was included in the EIS which detailed measures to minimise the impacts of sedimentation and erosion across the site. This includes measures set out in the Landcom design guide "Managing Urban Stormwater – Soils and Construction".</p> <p>An Air Quality Assessment was also included in the EIS that identified potential air and dust emissions that may occur throughout the construction phase. The potential risks to receptors from air emissions were found to be low and could be appropriately managed through standard mitigation measures.</p>	<p>The Department considers that appropriate measures have been proposed to prevent erosion and control dust.</p> <p>The Department has recommended conditions requiring the preparation of a final detailed Construction Environmental Management Plan, prior to the commencement of construction works.</p>
Social impacts	<p>The EIS included a Social Impact Assessment (SIA) that considered the social impacts of the proposed development. The SIA found that the proposal would likely result in:</p> <ul style="list-style-type: none"> enhanced social cohesion and social capital in the school and community increased recreation and volunteering opportunities early intervention programs to prevent and disrupt crime by supporting at-risk youth in achieving positive life outcomes improved student performance as a result of improved conditions 	<p>Overall, the Department is satisfied that the proposal would have positive social impacts as it would meet educational and social needs in the area. Short term impacts arising from the construction phase would be mitigated through construction management plans required by recommended conditions.</p>

	<ul style="list-style-type: none"> • improved education and employment prospects for young people • potential impacts to amenity as a result of construction activities. <p>The SIA recommended preparation and implementation of construction management plans to mitigate construction impacts.</p>	
Operational noise	<p>A Noise and Vibration Impact Assessment (NVIA) was included in the EIS that assessed potential operational noise impacts on nearby residential receivers.</p> <p>The NVIA concluded that:</p> <ul style="list-style-type: none"> • while mechanical plant and public address systems had not yet been selected, the proposal could comply with applicable noise criteria • operational noise from the PCYC is expected to meet the required criteria during the evening time (6pm-10pm) at the nearest noise sensitive receivers with the PCYC windows and doors closed, subject to recommended building design specifications • sound insulation of natural ventilation openings that match attenuation levels for the façade and roof would be critical to achieve noise criteria • mechanical ventilation openings are proposed on the northern and eastern façades away from sensitive receivers and would not result in an exceedance of the noise criteria • noise from the use of the CAPA building would comply with noise criteria • any increase in the traffic noise levels would be less than 2dB and would be insignificant. <p>Concerns regarding noise impacts from the operation of the PCYC were raised in public submissions. The EPA did not raise any concerns in relation to operational noise.</p> <p>Following exhibition of the EIS, the Department raised queries in relation to operational noise impacts.</p> <p>An Acoustic Addendum letter was included in the RtS responding to queries raised by the Department.</p>	<p>The Department has considered the findings of the NVIA and is satisfied that the proposal would not unreasonably impact on the acoustic amenity of surrounding occupants subject to conditions.</p> <p>The Department has recommended conditions that require:</p> <ul style="list-style-type: none"> • a detailed assessment be undertaken of mechanical plant and public address systems, demonstrating compliance with the identified noise criteria • the development be undertaken in accordance with the recommendations of the NVIA including noise attenuation measures and closure of windows and doors during evening use • the Applicant undertake short term noise monitoring following commencement of use and address any exceedances of the noise criteria • an Out of Hours Event Management Plan be prepared for events in the CAPA involving over 100 patrons • hours of operation for the PCYC.
Construction noise and vibration	<p>The NVIA included a preliminary construction noise and vibration assessment.</p> <p>The NVIA found that construction noise could exceed the highly noise affected levels. However, the NVIA considered that noise levels could be managed or mitigated to minimise impacts and largely achieve compliance with noise criteria. The NVIA</p>	<p>The Department is satisfied that appropriate noise and vibration mitigation measures would be implemented to minimise impacts on nearby residents during construction works.</p>

	<p>recommended that these measures be outlined in a detailed Construction Noise and Vibration Management Plan prepared by a qualified acoustic consultant, prior to the commencement of works.</p> <p>The NVIA outlined recommended minimum working distances for vibration causing works from sensitive receivers and provided recommended processes where these distances could not be met.</p>	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • construction hours to be in accordance with the standard hours • a Construction Noise and Vibration Management Plan be prepared that includes detailed mitigation measures to limit impacts on nearby receivers.
Heritage	<p>The EIS noted that the site is not an item of local heritage significance and is not near any items of heritage significance.</p> <p>However, given the role of Port Macquarie in early European settlement of Australia and the importance of the school in relation to the history of education pedagogy, a Statement of Heritage Impact was prepared.</p> <p>The Statement of Heritage Impact found:</p> <ul style="list-style-type: none"> • the original portions of Building A and B should be listed in the Applicant's Register under Section 170 of the Heritage Act 1977 • the CAPA would be adjacent to Building B and would have an impact but that this impact is mitigated by the sensitive design of the building • the PCYC would have some heritage impact but the impact is mitigated by the building's location at the northern end of the site • the partial demolition of Buildings A and B to provide for the new covered walkways would result in some heritage impact but the impact would be acceptable. 	<p>The Department is satisfied that the Applicant has appropriately considered potential historic heritage on the site, and the proposal would not have detrimental impacts on listed heritage items.</p>

7 Evaluation

The Department has reviewed the Applicant's EIS, RtS, and SRtS, and assessed the merits of the proposal, and considered comments made in public submissions and advice from public authorities. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The key issues identified with the proposal include traffic, transport and parking, built form and urban design, and visual impacts. Issues raised have been considered and environmental issues associated with the proposal have been addressed by the Applicant or through recommended conditions.

The local road network has capacity to accommodate traffic associated with the development and satisfactory parking arrangements are proposed. While the proposal would significantly impact existing views to a number of residential properties, the Department has comprehensively assessed the impacts having regard to the established planning principles and considers the impacts to be acceptable. The proposal would not result in other adverse amenity impacts as a result of noise, traffic, and visual privacy. Proposed landscaping would provide additional tree canopy to the site, Koala use trees and shading of outdoor play spaces.

The Department concludes the impacts of the proposal can be appropriately mitigated through recommended conditions of consent. The proposal is considered to be in the public interest as it would provide the following public benefits:

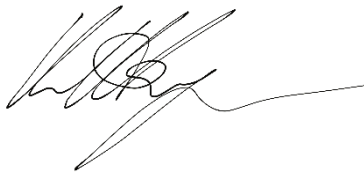
- provision of updated educational facilities to meet the needs of the existing school population
- a new community facility providing social and recreational facilities for young people
- investment of \$29.867 million and delivery of 42 construction jobs and six full-time equivalent operational jobs associated with the PCYC.

8 Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Hastings Secondary College Port Macquarie Campus Upgrade (SSD-11920082), subject to the conditions
- **signs** the attached development consent (see attachment).

Recommended by:

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal line extending to the right.

Karen Harragon

Director, Social and Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal stroke extending to the right.

1 December 2021

Erica van den Honert
Executive Director, Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/40801>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40801>

3. Applicant's Response to Submissions and supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40801>

Appendix B – Statutory considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Port Macquarie Hastings Local Environmental Plan 2011.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of this SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: a) the development on the land concerned is, by the operation of an	The proposed development is permissible with development consent. The proposal is for alterations and additions to an existing school with a capital investment value (CIV) in excess of \$20 million, under clause	Yes

Relevant Sections	Consideration and Comments	Complies
environmental planning instrument, not permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2.	15(2) of Schedule 1 of the SRD SEPP.	

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

Table B2 | Consideration of the relevant provisions of Infrastructure SEPP

Clause(s)	Consideration and comment
44 - 45 Development likely to affect an electricity transmission or distribution network	<p>The development is located within the vicinity of an electricity transmission or distribution network. In accordance with the Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment.</p> <p>The application was referred to Essential Energy which had no comments as to potential safety risks arising from the proposed development.</p>
98 – 104 Development in or adjacent to road corridors and road reservations	<p>The Department has consulted with TfNSW as the relevant roads authority for the classified road network. TfNSW did not raise any concerns in relation to the proposed development (Section 5).</p> <p>The Department has considered potential traffic impacts in Section 6 and is satisfied the development would not have a significant impact on the surrounding road network. The proposal provides for appropriate vehicle access arrangements and it is considered that there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads.</p>

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

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is state significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. Even though student numbers are proposed to be unchanged, the Application was referred to TfNSW (incorporating Road and Maritime Services).

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B3**.

Table B3 | Consideration of the design quality principles

Design Principles	Response
Principle 1 - context, built form and landscape	The proposed buildings are located to suit their purpose, with direct access to Owen Street to allow for easy community access. The proposal would provide an improved entrance to the school and improved connectivity across the site. The proposed buildings are consistent with the height limit of development surrounding the site.
Principle 2 - Sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 4.4.3). The materials chosen are durable and require low maintenance. Bicycle parking is provided, and the preliminary School Transport Plan submitted with the EIS encourages sustainable travel modes.
Principle 3 - accessible and inclusive	The proposal has been designed to provide improved accessibility across the site, with new lift connections and accessible paths of travel. The PCYC is intended as a joint use facility for community use after school and on the weekends.
Principle 4 - health and safety	The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.
Principle 5 - amenity	The proposal seeks to maximise natural light and ventilation, while landscaping and new covered walkways would provide shaded areas and walkways.
Principle 6 - whole of life, flexible, adaptable	The buildings allow for long term flexibility through the provision of flexible formal and informal spaces to adapt to future requirements.
Principle 7 - Aesthetics	The proposal offers an articulated and dynamic built form with clear entry points and wayfinding.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a preliminary site investigation which concluded that the site is suitable for the proposed development.

As detailed at **Section 6.4**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the ongoing use as an educational establishment as required by SEPP 55.

The Department has recommended a condition relating to preparing an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during construction works.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes one sign at the school's entrance. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B4** demonstrates the consistency of the proposed signage with these assessment criteria.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is contemporary in design and would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No themes exist for outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal 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?	The proposed sign would not detract from the amenity or visual quality of any special areas.	Yes

Assessment Criteria	Comments	Compliance
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed sign would be fixed to a new retaining wall along the Owen Street frontage. No views or vistas would be impacted by the proposed sign.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed sign would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed sign would be in proportion to the retaining wall and complement the new main entrance.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the sign is appropriate for the streetscape and setting.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign is simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	No.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would sit well below the height of proposed adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The sign would be of appropriate scale and proportion and is considered understated in the context of the site.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal respect important features of the site or building, or both?	The sign would be appropriately located at the site entrance and not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the sign is to denote the entrance of the school and the signage would achieve this purpose.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the sign.	N/A
7 Illumination		
Would illumination result in unacceptable glare?	Illumination of the sign is not necessary.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The sign would be fixed to the retaining wall and not reduce any sightlines.	Yes
Would the proposal reduce safety for any public road?		

State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone by managing development in the coastal zone and protecting the environmental assets of the coast, establishing a framework for land use planning to guide decision-making in the coastal zone, and mapping the four coastal management areas (the coastal wetlands and littoral

rainforests area, the coastal vulnerability area, the coastal environment area and the coastal use area) that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*. The Coastal SEPP replaces SEPPs 14, 26, and 71.

The site is identified as containing Coastal Use Area. The proposal is unlikely to cause adverse impacts to the foreshore, beach, headland or rock platforms. The proposal is consistent with the relevant Planning Principles of the SEPP and would not have any significant adverse impact on the environmental assets of the coast.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Port Macquarie Hastings Local Environmental Plan 2011 (PMHLEP)

The PMHLEP aims to encourage the development of employment, infrastructure and community services to meet the needs of the existing and future residents of the Port Macquarie Hastings LGA. The PMHLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department consulted Council throughout the assessment process and has considered all relevant provisions of the PMHLEP and matters raised by Council in its assessment (see **Section 5**). The Department concludes the development is consistent with the relevant provisions of the PMHLEP, as shown in **Table B5**.

Table B5 | Consideration of the PMHLEP

PMHLEP 2011	Department Comment/Assessment
Land Use Table – Zone R3 Medium Density Residential	<p>Educational establishments are permissible with consent in the R3 Medium Density Residential Zone.</p> <p>The proposal meets the objectives of the zone as it provides educational infrastructure and a PCYC which meets the needs of the community.</p>
Clause 4.3 Building height	<p>Maximum building heights of 19m and 26.5m apply to parts of the site.</p> <p>The proposed buildings would have a maximum height of 13.88m, which compiles with the control. This height is appropriate within the existing school setting and surrounding development.</p>
Clause 4.4 Floor Space Ratio	The site has a maximum Floor Space Ratio of 1.5:1. The proposal results in a proposed Floor Space Ratio of 0.327:1, which complies with the control.
Clause 5.10 Heritage conservation	The site is not heritage listed and has no items or places of heritage significance.
Clause 7.2 Earthworks	Earthworks would be required for the CAPA and PCYC buildings. Other minor earthworks may be required for landscaping. A drainage line would require re-alignment due to the earthworks required for the PCYC. The earthworks comply with the clause as they are minor in nature and conditions are included to manage and mitigate potential impacts from earthworks.
Clause 7.3 Flood planning	A flooding statement was provided in the EIS that relied on a review of Council's flood mapping and the Hastings River Flood Study to confirm that the subject site is not flood affected.
Clause 7.13 Essential services	Essential services are available to the site. Upgrades would be required subject to further correspondence regarding utility providers design requirements.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to state significant development. However, the objectives of relevant controls under the Port Macquarie-Hastings Development Control Plan 2013, where relevant, have been considered.

Appendix C – Community views for draft Notice of Decision

Issue	Consideration
<p><i>Landscaping</i></p> <ul style="list-style-type: none"> • Use of local native species is supported but additional local species are recommended. • Demonstrate that the site is not listed as Core Koala Habitat under State Environmental Planning Policy (Koala Habitat Protection 2021). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A Koala Assessment Report was included in the RtS that confirmed that the site did not contain core Koala habitat. • The Applicant submitted a revised landscaping plan that included additional local species and koala use trees planting. • Overall, 72 new trees are to be planted to replace 26 trees to be removed on the site. • The Department is satisfied that proposed landscaping would appropriately replace trees to be removed and positively contribute to the character of the site and surrounds. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • A revised landscaping plan be prepared that includes additional planting along the western and northern elevations of the Police Community Youth Club (PCYC) to further screen the building. • Street tree planting be provided in Owen Street in consultation with Council.
<p><i>Parking</i></p> <ul style="list-style-type: none"> • No consultation was sought from Council with regards to any proposed changes to the public on-street parking arrangements for the surrounding area. • Increased on-street parking would cause noise and amenity impacts to surrounding residents. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Environmental Impact Statement (EIS) included works to increase on-street parking spaces on Church and Gordon Streets. • The Applicant removed the on-street parking works in the Response to Submissions (RtS) following consultation with Council. • The PCYC includes 19 car parking spaces in the building. The existing school relies on on-street parking and the proposal would not increase student or staff numbers. • A Transport Assessment prepared by the Applicant concluded that the proposed 19 on site car parking spaces and existing on-street parking could adequately accommodate expected parking demand from the PCYC. • The Department is satisfied that the Applicant has adequately demonstrated that sufficient parking would be available to cater for expected demand generated by the PCYC. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • A School Transport Plan and PCYC Operations Plan be prepared to encourage sustainable travel to the site and reduce demand for parking.
<p><i>Proposed location of PCYC</i></p> <ul style="list-style-type: none"> • Concerns were raised regarding the proposed location of the PCYC facility and suggestions were made that it be located elsewhere. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant provided information to justify the proposed location of the PCYC and setting out why it could not be located elsewhere on the site. • The Department is satisfied that the Applicant has provided adequate justification for the location of the proposed new buildings and that the proposal represents a contextually appropriate informed design response.

<i>Visual impact of PCYC</i>	<i>Assessment</i>
<ul style="list-style-type: none"> Concerns were raised regarding the impact of the PCYC, particularly on views from residential properties in Owen Street. 	<ul style="list-style-type: none"> The Applicant provided a Visual Impact Assessment (VIA) that considered the impact of the proposal on views from the public domain and private properties surrounding the site. The VIA determined that the proposal would significantly change views from properties at 11 Owen Street directly opposite the proposed PCYC. However, the VIA further concluded the impacts are acceptable having regard to the established planning principles set out by the Land and Environment Court. The Department concluded that the proposal would cause a significant change to existing views, particularly to apartments in 11 Owen Street. However, the impacts are acceptable after carefully considering the impacts of the proposal against established planning principles. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A revised landscaping plan be prepared that includes additional planting along the western elevation of the PCYC to further screen the building.
<i>School facilities</i>	<i>Assessment</i>
<ul style="list-style-type: none"> Further upgrades and capacity uplift are required to meet demand. Failure to provide for demand will require demountables to be maintained. There is no plan to provide air-conditioning or fix windows and blinds that do not function. The proposal would reduce existing science facilities. 	<ul style="list-style-type: none"> The Department accepts the need for strategic planning for timely delivery and effective maintenance of educational infrastructure. However, this is an ongoing exercise undertaken by the Applicant, and investment in new or upgraded facilities is determined on an as needs basis considering demand across NSW. The Department can only assess the proposal before it, and recognises that the Applicant proposed further works at the school under separate planning assessment processes.

Appendix D – Recommended instrument of consent