



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
Hunter Sports High School
(SSD 7532)**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

January 2017

ABBREVIATIONS

Applicant	NSW Department of Education
BAR	Biodiversity Assessment Report
BOS	Biodiversity Offset Strategy
CIV	Capital Investment Value
Council	Lake Macquarie City Council
CPTED	Crime Prevention Through Environmental Design
DCP	Development Control Plan
Department	Department of Planning and Environment
EFSG	<i>Department of Education Educational Facility Standards and Guidelines (EFSG)</i>
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
HSHS	Hunter Sports High School
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
LMLEP	<i>Lake Macquarie Local Environmental Plan 2014</i>
LOS	Level of Service
Minister	Minister for Planning
OEH	Office of Environment and Heritage
REF	Review of Environmental Factors
RMS	Roads and Maritime Services
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment, or her delegate/nominee
SEPP	State Environmental Planning Policy
SEARs	Secretary's Environmental Assessment Requirements
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TIA	Traffic Impact Assessment
TfNSW	Transport for New South Wales
WPS	Wiripaang Public School

Cover Photomontage: View of the new school entry on the Pacific Highway (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by NSW Department of Education seeking approval for the redevelopment of the Hunter Sports High School (HSHS) at 2 Pacific Highway, Gateshead.

The proposal consists of demolition works, construction of three main buildings, new vehicular access and car parking arrangements, pedestrian circulation, external signage, landscaping and infrastructure works. Construction works are proposed to be staged over two years to allow the ongoing use of the school grounds and facilities. The project has a capital investment value (CIV) of approximately \$30.67 million.

The proposal is SSD under clause 15 of Schedule 1 to the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of an education establishment with a CIV of more than \$30 million. The Minister for Planning is the consent authority.

The subject site is zoned R2 Low Density Residential under Lake Macquarie Local Environmental Plan 2014 (LEP 2014). The proposal is permissible with consent pursuant to the *State Environmental Planning Policy (Infrastructure) 2007* which permits 'educational establishments' in the R2 zone.

The Department of Planning and Environment (the Department) publicly exhibited the application from 11 August to 9 September 2016. Seven submissions were received from public authorities and no submissions were received from the public. None of the public authorities, including Lake Macquarie City Council objected to the proposal. Key issues raised in the submissions relate to traffic, car parking, access and environmental matters.

The Department has assessed the merits of the proposal and considers the key issues associated with the project include built form and traffic, parking and access.

The proposed redevelopment involves replacement of the existing out-dated building stock with three new school buildings within the existing developed area of the school. Given the relative isolation to residential areas afforded by the adjoining education and industrial land uses, the redevelopment works would have minimal impact on the amenity of the surrounding area.

The Department considers the proposed buildings exhibit a good standard of design quality including a mix of materials and finishes and sufficient articulation to create visual interest. The integrated landscape design proposes a range of low maintenance plant species and ground surface materials and finishes to define new spaces within the site that would result in significant improvements to the presentation of the school within the streetscape. The Department's assessment concludes that the height, bulk and scale of the new buildings is acceptable within the context of the locality, and would not result in any adverse visual impacts on the surrounding area.

The proposed redevelopment would not result in any increase in student population or staff numbers, and there would be no additional traffic generated by the normal operation of the school. The Department is therefore satisfied the redevelopment would not result in any significant adverse traffic impacts on the surrounding road network. The proposed redevelopment also includes new arrangements for on-site staff parking and vehicular access, and the existing kerbside parking along the street frontage would continue to provide safe and convenient access to the school for student pick-up and drop-off by parents. The Department is satisfied that the proposed redevelopment would result in improvements to the existing parking and access arrangements for the school.

The Department has considered the environmental aspects of the proposal and is satisfied that potential impacts have been addressed within the application and the Department's recommended conditions of consent.

The Department considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (including ecologically sustainable development), State priorities and *Hunter Regional Plan*. The proposal would also deliver new classrooms and learning spaces and better amenity for students and teachers, resulting in improved educational outcomes and a significant public benefit for the local community.

The Department therefore considers the development would be in the public interest and recommends the SSD application be approved, subject to conditions.

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1. BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

The NSW Department of Education (the applicant) proposes the progressive demolition of the existing buildings that have passed or are nearing the end of their economic life, and replacement with three new main school buildings to meet the on-going education needs of the H. The new buildings will comprise of new classrooms and learning spaces; administration and staff facilities; a school hall and movement complex; a canteen; and a library.

The Hunter Sports High School (HSHS) is co-educational and caters for students in Years 7 to 12 from the surrounding suburbs and the Central Coast, Port Stephens and the Hunter Valley areas. HSHS currently accommodates 773 students and 108 staff. HSHS has an enrolment capacity of 850 students. The proposed redevelopment does not seek to increase the student numbers beyond the enrolment capacity of 850 students or result in any increase to the existing number of staff. HSHS is not currently subject to any restrictions on enrolment.

1.2 Site Description

The site is located at 2 Pacific Highway, Gateshead, which is approximately 13 kilometres south of Newcastle within the Lake Macquarie Local Government Area (refer to **Figure 1**).



Figure 1 – Project location

(source: www.nearmap.com)

The site is rectangular and has a total area of 9.1 hectares. The site slopes from north to south, representing a change in level of approximately 17 m.

The existing school buildings (see **Figure 2**) are located in the north-eastern part of the site (developed area) and include:

- administration (Block A);
- canteen and classrooms (Block B);
- classrooms (Block C, D and E);
- workshops (Block F);
- science laboratory and arts class rooms (Block J); and
- library (Block L).

HSHS also contains a number of sporting facilities and ancillary buildings including a gymnasium (Block Q), covered ball courts, cricket nets, tennis court and playing fields, and bus shed and agricultural shed.

HSHS currently has an on-site parking area for 70 vehicles (including formal and informal spaces), primarily for staff parking but also used by visitors, school buses (20 seater), garbage trucks and delivery vehicles (shown highlighted within the yellow outline in **Figure 2**). An informal shared parking area is also available on the adjoining Wiripaang Public School (WPS).

The existing driveway access, located approximately midway along the Pacific Highway frontage of the site, is the sole vehicular access available to the school and its parking area, with an internal service vehicle road providing access to playfields and ancillary site buildings (shown as a dashed red line in **Figure 2**). The existing school operation includes restricted kerbside parking along the Pacific Highway frontage of the site for the pick-up/drop-off of students. Also, there is an indented bus zone along the Pacific Highway frontage of the site that can accommodate two buses and a bus bay further north in front of the WPS that can also accommodate buses.

Figure 2 illustrates the existing HSHS layout. **Figures 3 to 8** show the HSHS context.

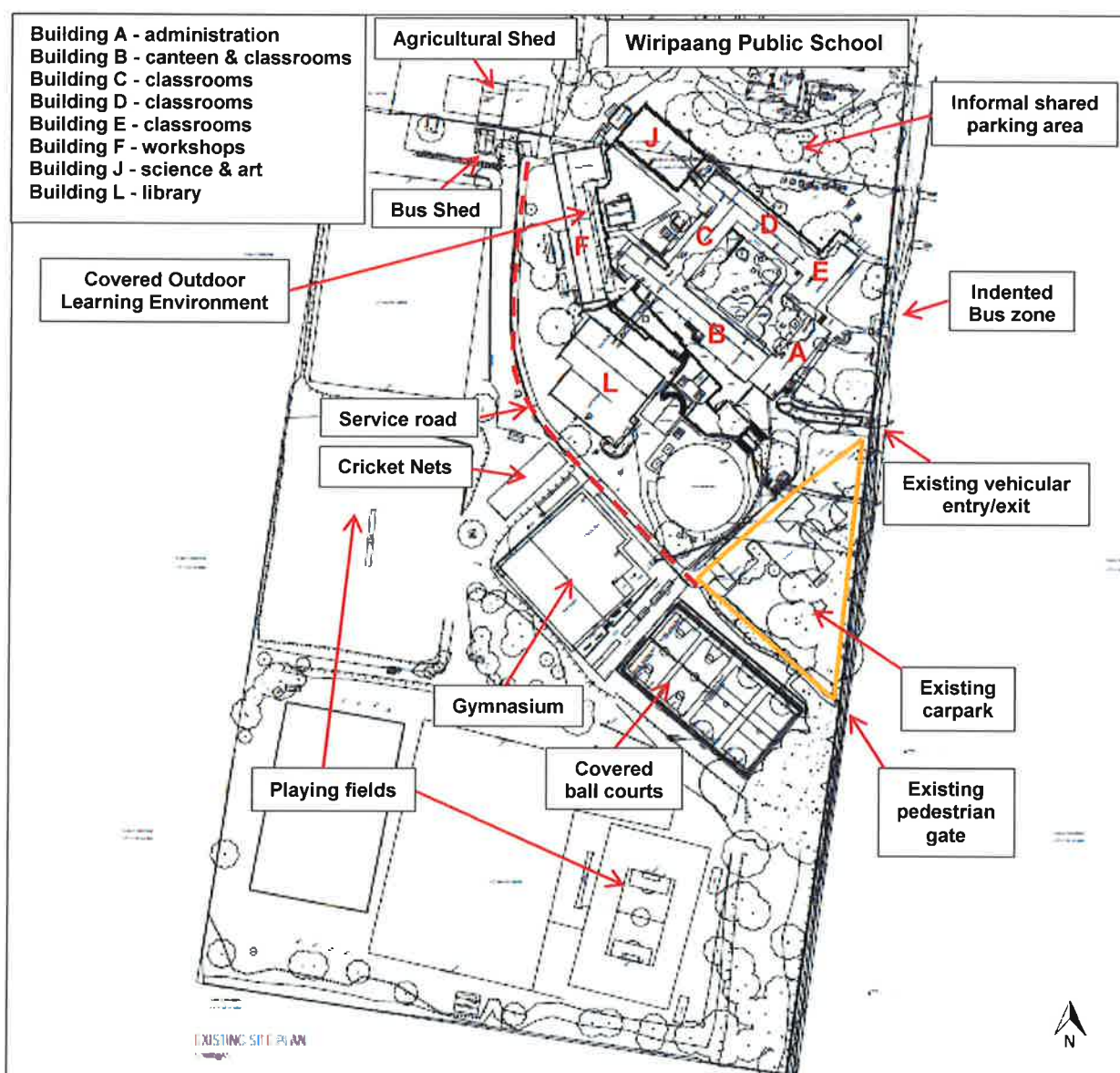




Figure 3 – Playing fields to the southwest



Figure 4 – Existing classrooms (Block E)



Figure 5 – Existing carpark (formal spaces)



Figure 6 – Existing carpark entry (Pacific Hwy)



Figure 7 – Existing pedestrian entry



Figure 8 – Existing carpark (informal spaces)

(source: Planning Officer)

As shown in **Figure 9**, a light industrial precinct to the east across the Pacific Highway contains large format commercial buildings and associated parking areas fronting the Pacific Highway directly opposite HSHS.

Adjoining to the north is the WPS, which caters for students from Kindergarten to Year 6. The shared parking area adjacent to the northern boundary of the site is available for staff parking for both schools.

To the northeast is the residential suburb of Gateshead on the eastern side of the Pacific Highway and land to the west of the playing fields contains Johnsons Creek and a bushland area.

The southern boundary adjoins a playing field and small band of native vegetation that extends along the Pacific Highway.

Figure 9 illustrates the local context.



Figure 9 – Local context

(source: Six Viewer)

1.3 Project Description

Table 1 provides a summary of the development proposal's key components and features. Figure 10 shows the development layout and Figures 11 and 16 provide indicative elevations of proposed buildings.

Table 1: Key development components

Development Summary	The proposal consists of: • demolition of all existing school buildings, except: – agricultural shed, – bus shed, – cricket nets, – covered outdoor learning area, and – gym (Block Q)/covered ball courts; • construction of three main school buildings (Block S, T and U) comprising: – classrooms and other learning spaces, – a library, – movement complex and hall, – a canteen, and – administration and other staff facilities; • new Pacific Highway vehicular access and revised car parking arrangements; • pedestrian circulation; • external signage; • landscaping; and • infrastructure works.
Building Use	<i>Block S comprising:</i> • movement complex/hall; and • canteen.

	<i>Block T comprising:</i> • specialist learning including hospitality, technological and applied sciences; • general learning; • administration; • senior study areas; • staff study and lounge; and • staff and student amenities. <i>Block U comprising:</i> • library; • creative and performing arts; • general learning; • big picture academy; • minimbah room; and • student change rooms and amenities.
Building Height	• Block S – 1 storey and 9.855 m; • Block T – 3 storeys and 12.66 m; and • Block U – 1 storey and 9.395 m.
Gross Floor Area (GFA)	• Block S – 1,220 sqm; • Block T – 5,792 sqm; and • Block U – 1,883 sqm. • TOTAL: 8,895 sqm.
Vehicular Access	The vehicular access arrangements include: • construction of a new vehicular entry/exit and internal loop driveway at the southern end of the site; • retention of the existing Pacific Highway driveway entry/exit; and • retention of the internal service road.
Car Parking	No additional parking is proposed, but the existing 70 on-site car parking spaces will be revised to be provided as follows: • a formal car park directly to the north of Block S accommodating eight staff and visitor vehicles utilising the existing driveway access off the Pacific Highway; • an informal car park directly to the south of Block S accommodating 26 staff vehicles; and • a shared informal parking area within the adjacent WPS for 36 vehicles.
Landscape Works	The proposed landscape works involve: • removal of 80 trees and replanting of 96 trees; and • new landscape spaces (including various hard and soft landscape areas) such as sandstone and concrete seating, retaining walls and low maintenance planting covers.
Signage	• relocation and reuse of existing electronic school sign and pylon signs; and • new wayfinding and school building/use identification signage.
Staging	The redevelopment will involve the demolition of buildings over a period of two years to allow ongoing use of the school during the construction phase. The works will be undertaken generally in two key stages in the following sequence: <i>Stage 1</i> • construct a new driveway crossing and service road off Pacific Highway; • construct Block S; • decant staff and students from Block L and part of Block A and B into new Block S; • demolish Block L and part of Block A and B; • construct Block T (classrooms and admin building); • decant staff and students from A,B,C D, E and F into Block T; and • demolish the remainder of Blocks A and B and Blocks C, E and F. <i>Stage 2</i> • construct Block U (single storey classroom and library); • decant staff and students from Blocks D, J and H into new buildings; • demolish Blocks D, J (to slab level) and H; and • construct a tennis court on the slab at Block J.
Capital Investment Value (CIV)	\$30,671,743

Number of Jobs	Approximately 150 full-time equivalent construction jobs.
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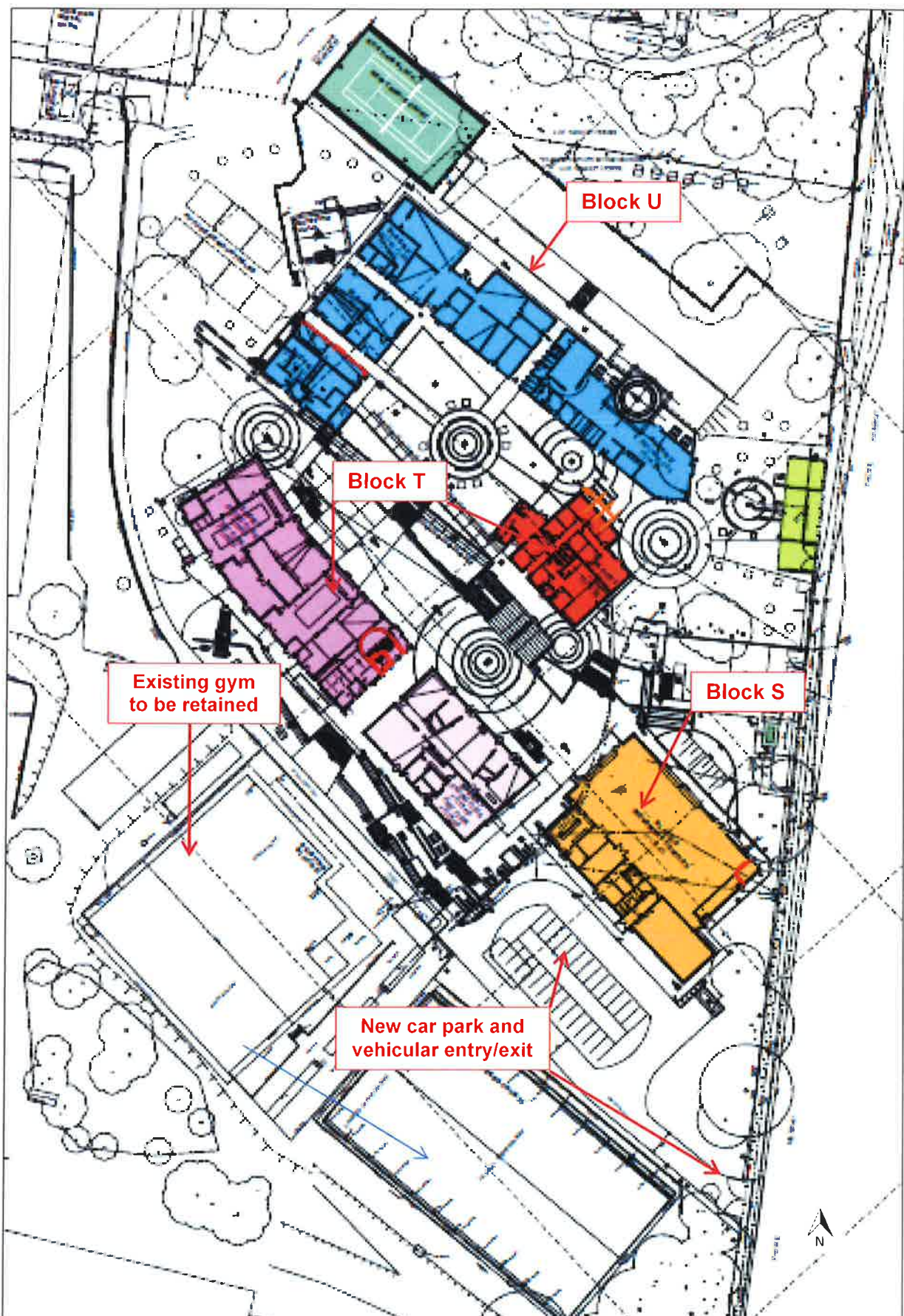
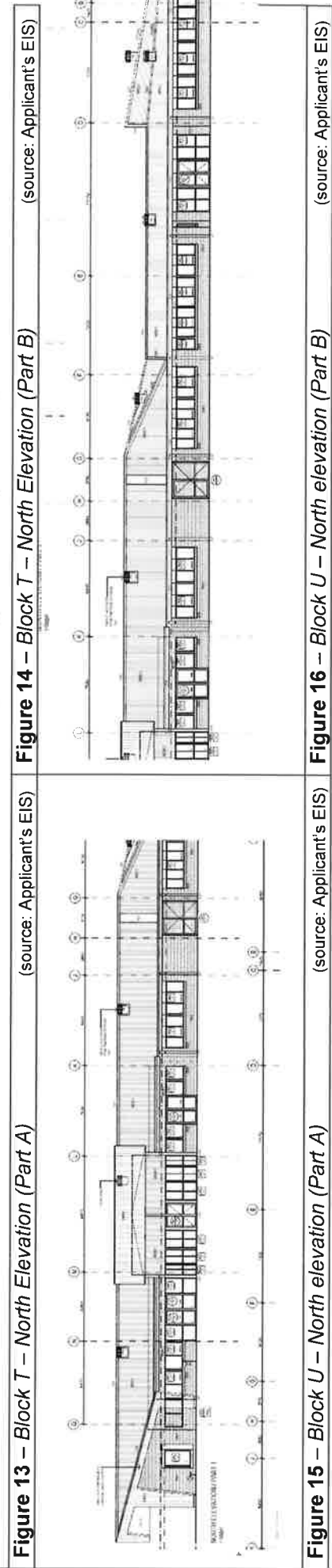
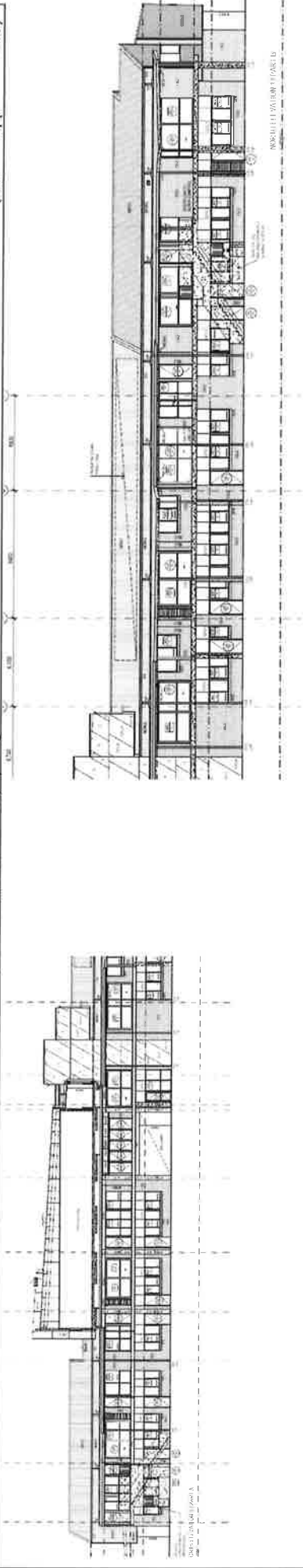


Figure 10 – Proposed HSHS layout

(source: Applicant's EIS)



1.4 Project Need and Justification

The proposed redevelopment responds to the school's need to upgrade the out-dated building stock and provide a long-term solution for the ongoing operation of HSHS.

The proposal is justified on the basis that it would:

- bring HSHS into compliance with relevant construction codes and Australian Standards, particularly in terms of fire safety and access;
- provide new learning and recreation facilities, and contribute to a high quality experience, resulting in a positive impact on educational outcomes;
- provide high quality outdoor spaces and landscape amenity to improve its presentation within the streetscape and the site;
- provide readily identifiable activity precincts linked by simple and clear circulation;
- improve traffic and access arrangements and reduce potential conflicts between vehicles and pedestrians; and
- improve the operation of the school in terms of the parking arrangements.

2. STATUTORY AND STRATEGIC CONTEXT

2.1. State Environmental Planning Policy (State and Regional Development) 2011

The proposal is State significant development (SSD) as the development is for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million in accordance with Clause 15 of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore, the Minister for Planning is the consent authority.

2.2. Delegated Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Lake Macquarie City Council (Council) has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

2.3. Zoning and Permissibility

The subject site is zoned R2 Low Density Residential under *Lake Macquarie Local Environmental Plan 2014* (LMLEP). The proposal is consistent with the definition of an 'educational establishment', which is normally prohibited in the R2 zone. However, clause 5.12 states there is nothing in the LMLEP that can restrict or prohibit the carrying out of any development by a public authority that is permitted to be carried out with consent under *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Clause 28 of the ISEPP states that: "*development for the purposes of educational establishment may be carried out by any person with consent on land in a prescribed zone*". The R2 zone is listed as a "prescribed zone" under the ISEPP. Therefore, LMLEP does not operate to 'prohibit' the development on the site because the application is made by a public authority. The proposal is therefore permissible with consent in the R2 zone by virtue of the ISEPP.

2.4. Environmental Planning Instruments

The Department's consideration of relevant environmental planning instruments (EPIs) (including SEPPs) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the following EPIs:

- SRD SEPP;
- ISEPP;
- State Environmental Planning Policy No.14 – Coastal Wetlands (SEPP 14);
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64); and

- LMLEP.

The proposal is generally consistent with the relevant requirements of the EPIs, though exceeds the maximum height limit of 8.5 m under Clause 4.3 of LMLEP. Notwithstanding, clause 5.12 of the ISEPP provides that development standards listed in LMLEP do not apply where they restrict or prohibit the carrying out of development by a public authority permitted under the ISEPP (refer to Section 2.3 above). A merit based assessment of the proposed height, bulk and scale is provided in **Section 4.2.1** of this report.

2.5. Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in section 5 of the Act (see glossary at **Appendix C**). The proposal complies with the objects of the Act as it would deliver new facilities for educational purposes in an ecologically sustainable manner (refer to **Section 2.6** below). The proposal promotes the social and economic welfare of the State through the orderly redevelopment of an existing school for social infrastructure.

2.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (see glossary at **Appendix C**). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The Department has considered the project in relation to the ecological sustainable (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 project. The proposal is considered to be consistent with ESD principles as described in Section 6.15 of the applicant's Environmental Impact Statement (EIS) and the Ecological Sustainability Approach Report, which has been prepared in accordance with the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The proposal includes a range of passive building design approaches such as properly considered building orientation and the optimal arrangement of openings in the new buildings maximising the benefits of natural lighting and ventilation. Some of the measures include:

- provision of daylight to all learning spaces and augmentation using skylights in ceilings where length of wall limits potential for natural lighting;
- careful design of louvres, overhangs and walkways to screen the western sun;
- provision of all spaces with cross flow natural ventilation or mechanically assisted cross flow ventilation;
- thermal insulation to building envelope elements such as roof and walls;
- a heated water panel system;
- PV solar system providing onsite electricity to supplement the base;
- energy efficient lighting and fittings; and
- water efficient sanitary fixtures and tapware.

The *Department of Education Educational Facility Standards and Guidelines* (EFSG) contain detailed technical requirements for the planning and design of Department of Education school facilities and includes measures relating to ESD principles and environmental efficiency and performance, which have been considered in the design. The EFSG requires new school projects to be designed to a standard to achieve a 4 Star rating under the Green Building Council of Australia Green Star – Education v1 Design & As Built 4 Star Rating.

The Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

2.7. 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.

2.8. Strategic Context

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

- is consistent with the State Priorities as it will provide better quality education facilities and services, and improve access to and participation in high quality education, which provides the foundations for long term social and economic success;
- is consistent with NSW Government's *Hunter Regional Plan* to deliver essential educational facilities to support the growing population and contribute to upgrading the existing school facilities and reinforce a sense of community; and
- would provide an overall direct investment of \$30 million in the local area, and create 150 construction jobs for the local economy.

2.9 Secretary's Environmental Assessment Requirements

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

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication, in accordance with the Regulation. The Department publicly exhibited it for 30 days from 11 August 2016 until 9 September 2016:

- on the Department's website;
- at the Department's Bridge Street Sydney Information Centre; and
- at Lake Macquarie City Council administration office.

The Department advertised the public exhibition in the Newcastle Star on 10 August and Lakes Mail on 11 August 2016. The Department also notified adjoining landholders, and relevant State and local government authorities in writing.

The Department received seven submissions during the exhibition period from public authorities, including Council. No submissions were received from the general public.

A summary of the issues raised in the submissions is provided in the following section.

3.2. Public Authority Submissions

The issues raised by public authorities are summarised in **Table 2**. The submissions are considered in **Section 5** and/or by way of conditions in the recommended development consent at **Appendix D**.

Table 2: Summary of public authority submissions on the EIS

Council
Council supports the proposed redevelopment of the school, noting it would significantly improve the visual and streetscape presentation, and cater for the demand for contemporary educational facilities in the region. It also considers the proposed built form is appropriate for the site, and there is unlikely to be any significant environmental impacts on the surrounding area.
Council provided additional comments for consideration in relation to landscaping, pedestrian access, security, construction management and waste management.

NSW Health (NSWH)

NSW Health raises no objection to the proposal, noting that potential air quality and noise impacts during the construction phase would be considered during the assessment undertaken by the Department. NSW Health also provides comments for consideration in relation to rainwater tanks, surface and groundwater, soil contamination and community consultation.

Roads and Maritime Services (RMS)

RMS raises no objection to the proposal, noting there would be no significant impact on the Pacific Highway.

NSW Environmental Protection Authority (EPA)

The EPA raises no objection to the proposal, noting that any contaminated material encountered during the construction phase will be managed in accordance with the Remedial Action Plan.

Office of Environment and Heritage (OEH)

OEH raises no objection to the proposal, noting that biodiversity, aboriginal cultural heritage and flooding issues are adequately addressed in the applicant's EIS.

Hunter Water Corporation (HWC)

Hunter Water raises no objection to the proposal, noting there is sufficient capacity to serve the proposal.

NSW Rural Fire Service (RFS)

RFS raises no objection to the proposal, subject to the school grounds being managed in accordance with the asset protection zone (APZ) requirements in the guideline *Planning for Bushfire Protection (PBP)* NSW Rural Fire Service 2006.

3.3. Applicant's Response to Submissions

The applicant provided a response to the issues raised in submissions and also includes a response to the Department's request for additional information in relation to ESD requirements and car parking aspects. There were no changes made to the design or the layout of the proposal in the Response to Submissions (RtS).

The Department made the RtS publicly available on its website and referred it to Council for review. No public or public authority submissions were received regarding the RtS.

4. ASSESSMENT**4.1. Section 79C Evaluation**

Table 3 identifies the matters for consideration under section 79C that apply to SSD, in accordance with section 89H of the EP&A Act (see glossary at **Appendix C**). The table represents a summary for which additional information and consideration is provided for in **Section 4** (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Consideration of relevant EPIs has been undertaken in Appendix B . The proposed development satisfactorily complies.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Refer to Appendix B*
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the Regulation	The development application satisfactorily meets the relevant requirements of the EP&A Regulation, including the

Section 79C(1) Evaluation	Consideration
	procedures relating to development applications (Part 6 of the EP&A Regulation), public participation procedures for SSD's and schedule 2 of the EP&A Regulation relating to EIS's. Refer to discussion at Section 2.7 .
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	The Department's assessment has considered the likely impacts of the proposed development and is satisfied that they can be appropriately mitigated or conditioned (refer to Section 4.2).
(c) the suitability of the site for the development	The site is suitable for the development because it would involve redevelopment of an existing school accessible to public bus transport (refer to Section 2.8).
(d) any submissions	Consideration has been given to the submissions received during the exhibition in Section 3 of this report. Key issues raised in submissions have been considered further in Section 4.2 of this report.
(e) the public interest	The proposal is in the public interest as it would provide improved educational facilities for the local community (refer to Section 4.2.3).
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	The proposal seeks to retire two ecosystem credits in accordance with the <i>New South Wales Framework for Biodiversity Assessment (FBA)</i> OEH 2014. Refer to Section 4.2.3 .

* Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, consideration has been given to relevant Development Control Plan at **Appendix B**.

4.2. Key and Other Issues

The Department considers the key environmental assessment issues for the application to be:

- built form and urban design; and
- traffic, parking and access.

4.2.1. Built form and urban design

The Department has considered the height, bulk and scale of the development and the associated impacts on surrounding properties. The proposal includes the construction of three built form elements:

- Block S - a single storey building with a height of 9.855 m and a GFA of 1,220 sqm;
- Block T - a three storey building with a height of 12.66 m and a GFA 5,792 sqm; and
- Block U - a single storey building with a height of 9.395 m and a GFA of 1,883 sqm.

Figure 10 illustrates the proposed layout of the new buildings on the site.

An 8.5 m building height control applies to the site under LMLEP. However, Clause 5.12 of LEP 2011 operates to preclude development standards that restrict infrastructure development (e.g. education facilities) undertaken by a Crown Authority. As the application has been lodged on behalf of a Crown Authority, the development standards prescribed for the site are restrictive and therefore not applicable.

The Department considers the development standards do not apply in this circumstance and that the merit or otherwise of the proposal should be taken into account in assessing whether the built form is appropriate for the site. It is also noted that no objections were raised by Council regarding the proposed form and scale of the proposal.

Block S

Block S will have a building height of 9.855 m, which exceeds the maximum building height control by 1.35 m. The building will also have a minimum setback of 5 m to the eastern boundary and would therefore be highly visible from the Pacific Highway.

The applicant's EIS justifies the building height on the grounds the contemporary design would be compatible with the streetscape.

The Department's assessment concludes the height, bulk and scale of Block S is appropriate for the site because:

- the combination of a brick base and metal cladding with a two tone colour pattern would minimise the perceived height of the proposed building within the streetscape and create visual interest;
- it is orientated at an angle to the boundary to reduce the impact of one long facade;
- it would be viewed in the context of an integrated landscaped setback incorporating feature trees;
- there would be no unreasonable shadow impacts within the site; and
- it is within the developed area of the school and would not result in any environmental or amenity impacts on the surrounding area.

Refer to **Figures 17 to 20** for perspectives of Block S (*source: Applicant's EIS*).



Figure 17 – View from Pacific Highway



Figure 18 – Southwest aerial view



Figure 19 – North-eastern elevation



Figure 20 – North-western elevation

Block T

Block T will have a building height of 12.66 m, which exceeds the maximum building height control by 4.16 m.

The applicant's EIS justifies the building height on the grounds it is integral to the overall design by providing key infrastructure in terms of faculties and learning spaces, and that the design provides visual interest.

The Department's assessment concludes the height, bulk and scale of Block T is appropriate for the site because:

- it would be centrally located behind Block S to the south and Block U to the north with a minimum setback of approximately 30 m to the eastern boundary and would not be readily visible from the Pacific Highway;

- it provides a good design outcome by incorporating expressed elements to assist in breaking up the long façade and reducing the mass of the building to create visual interest;
- it would be suitably articulated with window openings, covered outdoor learning spaces and walkways, terraces and external stairwells to minimise the perceived height of the proposed building within the site;
- there would be no unreasonable shadow impacts within the site; and
- it would not result in any environmental or amenity impact on the surrounding area.

Refer to **Figures 21 and 22** for perspectives of Block T (*source: Applicant's EIS*).



Figure 21 – Northern elevation

Figure 22 – Southern elevation

Block U

Block U will have a building height of 9.395 m, which exceeds the maximum building height control by 0.895 m.

Whilst the applicant has not specifically articulated a justification for the proposed height of the Block U building, the Department's assessment concludes the height, bulk and scale of Block U is appropriate for the site because:

- the variation is minor in the context of the entire development (10 per cent variation);
- it is located 20 m from the eastern boundary to minimise its visual impact from the Pacific Highway;
- the building is suitably articulated with window openings, covered outdoor learning spaces and walkways to minimise the perceived height of the proposed building within the site;
- there would be no unreasonable shadow impacts within the site; and
- it would not result in any environmental or amenity impact on surrounding area.

Refer to **Figures 23 and 24** for perspectives of Block U (*source: Applicant's EIS*).

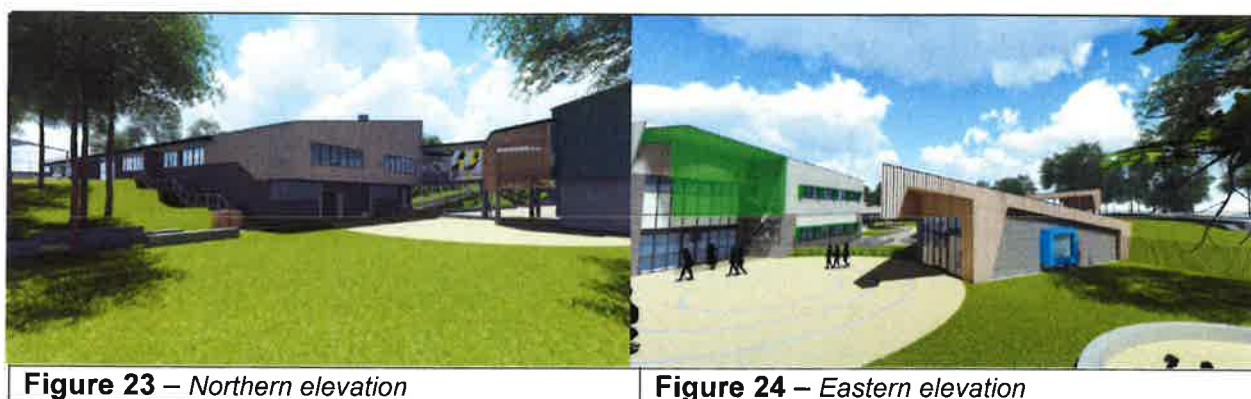


Figure 23 – Northern elevation

Figure 24 – Eastern elevation

4.2.2. Traffic, parking and access

The applicant submitted a Traffic Impact Assessment (TIA) with the application, which addresses the relevant traffic, parking and access considerations.

Traffic generation

The site has extensive 350 m frontage to the Pacific Highway (divided four lane carriageway), which is a classified State Road currently providing a single vehicular access to the school.

The applicant's TIA has examined the impact of the proposed redevelopment on the surrounding road network, in particular on nearby intersections along the Pacific Highway. The traffic analysis indicates that the nearby intersections currently operate at a satisfactory Level of Service (LOS) A, B and C (refer to **Figure 25**).

The signalised Pacific Highway/Oakdale Road intersection includes a U-turn facility that enables southbound traffic to safely perform a right turn manoeuvre, under a right turn signal, into the facility that then merges with northbound Pacific Highway traffic, allowing access to HSHS. The traffic analysis anticipates there would be slightly higher volumes of traffic at the Pacific Highway/Oakdale Road intersection and the number of U-turn movements would double due to the school's proposed new southern vehicular access on the Pacific Highway (see **Figure 26**). Notwithstanding, the traffic analysis shows that the performance of the Pacific Highway/Oakdale Road intersection would be maintained at LOS C, and is therefore satisfactory.

As there is no proposed increase in student population or staff numbers, the Department is satisfied the proposal would not result in any significant adverse traffic impacts on the surrounding road network. Council and RMS did not raise any issues in relation to traffic impacts.

Overall, the Department is satisfied the applicant's TIA demonstrates that the impact of the proposal on the surrounding road network would not be significant.

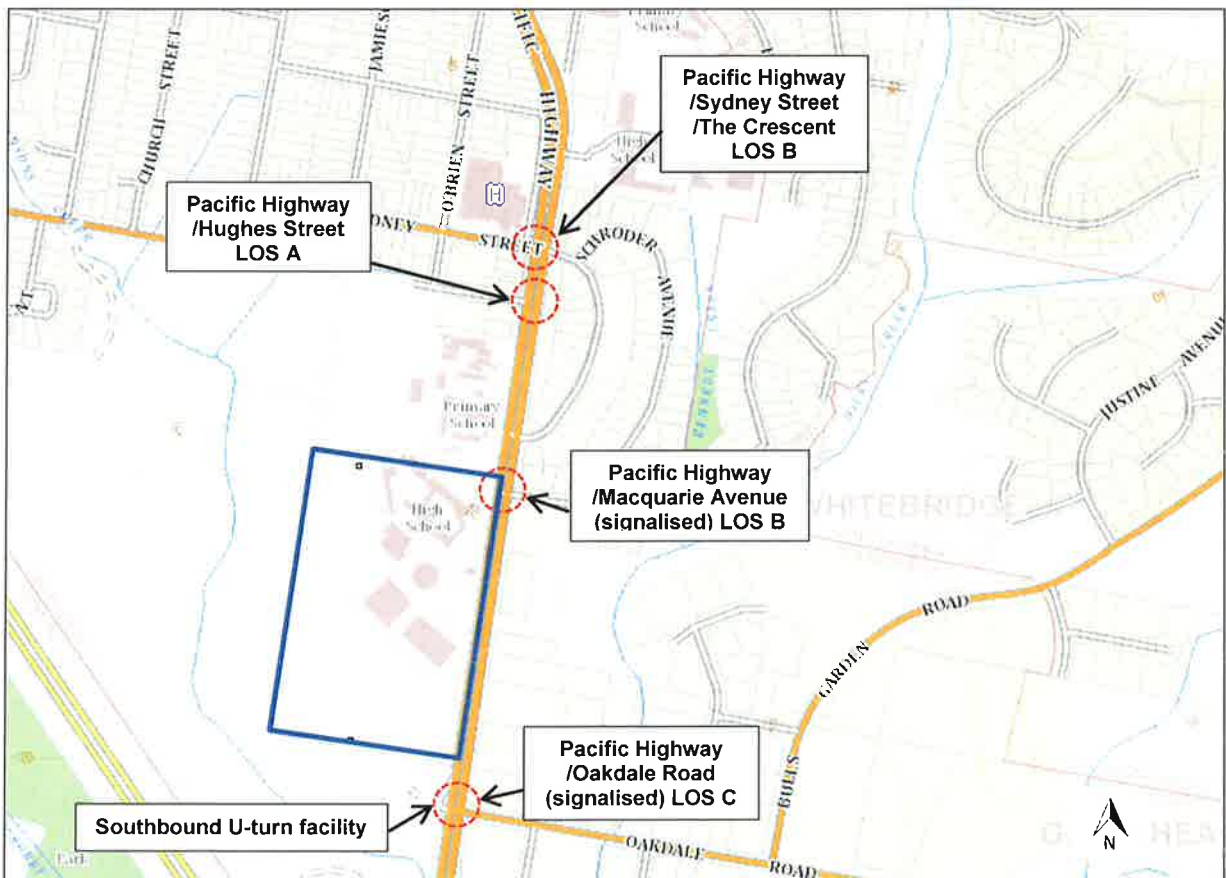


Figure 25 – Existing key intersections surrounding the site

(source: Applicant's TIA)

Parking and access

On-site parking

The existing parking area on the site provides 70 car spaces, including 43 formal spaces and 27 informal unmarked spaces, accessed via the HSHS's existing Pacific Highway driveway.

The proposal seeks to rationalise the existing parking arrangement and provide the same quantum of car spaces (70) (see **Figure 26**) within three separate areas, as follows:

- the existing sealed visitors parking area accessed from the Pacific Highway vehicular driveway will be upgraded to include a compliant accessible parking space, providing a total of eight car spaces;
- a redesigned informal parking area to the south of Block S providing a total of 26 car spaces and a one way through system for the school's 20 seater buses and transport assisted students; and
- a shared informal carpark on the adjoining WPS providing 44 car spaces, of which 36 spaces are proposed to be utilised by HSHS.

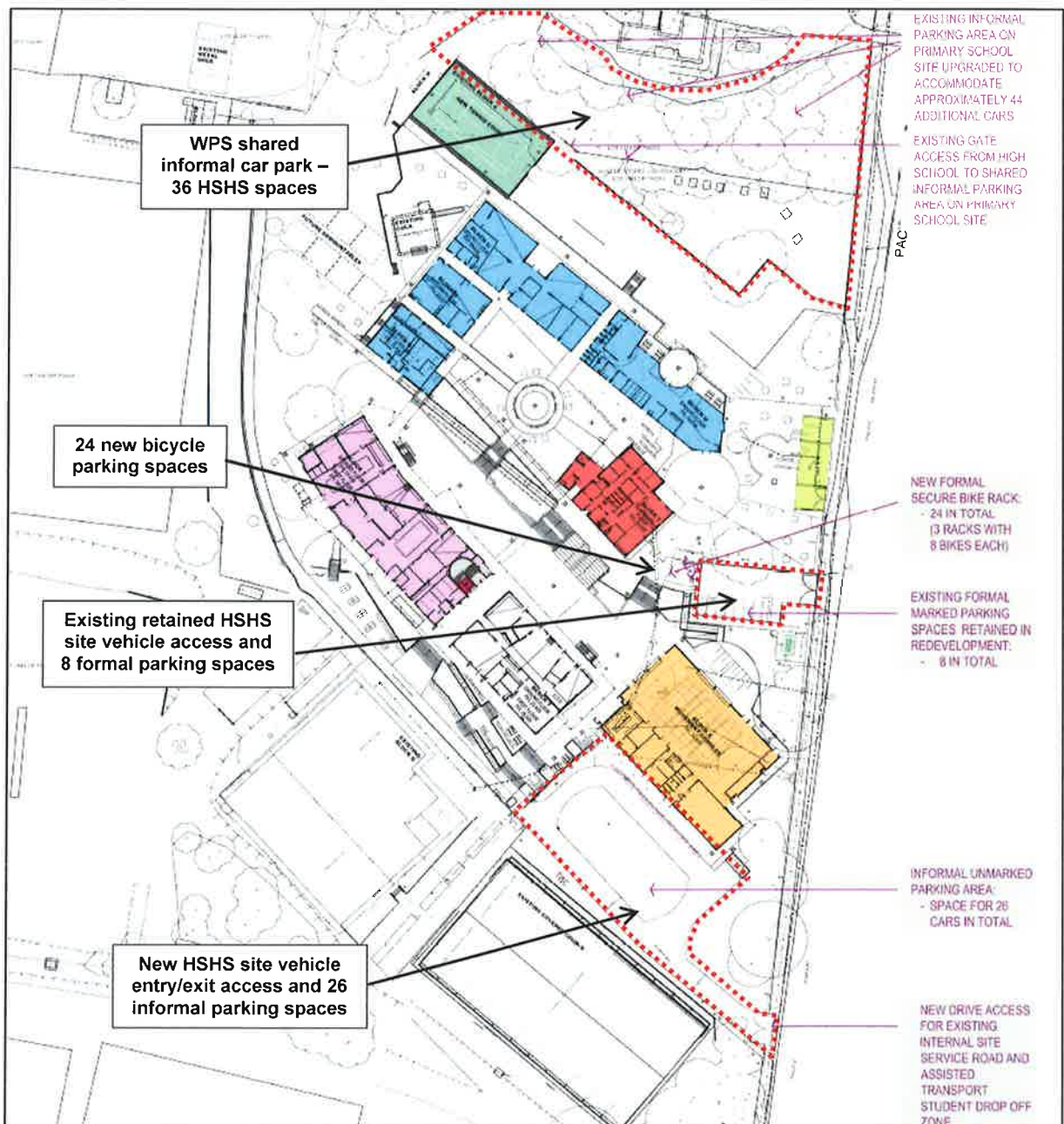


Figure 26 – Proposed car parking layout

(source: Applicant's TIA)

In addition, 24 bicycle parking spaces are proposed to be provided on-site, where none are currently provided at HSHS. The proposed bicycle parking spaces are to be located within close proximity to the school's new main entrance (see **Figure 26**). The Department has recommended a condition to ensure that the proposed 24 bicycle parking spaces are delivered.

The applicant's TIA identifies a parking demand of 83 car spaces in accordance with the parking rates in Council's Development Control Plan 2014 (DCP 2014) for an educational establishment (i.e. 1 space/1.5 full-time staff + 1 space/50 students). This is based on a typical school day occupation of 98 staff and 900 students. The Department notes that the school has a maximum enrolment capacity of 850 students, resulting in a marginally lower total parking demand of 82 car spaces, comprising 65 staff spaces and 17 spaces for students.

A total of 70 formal and informal parking spaces are proposed on-site, including the use of 36 spaces on the adjacent WPS informal parking area. The proposal therefore complies with Council's parking requirements for HSHS staff. As the quantum of staff car spaces is consistent with Council's parking rates and similar to the existing situation, the Department is satisfied the on-site staff parking demand would continue to be met following redevelopment of the school.

The Department is satisfied that the re-distribution of the existing parking area into three separate zones would result in an integrated parking regime for the site with better amenity and efficient circulation to the school core.

Shared parking area

As part of the rationalisation of the on-site parking arrangements, the school proposes to utilise spaces within the adjacent shared parking area on WPS. The applicant's TIA states that currently only a small part of the shared parking area near the driveway entry is utilised by the WPS for ten vehicles and would therefore have capacity to accommodate some of the demand generated by HSHS staff.

Given the large size of this informal parking area, the intended use for 36 parking spaces by the HSHS would still leave a significant component (i.e. 24 car spaces) available for any future growth in parking demand for both schools. The existing pedestrian gate on the common boundary provides pedestrian access between the schools and the shared parking area. As both schools are under the same ownership, the Department is satisfied the shared parking area can be adequately managed as part of the school's overall parking regime.

Carpark design and layout

The majority of the proposed parking areas are informal spaces constructed of a compacted road base surface, and therefore would not comply with the requirements for pavement line-marking in *AS2890.1: 2004 Parking Facilities – Off-street Parking* (AS2890.1).

Whilst the informal parking arrangements do not strictly comply with the Australian Standards in terms of line marking requirements, the parking areas will be designed to satisfy the spatial requirements in AS2890.1 in terms of bay sizes and circulation aisle widths. The applicant justifies the non-compliance on the basis that the informal parking spaces would continue to contribute to meeting the overall parking demand similar to the existing situation.

The Department is satisfied that the parking areas without line-marking would operate safely and efficiently given that the users are generally regular staff with typical tidal flows into and out of the school.

On-street parking

The school's management policy does not allow parents to pick-up/drop-off students within the school grounds, which the applicant advises minimises safety hazards. Currently, school pick-up/drop-off occurs kerbside at the Pacific Highway frontage of the site, which includes a

five minute restricted parking zone at peak times, between the existing driveway and the southern pedestrian gate accommodating 14 car spaces.

The proposed redevelopment retains the use of kerbside parking during pick-up/drop-off times for the school. The applicant's TIA includes the results of a parking survey, which indicates there are 49 kerbside car spaces available within 200 m of the school entrance during morning and evening peak periods. RMS raises no concerns with the existing pick-up/drop-off arrangements for the school.

The applicant's TIA has detailed that as there would be no increase in the student population, the capacity (i.e. minimum 20 spaces to a maximum 31 spaces) of the existing kerb-side Pacific Highway pick-up/drop-off facility would continue to satisfactorily cater for the demand generated by parents.

There is also a small parking demand generated by students who drive to school. Students are not currently permitted to park within the school grounds and this management policy is not proposed to change. The applicant's TIA advises that one vehicle per 10-12 Year 12 students, approximately 7-10 vehicles are currently parking on the Pacific Highway or on nearby residential streets during the school day. The applicant's TIA considers this existing parking demand would not change, resulting in no additional impact on parking availability in the surrounding streets by students, noting that capacity currently exists to accommodate student vehicles.

Vehicular access

The proposed new access to the southern car park is located approximately 175 m north of the Pacific Highway/Oakdale Road intersection.

The new driveway will operate as a left-in/left-out vehicular access and there is a minimum 150m sight distance to approaching vehicles. RMS advises that no dedicated deceleration lane is required as the peak usage occurs during school times when the prevailing speed limit is 40 km per hour.

The Department is satisfied the proposed southern vehicular access would be located a safe distance from the Pacific Highway/Oakdale Road intersection to minimise any potential traffic hazards associated with the increased number of U-turn movements anticipated following the redevelopment.

School buses and servicing

There are two existing bus bays on the Pacific Highway, which can accommodate up to four school buses at one time. The applicant's TIA advises it is standard for the provision of three buses simultaneously to cater for a school of 900 students, and that the current arrangement satisfies the school demand for the pick-up/drop-off of students by bus on the Pacific Highway for excursions and external sporting activities. The school also uses shuttle buses (20 seater) for the transporting of students to external sporting events from within the site.

The proposed car park at the southern end of the school will have a one-way system of sufficient dimension for parking and through movement of the school's existing 20 seater buses, including access for emergency vehicles. The new southern parking area would improve safety and circulation and provide a designated area for school buses and assisted transport students.

The existing servicing and delivery operations will be undertaken in the southern carpark. The applicant's TIA notes part of the parking area would need to be clear of parked cars to allow manoeuvring for Medium Rigid Vehicles (MRV) such as garbage trucks. The applicant's TIA recommends a management plan to facilitate efficient and safe access by garbage trucks. A condition to this effect is included in the recommended development consent.

Public transport

Newcastle Buses operate two public bus services along the site frontage being the 349 and 350 routes, which run at half hourly intervals (during school peaks) in both directions providing a link to Charlestown Bus Interchange and the Newcastle CBD. The bus company also provides additional bus services to meet the demand generated by the school. Based on data obtained by the school approximately 50 per cent of students had a bus travel pass in 2014, which indicates a high usage of public bus services. The Department is satisfied the existing public transport arrangements would continue to meet the needs of the school.

Special events and community use

The school currently hosts a number of special events both during and after school hours including presentations, concerts, staff and parent meetings, celebrations, drama performances, open days and the Year 12 graduation. The larger events such as the presentations and drama performances cater for up to 800 people. There are also a number of smaller non-school related sporting events held on a weekly basis within the existing gymnasium or the playing fields. Whilst the events can change from year to year, the school has advised there would be no increase in the frequency or capacity of events. The Department notes the major events are generally held outside typical school operating hours when the traffic demands generated by the school are not present.

The Department is satisfied there would be no significant additional traffic or parking impacts associated with major events following the redevelopment of the school. However, the Department considers that the school should prepare a Carpark Management Plan to the satisfaction of the Certifying Authority and in consultation with Council before commencing works to ensure the safe and efficient management of parking during special events. A condition to this effect is included in the recommended development consent.

4.2.3. Other Matters

Acoustic amenity

Construction

The EIS is accompanied by a Construction Noise and Vibration Management Plan (CNVMP), which quantifies the potential noise and vibration impacts during the construction phase based on the *Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)* (ICN Guideline). The CNVMP established noise emission criteria in accordance with the *NSW Industrial Noise Policy (Environmental Protection Authority, 2000)* (INP) based on a noise survey the existing dwelling houses at No. 2 Macquarie Street (30 m to the northeast across the Pacific Highway), and No. 54 Goundry Street, Gateshead (300 m to the north). The nearest classroom on the adjoining WPS is located approximately 30 m from the northern boundary of the site.

The results of the CNVMP demonstrate that noise during standard hours of construction would satisfy the noise management levels (NMLs) at all the nearby sensitive receivers. However, the on-site noise levels at HSHS classrooms exceed the NMLs between 1dB and 24dB. The CNVMP recommends noise mitigation strategies such as use of mobile screens and scheduling certain construction activities outside school hours to minimise disruption to students and teachers. It also recommends the careful selection of vibrating plant in order to maintain appropriate comfort levels and minimise impacts to classrooms.

The Department notes the EPA raises no objection to the findings or recommendations in the applicant's CNVMP. The Department is satisfied that, subject to the recommended conditions, any noise impacts associated with the demolition and construction works including truck noise, can be adequately mitigated and managed.

Operational

As there would be no increase in student numbers or expected change in traffic movements, the predominant operational noise emission would be due to mechanical equipment and plant. The CNVMP also includes a qualitative assessment associated with operational noise

generated by mechanical plant. The CNVMP concludes it would be feasible to comply with the *NSW Industrial Noise Policy* (INP) for commonly used plant items such as air conditioners. It also concludes that any larger plant items can be made compliant subject to specific acoustic design and treatments at the detailed design stage. The operational noise emissions associated with mechanical plant are expected to satisfy relevant operational noise criteria at the nearest residential receivers.

The Department is satisfied that, subject to the recommended conditions, any noise impacts associated with the operation of the proposed development can be adequately mitigated and managed.

Contamination

The applicant's Detailed Site Investigation (DSI) submitted with the EIS did not find any areas of significant contamination on the site. However, a targeted investigation identified localised elevated lead concentrations in fill material adjacent to the southern boundary (outside the development site), exceeding health based criteria. Some localised hydrocarbon concentrations were also found in one sample within the development site. The DSI concluded that remediation is required to render the site suitable for the use as a school.

The applicant submitted a Remedial Action Plan (RAP) identifying areas of the site requiring remediation and preferred remedial options, including capping through the construction of building slabs and pavements and offsite disposal to a licenced landfill facility.

The EPA has raised no concern regarding on-site contamination. The Department considers that, in conjunction with the recommended remediation actions made in the RAP, the site is suitable for the intended use. The Department considers the application has been assessed in accordance with *State Environmental Planning Policy No.55 – Remediation of Land* (refer to **Appendix B**).

Subject to conditions, the Department is satisfied the site can be safely and successfully remediated and validated in accordance with the relevant legislation.

Landscape Design

The Landscape Plan submitted with the application establishes a series of interconnected outdoor spaces linked by simple and clear circulation to encourage gathering and outdoor learning. The landscape design adopts a cohesive materiality including timber, natural stones and concrete, and includes seating, lighting, mass planting and paving elements. The Department considers the new landscape regime would create high quality outdoor spaces and provide further opportunities for learning and socialisation.

Tree Loss

The Aboricultural Assessment submitted with the application identified a total of 80 trees requiring removal within the developed area of the school. The majority of the trees to be removed have been artificially planted in landscaped areas and include a mix of Australian and native species. There is also a small patch of highly modified native vegetation in the south-eastern corner, which connects with a band of remnant vegetation that runs along the Pacific Highway. The Department notes that 96 replacement trees will be planted to compensate for the proposed loss of vegetation, and trees to be retained would be suitably protected during construction works.

Ecological Impacts

The EIS is accompanied by a Biodiversity Assessment Report (BAR) to assess the impacts on threatened biodiversity, resulting from the proposed redevelopment of the school. The relatively intact areas of remnant vegetation at the southern and western boundaries of the site around the school playing fields are located outside the development area and not affected by the proposal.

However, the proposed redevelopment works include the removal of a small patch of remnant native species consisting of 0.13 hectares of disturbed Smooth Barked Apple, Red Bloodwood and Brown Stringy Bark trees to make way for the new southern car park (refer to **Figure 27**). The BAR includes a Biodiversity Offset Strategy (BOS) to offset the impacts on that vegetation type due to the proposed development. The applicant seeks retirement of two ecosystem credits by purchasing the credits on the open market, subject to availability, rather than identifying a suitable offset site to obtain the credits.

The BAR also identified highly modified habitats for fauna and limited habitat features for threatened species fauna, concluding there was a low likelihood of occurrence for most threatened fauna species and targeted surveys were therefore not carried out on the site.

OEH supports the applicant's BOS, and recommends a condition to ensure the strategy in the BAR is adopted for the retirement of two ecosystem credits. A condition to this effect is included in the recommended development consent.

The Department is satisfied the ecological impacts have been adequately addressed in the proposal.



Figure 27 – Existing vegetation and biobanking

(source: Applicant's EIS)

Stormwater and flooding

Johnsons Creek to the southwest flows through the bushland into the Jewells Swamp catchment listed as a wetland under *State Environmental Planning Policy No. 14 Coastal Wetlands* (refer to **Appendix B**). The site currently conveys stormwater via a below ground piped stormwater system, which discharges to Johnsons Creek.

The part of the school site below the existing service road including the gymnasium built in 2010 currently conveys stormwater to an on-site detention tank and the system in this part of the site will not change following the redevelopment works. However, the new development area north of the internal service road will be designed with a piped system to accommodate 1 in 20 year flows from roof downpipes and landscaped and paved areas, and directed to an on-site detention tank adjacent to Block T.

The proposed stormwater system is designed to ensure that post development flows leaving the site will be less than the existing pre-developed flows achieved by routing the stormwater flows through a detention tank, which will throttle peak flows and release them gradually before being directed to the existing discharge point into Johnsons Creek. All new stormwater pits on the site will include filters to remove contaminants from the stormwater and oil absorbent pouches in trafficable areas to capture oil and grease products and improve water quality.

OEH advises that the proposal will have no significant impact on flooding in the vicinity. The Department is satisfied that the proposed stormwater measures would adequately manage overland flooding and the associated water quality risks to surrounding properties.

The Department has included stormwater management conditions, including erosion and sedimentation controls in the recommended development consent to manage stormwater run-off from the site during the construction period and ongoing operation of the school.

Bushfire protection

The proposal consists of the redevelopment of existing school buildings on bushfire prone land and as such is defined as Special Fire Protection Purpose (SFPP) development under section 100B of the *Rural Fire Act 1997*. The building will have a managed separation distance to the bushfire hazard that exceeds the minimum requirements. This bushfire assessment submitted as part of the EIS found that the development can achieve all the acceptable solutions of *Planning for Bushfire Protection* (PBP) required for SFPP development, thus achieving the aim and objectives of PBP. There are no formal construction requirements under Australian Standard AS 3959-2009 *Construction of buildings in bushfire-prone areas*.

The Department is therefore satisfied that bushfire risk has been appropriately assessed for the subject application and a condition of consent is recommended requiring the school site continue to be managed to the standard of an asset protection zone in accordance with RFS requirements.

Social

Redevelopment of HSHS is proposed to take place over a two year period and staged in a manner that allows the ongoing operation of the school during the construction phase.

Where construction activities generate noise levels above the project specific noise criteria, a combination of comprehensive noise mitigation measures, including noise barriers, equipment enclosures, silencers, regular equipment maintenance and consultation with the local community is proposed to manage exceedances.

The applicant also proposes to conduct more noise intrusive construction activities outside of normal construction hours to minimise potential noise impacts on existing high school and adjoining Wiripaang Public School receivers.

The Department acknowledges the applicant is committed to implementation of appropriate measures to ensure the wellbeing of students is maintained during the two year construction period.

The Department considers the social benefits associated with the proposed HSHS redevelopment to be positive and would provide long lasting benefits for the existing and future students of the school. While current students are expected to be exposed to construction noise impacts, those impacts are proposed to be appropriately managed through the preparation and implementation of a CNVMP, with potential adverse impacts to be scheduled in a manner than does not detrimentally impact on existing sensitive receivers associated with the existing schools.

To ensure that the CNVMP is implemented for the life of the construction activity, the Department has recommended a condition requiring the preparation and implementation of the plan to the satisfaction of the Certifying Authority, in consultation with Council. A condition is also recommended requiring the applicant prepare a CEMP, in consultation with Council.

Public interest

The proposal is considered to be in the public interest as it would have benefits by:

- replacing out-dated building stock with new high quality buildings providing better amenity for students and teachers to improve educational outcomes;
- improving way-finding and legibility across the school;
- improving pedestrian and vehicular access outcomes for the site;
- providing a safe and secure environment for students, teachers and visitors;
- creating quality outdoor spaces for gathering and learning;
- improving the landscape character and visual appearance of the school; and
- providing sufficient on-site car parking to satisfy the staff parking demand.

5. CONCLUSION

The proposed redevelopment responds to the school's need to provide a long-term financially viable solution for the ongoing operation of the school. The existing school building stock has reached the end of its economic life, and needs replacement with better quality teaching and learning facilities. The proposed redevelopment would provide significant social and economic benefits, including improved educational outcomes and increased investment in the local area.

There were no substantial issues raised during the public exhibition period by government agencies, including Council who supports the proposal.

Given the relative isolation to residential areas afforded by the adjoining education and industrial land uses, the redevelopment works would have minimal impact on the amenity of the surrounding area, particularly as it would be confined to the developed area of the existing school. The Department's assessment concludes that the built form is appropriate in the context of the locality and there would be no adverse visual impact on the surrounding area.

The new building layout would result in improved wayfinding and legibility and provide a safe and secure environment for students, teachers and visitors. Importantly, the design of the new buildings include a mix of materials and finishes and sufficient articulation to create visual interest. The integrated landscape regime will significantly improve the presentation of the school when viewed from the Pacific Highway.

The proposed redevelopment would not result in any increase in student population or staff numbers, and there would be no additional traffic generated by the normal operation of the school. The Department is satisfied the redevelopment would not result in any significant adverse traffic impacts on the surrounding road network.

The proposed redevelopment would provide sufficient car parking on the site for staff and visitors, and the existing pick-up/drop-off arrangements would continue to operate in a satisfactory manner along the school's frontage to the Pacific Highway. The Department considers that the proposed redevelopment would result in improvements to the existing parking and access arrangements for the school.

The Department is satisfied the recommended conditions of consent ensure that the redevelopment works and continued future operation of the school would maintain the environmental amenity of the surrounding environment. The Department therefore considers the development would be in the public interest and recommends the application be approved subject to conditions.

6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended the Executive Director, Priority Projects Assessments:

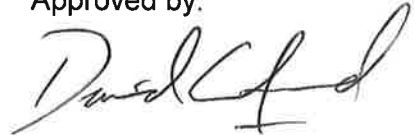
- (a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation;
- (b) **grant consent** to the State significant development applications for the redevelopment of Hunter Sports High School (SSD 7532), subject to conditions of consent set out in the attached instruments at **Appendix D**;
- (c) **signs** the attached development consent at **Appendix D**.

Prepared by: Thomas Mithen, Consultant Planner

Endorsed by:


23/01/2017
Karen Harragon
Director
Social and Other Infrastructure Assessments

Approved by:


24/1/17
David Gainsford
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7532
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=7532
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7532

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

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

The aims of the SRD SEPP are to identify SSD and State significant infrastructure and provide the necessary functions to joint regional planning panels to determine development applications.

The proposed development is SSD in accordance with s. 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a educational establishment with a CIV in excess of \$30 million in accordance with Schedule 1 of the SRD SEPP. Therefore the Minister for Planning is the consent authority.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The aim of the ISEPP is to facilitate the effective state-wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

Permissibility

The subject site is zoned R2 Low Density Residential LEP 2014 which is identified as a Prescribed Zone under Clause 27 of the ISEPP. Clause 28 of the ISEPP states that: "*development for the purposes of educational establishment may be carried out by any person with consent on land in a prescribed zone*". The proposal is therefore permissible with consent in the R2 zone by virtue of the ISEPP.

Policies

Clause 32 requires the consent authority to take into consideration the School Facilities Design Standards, which set out minimum standards and design criteria for all new Department of Education projects. These standards have been replaced with the *Education Facilities Standards and Guidelines* (EFSG). The applicant advises that the proposal has been designed in reference to the EFSG.

Traffic Generating Development

Schedule 3 of the ISEPP requires traffic generating development to be referred to the RMS. The proposal was referred to the RMS who raised no objection to the development.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The applicant submitted a DSI and the field investigations showed there were no areas of gross soil or groundwater contamination identified on the total site; however, localised remedial works were considered to be required to ensure the site is made suitable for the proposed development. The applicant submitted a remedial action plan (RAP) with the RtS identifying requirements for areas of the site requiring remediation. The preferred remedial options are for excavation and offsite disposal to a licenced landfill facility or relocation of soil below roadways.

The Department has recommended conditions requiring that remediation works be carried out in accordance with the RAP. With these conditions in place, the Department is satisfied the site can be safely and successfully remediated and validated in accordance with SEPP 55.

State Environmental Planning Policy No.14 – Coastal Wetlands (SEPP 14)

The aim of SEPP 14 is to ensure coastal wetlands are preserved and protected in the environmental and economic interests of the State. Johnsons Creek to the southwest flows through bushland from north to south into Jewells Wetland listed as a SEPP 14 wetland. There are no watercourses or identifiable natural drainage lines within the school site. The indirect impacts on the wetland are unlikely if standard sedimentation and siltation mitigation measures are implemented and maintained during the construction period. Conditions to this effect are included in the recommended development consent.

State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)

The aim of SEPP 64 is to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication, and is of high quality design and finish. The SEPP also acts to regulate the display of advertisements to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

A new signage regime is proposed for the site, proposing the relocation of the existing school electric information signage and pylon signs adjacent to the new main pedestrian entrance and administration building. The regime also includes new wayfinding and school building identification signage. The assessment concludes that the signage is suitable for the site.

The Department is satisfied that, in accordance with Clause 3 of SEPP 64, the signage proposed for the subject site is compatible with the desired amenity and visual character of the area, provides effective communication, and is of high quality design and finish.

Lake Macquarie Local Environmental Plan 2014 (LMLEP)

The proposal is consistent with the relevant aims of the LMLEP, in that it is contained within the existing school site to minimise any environmental impacts on the surrounding area and would provide better educational facility to meets the needs of the community.

Consideration of the relevant clauses of the LMLEP is provided in **Table 1**.

Table 1: Consideration of LMLEP

Criteria	Complies	Department Comment / Assessment
Clause 4.3 Height of buildings	No	The height development standard applicable to the site is 8.5 m. Clause 5.12 operates to preclude the height development standard from applying to the proposed development. Notwithstanding, a merit assessment undertaken by the Department concludes the proposed building height is acceptable and would not result in any adverse visual or amenity impacts on the surrounding area. See Section 4.2.2 of the report for further details.
Clause 5.10 Heritage conservation	Yes	There are no listed heritage items located on the site and it is not located in a Heritage Conservation Area (HCA). The Department is satisfied that there will be no significant impact on heritage conservation.
Clause 5.12 Infrastructure development and Use of existing buildings by the Crown	Yes	HSBS is a public education facility administered by a Crown Authority.

Clause 7.1 Acid sulfate soils	Yes	The site is not identified on Council's acid sulfate soil maps.
Clause 7.2 Earthworks	Yes	The proposed excavation for future buildings would generally be less than 1 m in depth for footing construction. No significant earthworks would be undertaken as part of the redevelopment.
Clause 7.3 Flood Planning	Yes	Council has identified the site as a Flood Control Lot – Low Hazard.
Clause 7.5 Terrestrial Biodiversity	Yes	The applicant shall retire two ecosystem credits in accordance with the offset strategy in the Biodiversity Assessment Report prepared by Biosis dated 24 May 2016 to offset the loss of 0.13 hectares of 'HU833' Smooth-barked Apple-Red Bloodwood-Brown Stringybark-Hairpin Banksia healthy open forest coastal lowlands (PCT 1691).
Clause 7.21 Essential Services	Yes	The site is currently serviced.

Lake Macquarie Development Control Plan 2014

It is noted that clause 11 of the SRD SEPP provides that development control plans do not apply to SSD. It is also noted that Council's DCP does not contain any specific controls relating to educational establishments. The land is zoned R2 Residential under LEP 2014 and therefore the controls in relation to development in residential zones are applicable to the proposal. However, the controls are relevant to residential development and not educational establishments. The general environmental controls contained in the DCP are addressed throughout the assessment or by way of conditions in the recommended development consent. No further assessment in terms of the DCP controls is warranted in this circumstance.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
- (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (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,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
