



Alesco Senior College, Charlestown

State Significant Development Assessment SSD-10478

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Cover image: Site location – Alesco Senior College, Charlestown (Source: Applicant's EIS)

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Glossary

Abbreviation	Definition
Applicant	Alesco Senior College
Council	Lake Macquarie City Council
CIV	Capital Investment Value
CPTED	Crime Prevention Through Environmental Design
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GTP	Green Travel Plan
ICNG	Interim Construction Noise Guideline
LMLEP	Lake Macquarie Local Environmental Plan 2014
Minister	Minister for Planning and Public Spaces
NIA	Noise Impact Assessment
NPI	Noise Policy for Industry
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment

Executive Summary

This report provides an assessment of a State significant development (SSD) application (SSD-10478) for the adaptive reuse of a former church for the purpose of a new school (Alesco Senior College). The site is located at 27 Chapman Street, Charlestown within the City of Lake Macquarie local government area. The proposal involves minor internal alterations to two existing buildings on the site to enable future operation as a new school to cater for up to 60 students in Years 9 to 12.

The Department of Planning, Industry and Environment (the Department) is satisfied that the site is suitable for the proposed development and would provide a social benefit to the community by providing a new educational facility for young people whose circumstances have previously prevented success in traditional education. The Department concludes that the proposal is in the public interest and recommends the application be approved, subject to conditions.

The Department has considered the key issues in its assessment and the merits of the proposal in accordance with relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), objects of the EP&A Act, the principles of Ecologically Sustainable Development, issues raised in submissions and the Applicant's response to these. The Department considers the key issue to be noise and vibration which has been satisfactorily addressed by the Applicant and would have an acceptable impact, subject to the inclusion of mitigation measures and the conditions of consent.

The proposal has a capital investment value of \$270,633 and would generate 25 construction jobs and five operational jobs. The proposal is SSD under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school. Therefore, the Minister for Planning and Public Spaces is the consent authority.

The application was publicly exhibited between 23 September 2020 and 20 October 2020. The Department received a total of five submissions from public authorities, including Lake Macquarie City Council. No public submissions were received.

The Applicant provided a Response to Submissions (RtS) to address the issues raised in the public authority submissions. The RtS included additional information regarding signage and accepted the recommendations in the public authority submissions.

Contents

1	Introduction	1
1.1	Site description	1
1.2	Surrounding development	5
2	Project	6
2.1	Physical layout and design	7
2.2	Signage	7
2.3	Uses and activities	7
2.4	Timing	7
3	Strategic context	13
4	Statutory context	14
4.1	State significance	14
4.2	Permissibility	14
4.3	Other approvals	14
4.4	Mandatory matters for consideration	14
4.5	Biodiversity Conservation Act 2016	18
5	Engagement	19
5.1	Department's engagement	19
5.2	Summary of submissions	19
5.3	Public authority submissions	19
5.4	Response to submissions	20
6	Assessment	21
6.1	Noise and vibration	21
6.2	Other issues	24
7	Evaluation	33
8	Recommendation	34
9	Determination	35
	Appendices	36
	Appendix A – List of referenced documents	
	Appendix B – Statutory Considerations	
	Appendix C – Recommended Instrument of Consent	

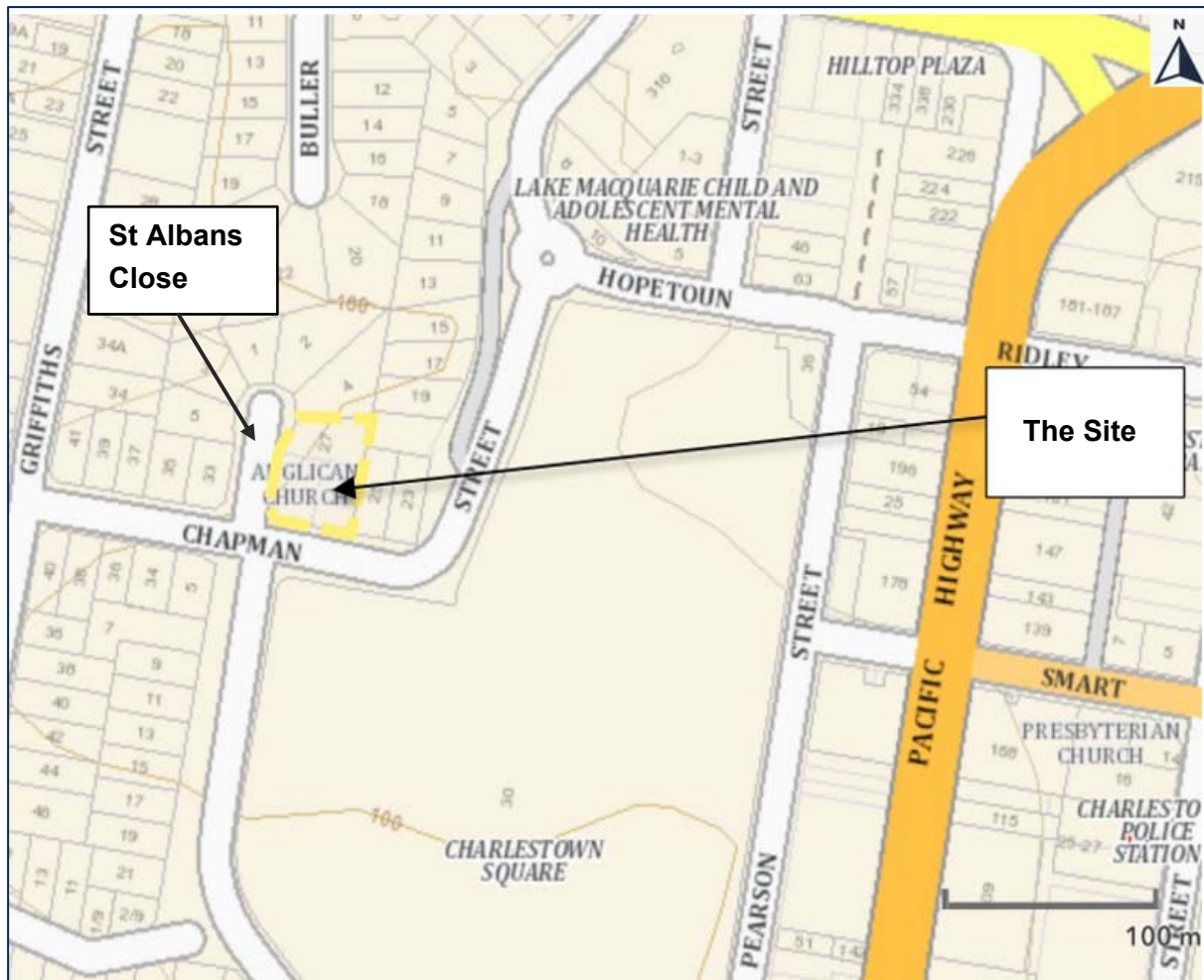


Figure 2 | Site location – local context (Source: Applicant's EIS)

The site is irregular in shape and is a corner lot with frontage to both Chapman Street and St Albans Close. The site area comprises approximately 1865 square metres (m²) and generally slopes toward the north-west. The site is cleared of any significant vegetation, apart from three mature trees at the north-eastern corner.

Existing structures on the site include two single-storey brick buildings that were formerly used as a church and an associated church hall. The former church is located on the northern part of the site (Figure 5) and the former church hall and vestry is located on the southern part of the site (Figure 6). Both buildings are vacant.

Vehicle access to the site is from St Albans Close, a cul-de-sac road also servicing three residential dwellings and a small business. There are currently two car parking spaces on site and on-street car parking is permitted along St Albans Close. Pedestrian access to the site is provided from both St Albans Close and Chapman Street with pedestrian footpaths located along both street frontages.

Views of the site, including existing buildings and vehicle access from St Albans Close, are shown in Figure 3 and Figure 4. Internal views of the former church building and church hall are in Figure 5 and Figure 6.



Figure 3 | The site viewed from St Albans Close, looking east (Source: Applicant's EIS)



Figure 4 | The site viewed from the St Albans Close and Chapman Street intersection, looking north-east (Source: Applicant's EIS)



Figure 5 | Internal view of the former church – northern building (Source: Department)



Figure 6 | Internal view of the former church hall – southern building (Source: Department)

1.2 Surrounding development

Development surrounding the site generally comprises one and two-storey residential dwellings and residential flat buildings located to the north, east and west of the site. Charlestown Square is a major retail complex located directly to the south and east of the site.

The adjoining lot, immediately to the north at 2-4 St Albans Close, recently received development consent for the demolition of an existing two-storey dwelling and construction of a new, single-storey child care facility catering for up to 80 children and 16 staff with associated car parking, fencing and retaining walls. The application (DA/526/2020) was approved by Lake Macquarie City Council (Council) on 18 November 2020. The surrounding developments are shown in Figure 7.



Figure 7 | Surrounding development (Source: Nearmap 2020)

The site is closely connected to the broader regional road network with Charlestown Road to the north (connected via Chapman Street) and the Pacific Highway to the east of Charlestown Square.

Pearson Street at Charlestown Square is a bus interchange for a range of services provided by Newcastle Buses and Hunter Valley Buses. A regular bus service (Route 262) operates between Charlestown Square and Cardiff train station which is serviced by the Central Coast and Newcastle line.

2 Project

The key components and features of the proposal (as refined in the Response to Submissions (RtS)) are provided in **Table 1** and are shown in Figure 8 to Figure 12.

Table 1 | Main components of the project

Aspect	Description
Project summary	Adaptive reuse of a former church for the purpose of a new school to cater for up to 60 students (Years 9 to 12) including earthworks, alterations and additions to existing buildings, on-site car parking, signage and landscaping.
Site area	1865m ² .
Earthworks	<ul style="list-style-type: none"> • Minor earthworks at the St Albans Close frontage.
Development components	<ul style="list-style-type: none"> • Alterations and additions to the existing: <ul style="list-style-type: none"> ○ church hall, to create three general learning areas, computer room, staff room, teacher's aide and welfare office, printing and storage rooms, staff amenities and breakout space. ○ church building and former vestry, to create a multi-purpose school hall and student amenities. ○ courtyard area, to create breakout spaces, kitchen and storage area.
Student and staff numbers	<ul style="list-style-type: none"> • A maximum of 60 students (Years 9 to 12) and five staff.
Vehicular access and car parking	<ul style="list-style-type: none"> • Vehicular access from St Albans Close. • Three car parking spaces including one accessible space.
Bicycle parking	<ul style="list-style-type: none"> • Five bicycle parking spaces.
Landscaping and courtyards	<ul style="list-style-type: none"> • New garden beds along St Albans Close and Chapman Street frontages incorporating shrubs and grasses. • Two courtyards (breakout spaces) between the two school buildings with moveable pot plants and outdoor furniture.
Signage	<ul style="list-style-type: none"> • Four business identification signs on the western and southern elevations of the existing site buildings.

Aspect	Description
Hours of operation	<ul style="list-style-type: none"> Monday to Friday: 8am to 4pm.
Jobs	<ul style="list-style-type: none"> 25 construction jobs and five operational jobs.
Capital Investment Value (CIV)	<ul style="list-style-type: none"> \$270,633.

2.1 Physical layout and design

The proposal involves the adaptive reuse of two existing buildings on the site including minor internal demolition works, alterations and additions to create new learning spaces and associated facilities for the purpose of a new school. Physical works include conversion of the former:

- church hall, to be utilised as the school's main learning area.
- church building, to be utilised as a multi-purpose school hall.
- vestry on the southern side of the existing church building, to student amenities with access from both the multi-purpose hall and the external courtyard.

External changes to the buildings would be limited to painting of the building facades and adding signage (**Section 2.2**). A new 1.5m high fence is proposed around the perimeter of the site.

The existing vehicle access to the site from St Albans Close would be retained. The proposal includes three on-site car parking spaces including one accessible space. Pedestrian access to the site would be provided from both St Albans Close and Chapman Street.

Two outdoor courtyards are proposed underneath an existing awning that links the two buildings. These spaces would include outdoor furniture and moveable plant pots to allow for rearrangement and the creation of outdoor learning areas. New garden beds are proposed along the St Albans Close and Chapman Street frontages incorporating various trees, shrubs and grasses. Landscaping and the outdoor furniture within the courtyard spaces are shown in Figure 11.

2.2 Signage

Four new business identification signs are proposed that would display the new school logo, including two signs on the western elevation and two signs on the southern elevation of the existing buildings fronting St Albans Close and Chapman Street, respectively. The proposed signs would be non-illuminated. The location of the proposed signs is shown in Figure 12.

2.3 Uses and activities

The new school is proposed to cater for up to 60 students (Years 9 to 12) and five staff. The school is proposed to operate on Monday to Friday between the hours of 8am and 4pm during school term. Before and after school care services and shared community use of school facilities are not proposed.

2.4 Timing

The anticipated duration of construction is approximately six weeks.

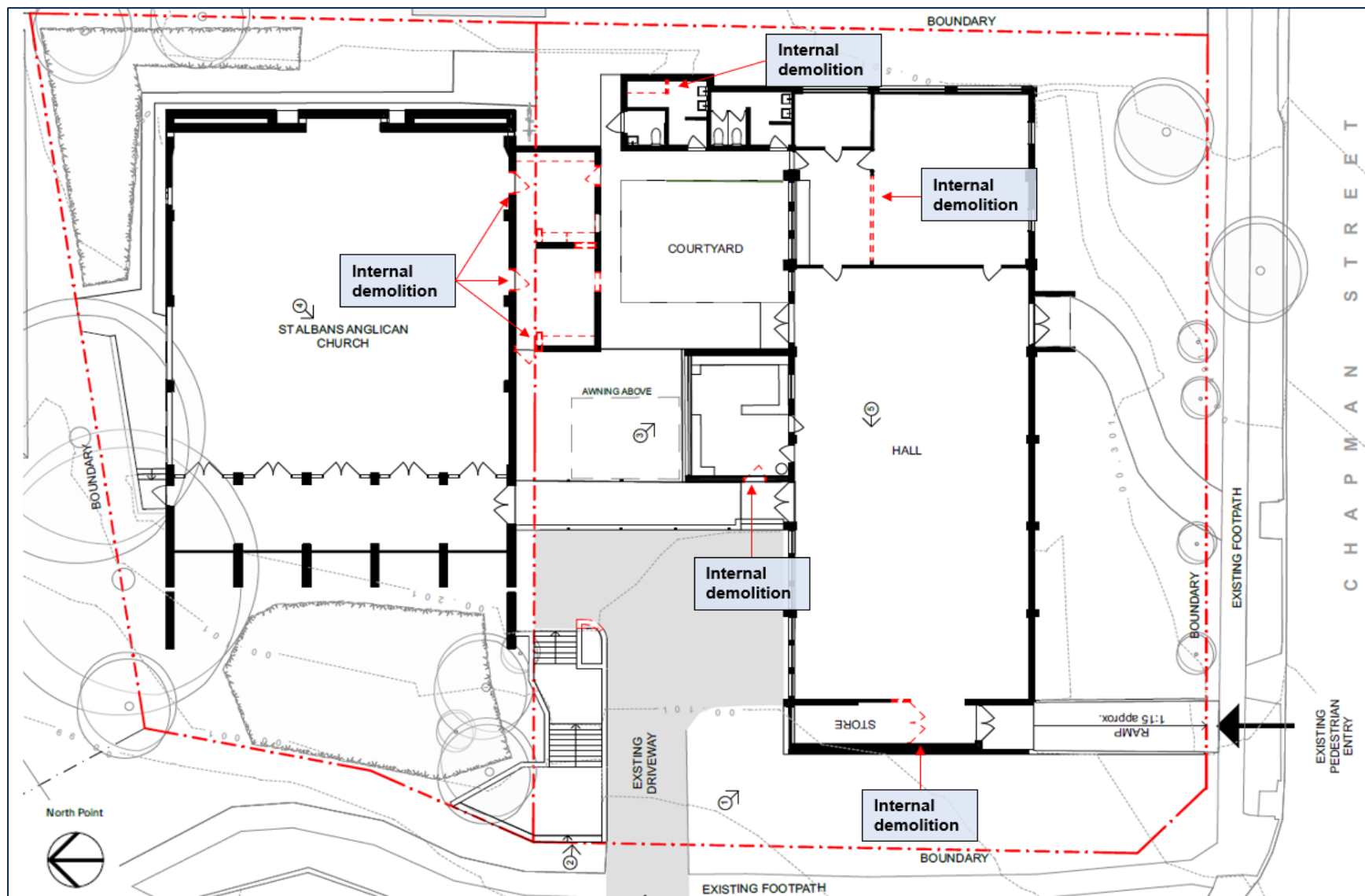


Figure 8 | Proposed internal alterations and demolition works (Source: Applicant's EIS)

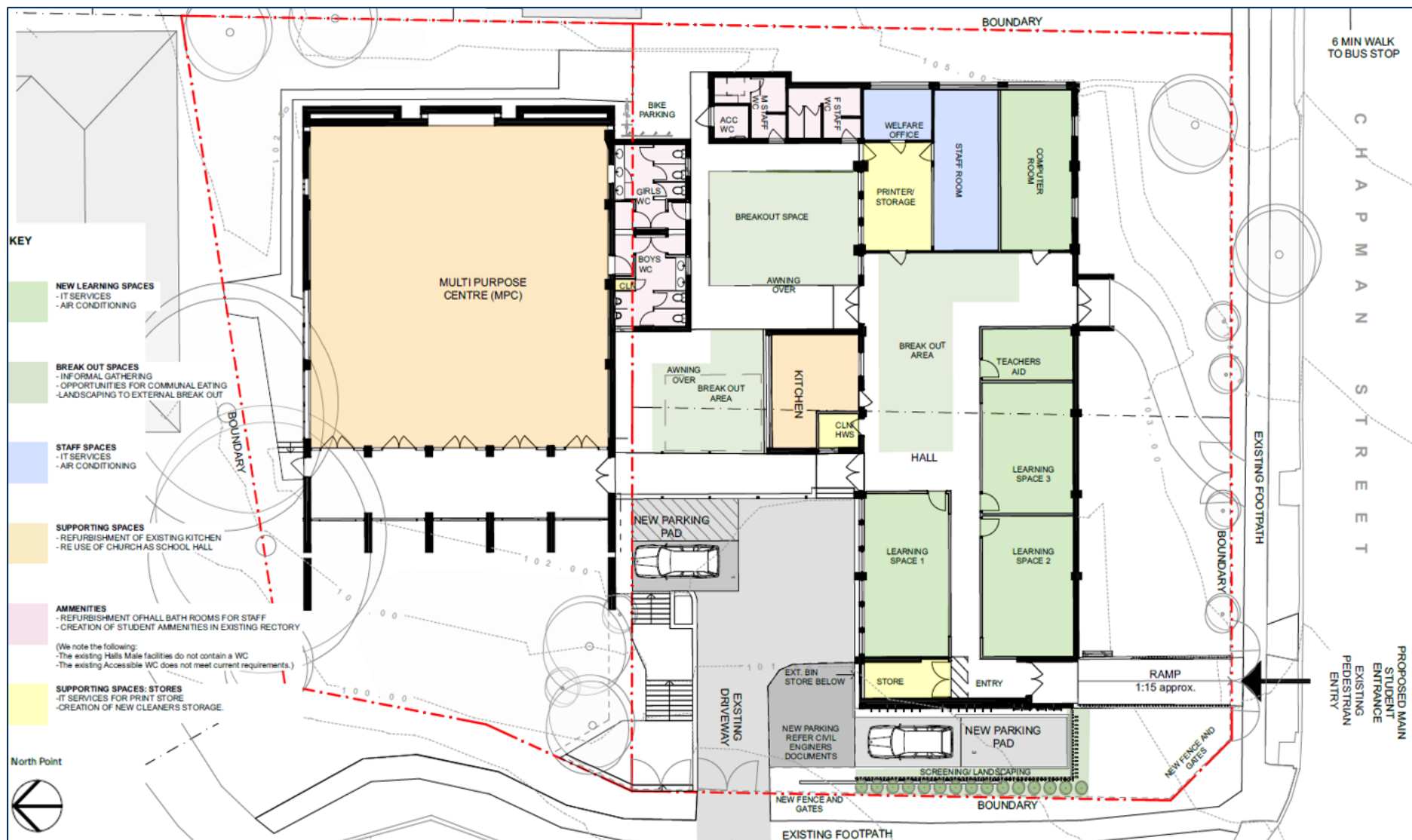


Figure 9 | Proposed internal layout and uses within the school (Source: Applicant's EIS)

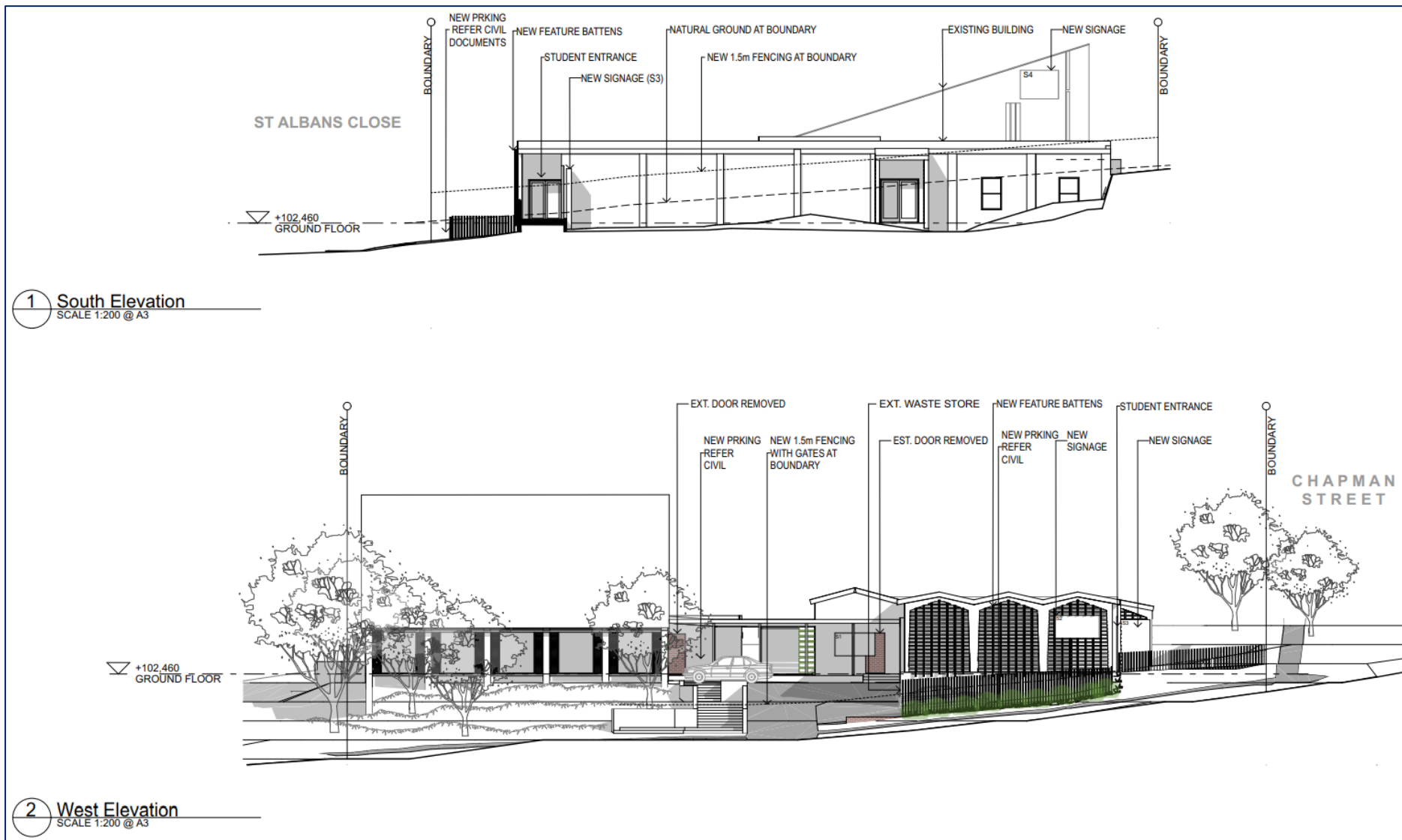


Figure 10 | Building elevations (Source: Applicant's EIS)

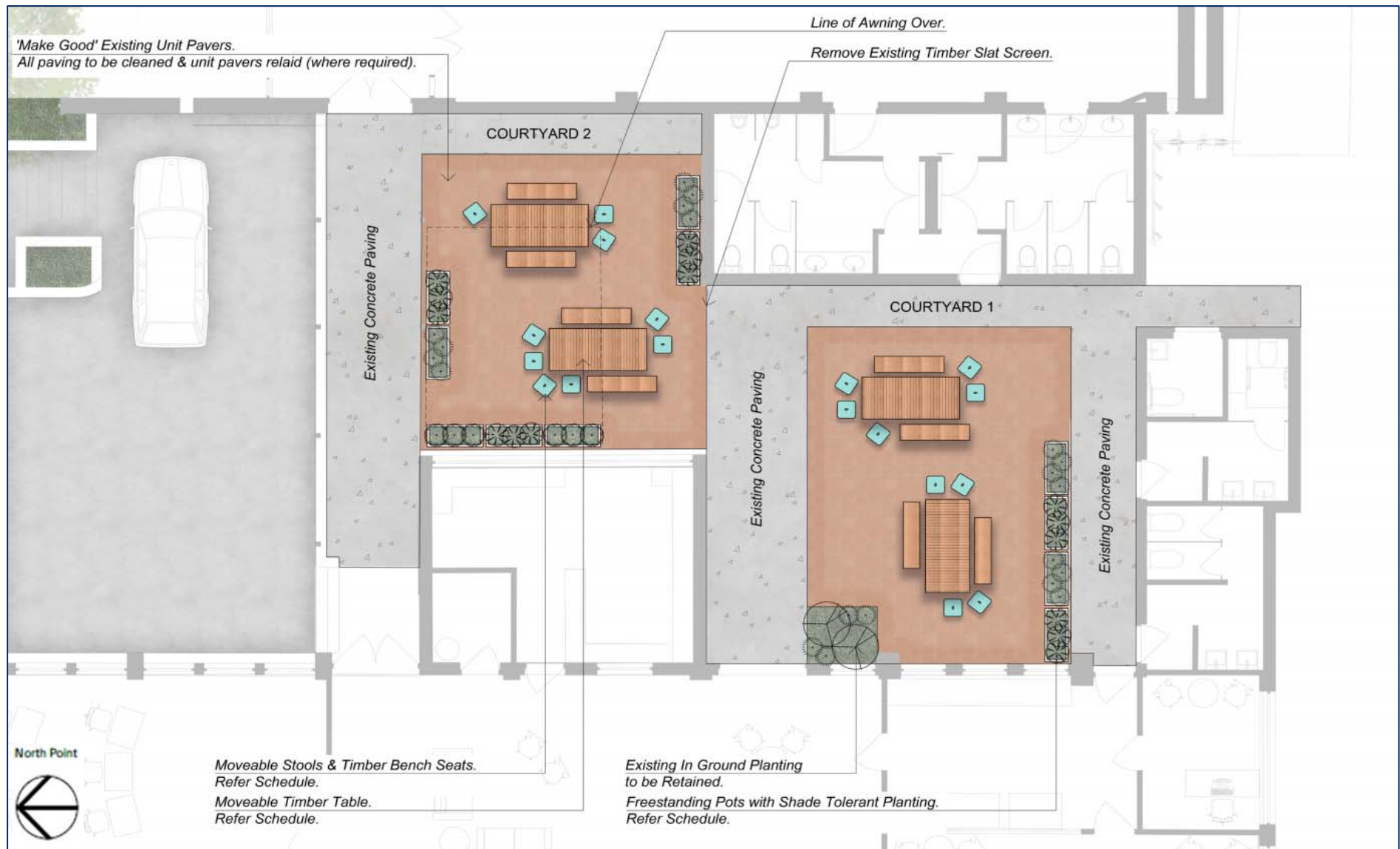


Figure 11 | Proposed courtyard landscaping (Source: Applicant's RtS)

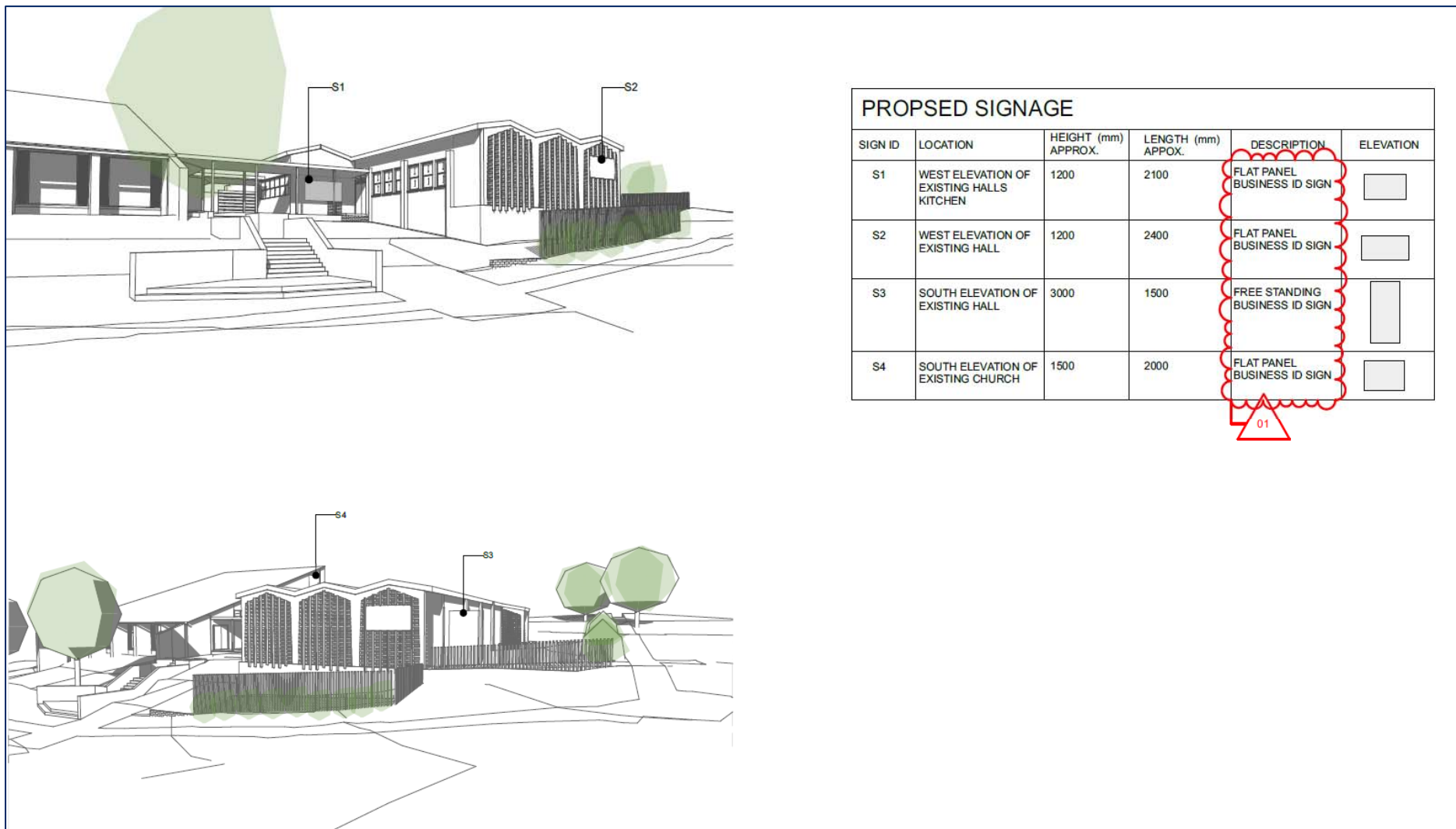


Figure 12 | Proposed signage (Source: Applicant's RtS)

3 Strategic context

The Environmental Impact Statement (EIS) states that the proposal would provide education to young people whose circumstances have previously prohibited them from finding success in traditional educational environments.

The EIS describes Alesco Senior College as an independent secondary school set within an adult learning environment and offers students the opportunity to complete their Higher School Certificate by providing tailored programs to meet individual student learning needs. The school would cater for students in Years 9 to 12 and include a small Year 13 (career preparation) program.

The Department considers that the proposal would help cater for the educational needs of the community by providing new, high-quality learning facilities for students as part of the adaptive reuse of buildings formerly used as a church.

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

- NSW Premier's Priorities, as it aims to improve education standards and academic results by 2023.
- Hunter Regional Plan 2036, as it would enable the delivery of a new educational facility.
- Greater Newcastle Metropolitan Plan 2036, as it would provide the local community with access to a high-quality education provider.
- State Infrastructure Strategy 2018 – 2038, as it proposes an investment in the non-government school's sector to meet its growth challenges and provides new, modern learning environments.

The proposal would also provide a direct investment of approximately \$270,633 to support 25 construction jobs and five operational jobs.

4 Statutory context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of a new school (regardless of the capital investment value) under clause 15(1) 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 of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, 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 located in the B4 Mixed Use zone and the R3 Medium Density Residential zone under the Lake Macquarie Local Environmental Plan 2014 (LMLEP).

'Educational establishments' (schools) are permissible with consent in the B4 zone. The R3 zone is a prescribed zone under clause 33 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Development for the purpose of a school is permitted with consent in the R3 zone by virtue of clause 35(1) of the Education SEPP.

Accordingly, the Minister or a delegate may determine the carrying out of the development.

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 project, and included suitable conditions in the recommended instrument of consent (see **Appendix C**).

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 project 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 **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 proposal promotes education for young people whose circumstances have previously prohibited them from finding success in traditional educational environments.
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 (Section 4.4.3).
c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of land as it would utilise existing buildings to create a fit-for-purpose school.
d) to promote the delivery and maintenance of affordable housing,	Not applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The site is largely cleared of vegetation and would not impact on the natural environment or the conservation of threatened species or habitats.

Objects of the EP&A Act	Consideration
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not contain any listed heritage items and is not located within a heritage conservation area. The proposal would not impact on any built and cultural heritage including Aboriginal cultural heritage.
g) to promote good design and amenity of the built environment,	<p>The proposal is for the adaptive reuse of existing buildings with no impact to the external design.</p> <p>Consideration of the proposal against the Design Quality Principles set out in the Education SEPP is provided in Appendix B.</p>
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 the proper construction and maintenance of buildings, subject to compliance with the 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 which included consultation with Council and other public authorities and consideration of the responses received (Sections 5 and 6).
j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period (Section 5).

4.4.3 Ecologically sustainable development (ESD)

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 the:

- ongoing use of the photovoltaic panel system.
- ongoing use of the rainwater harvesting and reuse system including three existing sub-floor rainwater tanks with a combined storage capacity of 7500 litres.
- use of best practice building management systems including energy efficient lighting, effective shading and glazing.

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the potential environmental impacts of the proposed development. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will 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 *Environmental Planning and Assessment Regulation 2000* (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

The matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act are addressed in **Table 3**.

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 .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, the objectives of relevant controls under the Lake Macquarie

Section 4.15(1) Evaluation	Consideration
	Development Control Plan 2014 (Council's DCP) have been considered in Section 6 .
(a)(iii) any planning agreement that has been entered into or any draft planning agreement that a developer has offered to enter into	Not applicable.
(a)(iv) the regulations	The relevant requirements of the EP&A Regulation have been met including the procedures relating to development applications, public participation and preparation of an 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	The likely impacts of the development have been appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period and are discussed in Sections 5 and 6 .
(e) the public interest	The proposal is in the public interest as discussed in Section 6 .

4.5 Biodiversity Conservation Act 2016

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD 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.

The Applicant submitted to the Department a BDAR waiver request that considered the potential impacts of the proposal on biodiversity values. The proposed development is generally limited to the fit-out of existing buildings and would have a negligible impact on biodiversity.

On 12 August 2020, the Environment, Energy and Science Group of the Department (EESG) determined that the proposal would not be likely to have a significant impact on biodiversity values and that a BDAR was not required to accompany the application.

The Department supported EESG's decision and determined that the application was not required to be accompanied by a BDAR under section 7.9(2) of the 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 from 23 September 2020 until 20 October 2020 (28 days). The application was exhibited on the Department's website, in accordance with the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*.

The Department notified adjoining landowners and relevant State and local government authorities in writing. Representatives of the Department visited the site to provide an informed assessment of the proposed development.

The Department has considered the comments raised in the submissions as part of its the assessment of the application in **Section 6** and/or by way of recommended conditions in the instrument of consent **Appendix C**.

5.2 Summary of submissions

The Department received a total of five submissions from public authorities, including a submission from Lake Macquarie City Council. No public submissions were received.

A summary of the issues raised in the public authority submissions is provided at **Section 5.3**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4**.

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

Council

Council did not object to the proposal and provided the following comments:

- the Landscape Plan should include additional plantings along the site boundaries and front setback to improve the street appeal and minimise the visual impact of the car parking area.
- operational noise limits are recommended to maintain the acoustic amenity at surrounding residential receivers.
- a crime risk assessment should be prepared in accordance with Council's DCP.
- the Green Travel Plan (GTP) submitted as part of the application should be included as a condition of consent to reduce car parking demand.
- the school should be restricted to a maximum of 60 students due to the limited capacity of St Albans Close.
- the existing footpath along the site frontage is in poor condition and may need to be replaced.

Transport for NSW (TfNSW)

TfNSW recommended the following:

- the GTP should be updated prior to occupation to include:
 - a higher mode share commitment to use sustainable travel options.
 - an assessment of sustainable transport opportunities including public transport.
 - details of end-of-trip facilities including bicycle parking and storage facilities.
 - identification of behaviour change strategies for staff, students and parents.
 - details of the school's operating hours.
- additional bicycle spaces and end-of-trip facilities (EOTFs) should be installed.

Environment Protection Authority (EPA)

The EPA advised that the proposal does not require an environment protection licence or propose any activities for which the EPA is the regulatory authority.

EESG

EESG did not raise any concerns with the proposal and advised that no further biodiversity or flood impact assessment was required.

Hunter Water

Hunter Water advised that a Section 50 compliance certificate would be required.

5.4 Response to submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 5 November 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) that addressed the issues raised during the exhibition of the proposal. The RtS included:

- a request to formally include signage as part of the application.
- updated civil plans demonstrating the extent of site earthworks.
- updated landscaping plans that show additional street tree plantings.
- a Crime Risk Assessment.

The RtS was made publicly available on the Department's website and the relevant public authorities were notified in writing, including Council.

Council advised that all matters raised in response to the EIS exhibition had been satisfactorily addressed and that the recommendations in the Crime Risk Assessment be included as conditions of consent.

TfNSW advised that the concerns raised in its submission regarding additional bicycle parking spaces and EOTFs should be required as conditions of consent.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal.

The Department considers the key issue associated with the proposal to be noise and vibration which is discussed in **Section 6.1**. Other issues considered during assessment are in **Section 6.2**.

6.1 Noise and vibration

The EIS was supported by a Noise Impact Assessment (NIA) report that considered potential construction and operational noise impacts of the proposed school and provided recommendations to minimise and mitigate any noise impacts.

The NIA identified the nearest sensitive receivers to be the residential dwellings to the immediate east and west along St Albans Close and Chapman Street and the future child care facility (granted consent by Council in November 2020) directly north of the site. The location of the nearest receivers and the long-term background noise monitoring logger are shown in Figure 13.



Figure 13 | Sensitive receivers and location of noise monitoring logger (Source: Applicant's EIS)

The Department's assessment of the construction and operational noise impacts due to the proposed development are provided in **Sections 6.1.1** and **6.1.2**.

6.1.1 Construction noise

The NIA assessed potential construction noise and vibration impacts in accordance with the EPA's Interim Construction Noise Guideline (ICNG). The NIA stated that construction noise and vibration impacts would be limited to the internal demolition and fit-out works. The Applicant's RtS further confirmed only minor earthworks are required to facilitate construction of the new car parking area and would take a maximum of two days to complete.

The NIA confirmed that the construction noise levels would not exceed 75dB(A), which represents the ICNG's highly-affected noise level for residential receivers during the daytime period. Consequently, a strong community reaction to construction noise is considered unlikely. Further, works would be carried out during the ICNG's standard construction hours. Notwithstanding, the NIA recommended the following construction noise mitigation measures:

- noise control options be introduced for particularly noisy construction activities and equipment.
- adjacent residential properties be notified of the proposed construction timeframe.
- a complaint handling procedure be implemented for the duration of works.

No concerns were raised by Council regarding construction noise impacts.

Department's consideration

The Department is satisfied that the NIA provides appropriate mitigation measures to address potential construction noise impacts, including impacts generated by the limited on-site earthwork activities.

The Department has recommended a condition of consent that requires construction be undertaken in accordance with the recommendations in the NIA and the ICNG. This includes the requirement for works to be carried out only during the recommended standard construction hours.

The recommended conditions of consent also require the Applicant to prepare and implement a Construction Noise and Vibration Management Plan that sets out all reasonable and feasible noise mitigation measures to be implemented at the site, to ensure that construction noise impacts at the surrounding receiver locations are minimised.

6.1.2 Operational noise

Operational noise sources would include mechanical plant, use of the Public Address (PA) system, amplified noise within the multi-purpose hall and students using the outdoor (courtyard) spaces. Due to the small size of the school, no school bell is proposed and outdoor activities would be limited.

The NIA detailed the results of noise monitoring carried out to determine the existing background and ambient noise levels and to establish the project noise trigger levels at the nearest residential receivers, in accordance with the Noise Policy for Industry (NPI). The project noise trigger levels were established as follows:

- 44dB(A) for the daytime period.
- 41dB(A) for the evening period.
- 35dB(A) for the night period.

The NIA concluded that the cumulative noise impact from all on-site activities, including the use of mechanical plant and equipment, would comply with the NPI criteria at the nearest residential receiver (R5 in Figure 13), subject to specific acoustic treatments being incorporated as part of the proposal. This included the establishment of acoustic barriers to mechanical plant, including air conditioning fans and exhausts, and limiting noise output of the PA system.

The NIA stated, however, that noise emissions from amplified music performed in the multi-purpose hall may exceed the project noise trigger levels if all external windows and doors were kept open. This would potentially result in exceedances of up to 6dB(A) in the daytime period and 9dB(A) in the evening period. The NIA, therefore, recommended the external doors to the proposed multi-purpose hall remain closed when amplified music is performed.

In summary, the NIA confirmed that the school's operational noise sources would not exceed the NPI criteria, subject to the recommended acoustic treatments and site operational measures being incorporated as part of the proposal.

Council's submission

Council's submission on the EIS recommended noise limits be established during operation of the proposed school to maintain the acoustic amenity of the surrounding area. This included maximum noise limits for functions and entertainment carried out on the site and for the operation of machinery, plant and equipment.

Council also recommended that the external doors to the multi-purpose hall remain closed when amplified music is performed. Further, Council requested that the Applicant provide evidence of certification to demonstrate that the development has incorporated the acoustic treatments recommended in the NIA and can operate in accordance with the design criteria.

The Applicant accepted Council's noise management recommendations as part of the RtS.

Department's consideration

The Department considers that the proposed school would operate in accordance with the noise limits set out in the NPI and with minimal impacts on the surrounding receivers, subject to the incorporation of acoustic treatments and site operational measures recommended in the NIA.

Accordingly, the Department has recommended operational noise requirements as conditions of consent, including:

- all noise mitigation measures recommended in the NIA are to be incorporated into the design of the proposed school and verified by the Certifier, prior to the commencement of construction.
- an Operational Noise Management Plan must be submitted to the Certifier, prior to the commencement of operation, including details of:
 - arrangements for the management of staff and students that includes measures to minimise noise impacts on the nearest residential and other sensitive receivers
 - measures to ensure that all external doors to the multi-purpose school hall remain closed when amplified music is performed inside the hall
 - arrangements to monitor of the use of multi-purpose hall and outdoor courtyards
 - measures to ensure operational noise sources comply the limits set out in NIA
 - a complaints management procedure and a review program.

6.2 Other issues

The Department's consideration of other issues is provided at **Table 5**.

Table 5 | Summary of other issues

Issue	Findings	Department's consideration and recommendations
Landscaping and tree protection	<ul style="list-style-type: none"> No trees are proposed to be removed. The EIS and landscaping plans detailed the location of new plantings along the frontage of St Albans Close and Chapman Street, including new trees, shrubs and grasses. Minor landscaping of the internal courtyards is also proposed. Council's submission on the EIS recommended additional plantings along the periphery of the site to improve the street appeal and minimise the visual impact of the carpark. Council also recommended that the existing trees at the south-eastern corner of the site be protected during construction. The Applicant provided amended landscape plans as part of the RtS which included additional plantings along both street frontages. Council's submission also stated that the existing footpath along the site frontage is in poor condition and may need to be replaced. 	<ul style="list-style-type: none"> The Department considers that the proposal includes an appropriate amount of landscaping along the site's street frontages and within the internal courtyards. The Department has recommended a condition that requires landscaping of the site to be completed prior to the commencement of operation and in accordance with the landscape plans submitted with the RtS. The Department has also recommended a requirement for all existing trees on the site to be suitably protected for the duration of construction and site earthworks. The Department viewed the existing pedestrian footpath along the St Albans Close and Chapman Street frontages during the site visit and noted it is in reasonable condition. Accordingly, the Department considers that the Applicant should not be required to replace the infrastructure.
Traffic generation	<ul style="list-style-type: none"> The EIS included a Traffic Impact Assessment (TIA) that considered the impacts of the proposal on the surrounding road network and performance of key intersections. The TIA noted the following: 	<ul style="list-style-type: none"> The Department accepts the findings of the TIA and considers that the relatively low number of vehicle movements generated by the proposal would have a minimal and acceptable impact on the local road network. Further, the Department considers the implementation of a GTP would

Issue	Findings	Department's consideration and recommendations
	<ul style="list-style-type: none"> ○ 25% of students and staff would likely use private vehicles to travel to and from the school. ○ the unique nature of the school would see daily attendance rates typically in the order of 60% (36 students in total). ○ 70% of students and staff would use public bus services, with the remaining 5% likely to walk or cycle to and from school. • Based on the above, the TIA concluded that the proposal would generate approximately 19 vehicle movements in the AM peak (11 inbound and 8 outbound) between 8:30am-9:00am, with the opposite in the PM peak between 2:45pm-3:45pm. The school's afternoon peak would occur outside of the standard afternoon peak travel time which typically occurs around 5pm. • The TIA included SIDRA modelling that assessed the impact of additional traffic on the intersection of St Albans Close/Canberra Street/Chapman Street. It was found that the intersection could accommodate future traffic flows for both the proposed school and the adjacent child care facility with no change to the current level of service (LoS B). • The TIA concluded that the small number of vehicle trips generated by the proposed school would have a negligible impact on the local road network. • Council's EIS submission recommended that the school be restricted to a maximum of 60 students due to the limited 	<p>encourage the use of sustainable travel and reduce the use of single vehicle trips for students and visitors.</p> <ul style="list-style-type: none"> • The Department has recommended a condition of consent that requires the preparation of an Operational Transport and Access Management Plan.

Issue	Findings	Department's consideration and recommendations
	<p>capacity of St Albans Close. No issues in regard to traffic impacts were raised by TfNSW.</p>	
<p>Car parking, drop-off and pick-up</p>	<ul style="list-style-type: none"> • The proposal includes three on-site car parking spaces, including one accessible space that would be constructed in accordance with AS2890 – Parking Facilities. • The site frontage at St Albans Close also provides capacity for up to three vehicles for student drop-off and pick-up. • The car parking rates set out in Council's DCP for educational facilities in business zones includes 1 space per 2 full-time equivalent staff, plus 1 space per 50 students. Accordingly, the proposed school would require a minimum of 5 spaces, including 3 spaces for staff and 2 spaces for students. • The TIA noted the shortfall of two on-site car parking spaces but stated that the number of spaces is appropriate given the unique nature of the proposed school. Further, the proposal is supported by a GTP to encourage the use of active transport. • The EIS stated that, while the site frontage can provide for up to three vehicles to pick-up and drop-off students, this was inconsistent with the school's ethos of promoting active travel and would be discouraged. • No concerns were raised by Council in regard to car parking or the drop-off and pick-up arrangements. 	<ul style="list-style-type: none"> • The Department acknowledges that the proposed car parking provisions are less than the requirements of Council's DCP. • However, the Department accepts the Applicant's justification that the unique nature of the school typically sees lower daily attendance levels. Further, the socio-economic situation of many students attending other Alesco College campuses indicates a very low level of private vehicle ownership. • Accordingly, the Department is satisfied the proposed number of car parking spaces are appropriate for the proposed school. • The Department also notes that the Applicant has prepared a GTP to encourage students and staff to make use of active and public transport to reduce reliance on private vehicles. Details of the GTP are discussed below.

Issue	Findings	Department's consideration and recommendations
Green Travel Plan (GTP)	<ul style="list-style-type: none"> • The EIS included a GTP which identified measures to encourage the use of active transport, public transport and carpooling. • The site is located near a bus interchange located on Pearson Street (opposite Charlestown Square) which provides access to a wide range of services provided by Newcastle Buses and Hunter Valley Buses. • The EIS notes that the proposal includes the provision of 5 bicycle parking spaces which equates to 10% of the anticipated number of people on the site at any one time. • The GTP assumed a modal share target of 75% of students and staff to make use of sustainable travel options as achievable, upon commencement of school operations. The target reflects the students anticipated low level of car ownership and the school's protocol to discourage older students from driving to and from school. • Council recommended a GTP be included as an operational condition to promote sustainable means of travel and to reduce the parking demands on the site. • TfNSW recommended the GTP be updated to include an assessment of existing sustainable transport opportunities (such as walking and cycling routes and public transport), details of end-of-trip facilities, travel survey samples and proposed monitoring and evaluation procedures. 	<ul style="list-style-type: none"> • The Department considers that implementation of the GTP is required to reduce reliance on private vehicle usage and to achieve the modal share target. • The Department acknowledges that the site is located in an area that is well serviced by public transport and implementing the GTP on commencement of site operations is feasible. • Consequently, the Department has recommended a condition of consent requiring the preparation of a final GTP, prior to the commencement of operation. The GTP is to include a monitoring program to measure its effectiveness and to ensure mode share targets are met. • The Department has recommended that the final GTP be prepared in consultation with, and address the recommendations provided by, TfNSW where relevant.

Issue	Findings	Department's consideration and recommendations
Bicycle parking and end of trip facilities (EOTFs)	<ul style="list-style-type: none"> • The proposal includes five bicycle parking spaces for students in a secure undercover area located adjacent to the proposed student amenities. The Applicant advised in the RtS that additional bicycle storage could also be made available in the multi-purpose school hall and its undercover breezeway. • EOTFs for staff would include storage lockers located in the proposed printer/storage room. • TfNSW recommended additional bicycle parking spaces and EOTFs be provided for students and visitors to encourage a mode shift to cycling and reduce the use of single vehicle trips. 	<ul style="list-style-type: none"> • The Department is satisfied that the proposal provides adequate bicycle parking provisions for the proposed school and notes that additional secure bicycle storage could be accommodated in the multi-purpose school hall if required. • The Department considers the proposed EOTFs for staff, including locker storage space, is sufficient given the small number of staff that would be located on the site at any one time. • The TIA indicated approximately 5% of students would walk or cycle to school, equating to a maximum of three students per day. The Department considers the provision of EOTFs for students is not required for such a small number of students.
Safety and security	<ul style="list-style-type: none"> • The EIS included an assessment against Crime Prevention Through Environmental Design (CPTED) principles which concluded that the proposal would provide a high level of security to deter criminal behaviour. • Council considered that the EIS did not adequately address the CPTED principles and recommended that a Crime Risk Assessment be undertaken in accordance with Council's DCP. • The Applicant addressed the CPTED principles and Council's DCP in greater detail as part of a Crime Risk Assessment Report provided as part of the RtS. • The report concluded that the school would have a high level of 	<ul style="list-style-type: none"> • The Department considers that the CPTED principles have been assessed by the Applicant and would be incorporated as part of the proposal where possible. • Accordingly, the Department is satisfied that crime risk has been adequately addressed and that the proposal has been appropriately designed. • The Department has recommended a condition of consent that requires the recommendations of the Crime Risk Assessment be incorporated into the proposal. • This includes requirements for the school's security gates to be locked after 4pm, the maintenance of site landscaping to ensure clear

Issue	Findings	Department's consideration and recommendations
	surveillance, both internal and external which would minimise crime risk.	surveillance and the rapid repair of vandalism and graffiti.
Signage	<ul style="list-style-type: none"> The EIS detailed the location and dimensions of four business identification signs on the southern and western façades of the existing site buildings (Figure 12) and addressed the assessment criteria at Schedule 1 of State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64). However, the Applicant initially stated that signage does not form part of the SSD application and would be sought separately as exempt development under the Education SEPP. The Department requested the Applicant provide updated architectural plans that removed the indicative signage zones, for which consent was not sought. The Applicant subsequently requested, as part of the RtS, for the proposed signage to form part of the SSD application. 	<ul style="list-style-type: none"> The Department has considered the proposed signage against the SEPP 64 criteria (Appendix B). The Department is satisfied that the proposed signs would not impact on any important views and vistas and is compatible with the scale and characteristics of the existing site buildings. Further, the proposed signage would not be illuminated and is not considered out of context with the surrounding streetscape, which includes a number of business identification signs on the façade of the adjacent Charlestown Square. The Department has recommended a condition that requires all signage at the site to be non-illuminated.
Contamination	<ul style="list-style-type: none"> The EIS included a Detailed Contamination Investigation (DCI) report that reviewed the site's land use history and detailed the results of soil samples taken from the site. Laboratory analysis indicated elevated concentrations of zinc in three soil samples which marginally exceeded the adopted ecological assessment criteria but were not considered a risk of harm to human health or the environment. 	<ul style="list-style-type: none"> The Department has considered the DCI and the requirements of State Environmental Planning Policy No 55 – Remediation of Land and finds that the site is suitable for its proposed use as an educational establishment. The Department has recommended conditions requiring the Applicant to comply with the recommendations of the DCI report. The Department also recommended implementation of

Issue	Findings	Department's consideration and recommendations
	<ul style="list-style-type: none"> The report concluded that further contamination investigation was not warranted and that the site is considered suitable for its proposed use as an educational facility. 	<p>an unexpected finds procedure should any hazardous materials be uncovered during the proposed internal alterations and refurbishment works.</p>
Stormwater management	<ul style="list-style-type: none"> The EIS included a Stormwater Management Report that reviewed the adequacy of the site's stormwater management measures. The report stated that surface flows from the site are generally directed to an in-ground pit and pipe network that drains to St Albans Close or are directed to landscaped areas for infiltration. The proposal includes an additional 49m² of impermeable area for the new car parking spaces. Flows from this part of the site are proposed to be directed to a vegetated filter strip for infiltration. The proposal includes on-site detention in accordance with Council's requirements, including 1500 litres of temporary storage available in an existing above-ground rainwater tank. The proposal would continue to ensure stormwater quality and quantity are appropriately managed at the site. 	<ul style="list-style-type: none"> The Department is satisfied that the development would not add significant impermeable surfaces to the site. Further, the Department considers that the existing stormwater management measures and provisions for on-site detention of stormwater would continue to ensure surface flows are appropriately managed. The Department has recommended a condition of consent that requires the preparation of a Stormwater Quality Management Plan, prior to the issue of an occupation certificate.
Waste	<ul style="list-style-type: none"> The EIS included a Waste Management Plan that detailed the proposed management strategies for waste generated during construction and operation of the proposed school. 	<ul style="list-style-type: none"> The Department has recommended a condition of consent that requires the Applicant to prepare a Construction Waste Management Plan that details the quantities of each waste type generated during construction and to manage the

Issue	Findings	Department's consideration and recommendations
	<ul style="list-style-type: none"> Construction waste would be minimal and is proposed to be removed from the site either by the construction contractor or a licensed waste management contractor. Operational waste sources would include general waste, green waste and recycling. Bins would be stored in the existing bin enclosure located adjacent to the driveway, in close proximity to the St Albans Close kerbside pick-up point. 	<p>removal of any hazardous materials.</p> <ul style="list-style-type: none"> The Department has recommended the preparation and implementation of an Operational Waste Management Plan that is required to describe the handling, storage and disposal of all waste streams generated during operation of the proposed school.
Mine subsidence	<ul style="list-style-type: none"> The site comprises land that has been declared a Mine Subsidence District under the <i>Coal Mine Subsidence Compensation Act 2017</i>. 	<ul style="list-style-type: none"> The Department has recommended a condition that requires the proposed alterations and additions to the existing buildings to be constructed in accordance with any requirements of Subsidence Advisory NSW.
Development contributions	<ul style="list-style-type: none"> Section 7.12 of the EP&A Act provides for a consent authority to impose, as a condition of development consent, a requirement for the Applicant to pay a fixed levy. The proposal requires a development contribution at a rate of 1% of the cost of the development in accordance with The Lake Macquarie City Council Section 7.12 Contributions Plan – Citywide 2019. 	<ul style="list-style-type: none"> The Department has recommended a condition that requires the Applicant pay a development contribution to Council, prior to the issue of an occupation certificate. The amount payable shall be levied in accordance with The Lake Macquarie City Council Section 7.12 Contributions Plan – Citywide 2019.
Public interest	<ul style="list-style-type: none"> The EIS states that the proposal would benefit the community by providing education to young people whose circumstances have previously prohibited them from 	<ul style="list-style-type: none"> The Department considers the proposal would provide a high-quality educational facility for students who may find it difficult to learn within a traditional educational structure and setting.

Issue	Findings	Department's consideration and recommendations
	<p>finding success in traditional educational environments.</p> <ul style="list-style-type: none"> The school is unique in that it aims to provide tailored programs to meet individual student learning needs in an adult learning environment. 	<ul style="list-style-type: none"> The proposal facilitates adaptive re-use of existing buildings on a site that is in an accessible location close to public transport. The proposal would create 25 construction jobs and five operational jobs. The Department is satisfied the proposal would have an acceptable environmental impact, subject to recommended conditions of consent. Accordingly, the proposal is in the public interest.

7 Evaluation

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in the submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and addresses the strategic objectives of the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 as it would enable the delivery of a new education facility and provide the local community with access to a high-quality education provider.

The proposal is considered suitable for the site and is found to be in the public interest as it would provide:

- a new high-quality education facility to meet the needs of the local community and the broader region in an accessible location.
- education to young people whose circumstances have previously prohibited them from finding success in traditional educational environments.
- 25 construction jobs and five operational jobs.

8 Recommendation

It is recommended that the Acting 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 SSD-10478.
- **signs** the attached development consent and recommended conditions of consent (**Attachment C**).

Recommended by:

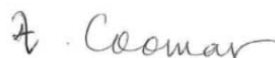


Brent Devine

Principal Planner

School Infrastructure Assessments

Recommended by:



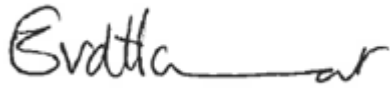
Aditi Coomar

Team Leader

School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:

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

Erica van den Hornet

Acting 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's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/37956>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/37956>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/37956>

Appendix B – Statutory considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the 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.

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

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities)
- Draft State Environmental Planning Policy (Remediation of Land)
- Lake Macquarie Local Environmental Plan 2014.

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

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. Consideration of the relevant sections 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 environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent and is development specified under Schedule 1.	Yes

Relevant Sections	Consideration and Comments	Complies
b) the development is specified in Schedule 1 or 2.		
Schedule 1 State significant development — general (clause 8 (1)).	The proposal comprises development that is for the purpose of a new school.	Yes
15 Educational Establishments (1) Development for the purpose of a new school (regardless of the capital investment value).		

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

The Education SEPP aims to simplify and standardise the approval process for schools, TAFEs, universities and childcare centres 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 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Transport for NSW (TfNSW). The application was referred to TfNSW in accordance with this clause. TfNSW raised no concerns in relation to traffic that would be generated by the proposal.

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 B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The proposal does not create any new built form and involves the adaptive reuse and internal fit-out of existing buildings. External works to the existing buildings is limited to painting of the building and the provision of signage.</p> <p>Landscaping on the site is proposed to include new garden beds along both the St Albans Close and Chapman Street frontages. Two outdoor courtyard spaces will be created within the site with moveable pot plants and outdoor furniture.</p>
Sustainable, efficient and durable	The proposal includes ESD measures including continued use of the existing photovoltaic panel system, rainwater harvesting and use of best practice energy efficient building management systems and controls

Design Principles	Response
	including lighting, effective shading and glazing. Bicycle parking is provided as part of the proposal to encourage sustainable travel modes.
Accessible and inclusive	<p>The proposal has demonstrated that it is capable of complying with the relevant accessibility provisions required by the Building Code of Australia and the Accessibility Report submitted with the EIS.</p> <p>The Department has recommended a condition requiring a suitably qualified Accessibility Consultant certify that the development complies with the relevant accessibility requirements.</p>
Health and safety	The proposal would provide for a welcoming and accessible environment and has incorporated Crime Prevention Through Environmental Design principles as part of the design, operation and management of the school to ensure a high level of safety and security for students, staff and visitors.
Amenity	<p>The proposed school has been designed to provide engaging spaces that are accessible and have access to sunlight, natural ventilation and provide visual and acoustic privacy.</p> <p>The outdoor learning spaces are located away from adjacent residential properties to maintain acoustic amenity and visual privacy.</p>
Whole of life, flexible, adaptable	The proposal would provide for the adaptive reuse of the former church building and church hall to deliver a fit-for-purpose school. The proposed multi-purpose school hall would enable a range of flexible uses.
Aesthetics	The proposal would respond positively to the site and surrounding neighbourhood as it does not seek to amend the existing built form structures and the landscape setting would be enhanced with new garden beds along the St Albans Close and Chapman Street frontages.

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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS included a Detailed Contamination Investigation for the site which concluded further investigation of the site is not warranted and that the site is suitable for the proposed use as an educational facility. Accordingly, the Department is satisfied the site is suitable for its intended use as an educational establishment.

The Department recommends conditions relating to developing an unexpected finds protocol to ensure measures are in place should any contamination be uncovered during site works.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

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

The proposal includes the provision of four business identification signs. Under clause 8 of SEPP 64, development consent must not be granted to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of SEPP 64 and with the assessment criteria specified in Schedule 1 of the SEPP. Consistency of the proposed signage against the SEPP 64 assessment criteria is demonstrated in **Table B3**.

Table B3 | SEPP 64 compliance

Relevant sections	Department’s consideration	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 signage is compatible with the surrounding locality, which includes various business identification signs attached to the façade of the adjacent Charlestown Square.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no established signage theme within this locality.	
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 proposal would not detract from the amenity or visual quality of any the listed areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposal would not obscure or compromise important views, dominate the skyline or impact on the viewing rights of other advertisers.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?		
4 Streetscape, setting or landscape		

Relevant sections	Department's consideration	Compliance
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are considered to be in context with the surrounding streetscape which includes various business identification signs attached to the façade of the adjacent Charlestown Square. Further, the proposed signage would replace a number of existing business identification signs that are located on the existing building facades to identify the former church.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
Does the proposal require ongoing vegetation management?		
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 proposal is considered to be compatible with the scale and proportion of the existing site buildings.	Yes
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
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?	The proposed signage does not comprise advertisements or advertising structures.	Yes

Relevant sections	Department's consideration	Compliance
7 Illumination		
Would illumination result in unacceptable glare?	The proposed signage would not be illuminated. Therefore, the proposal would not result in unacceptable glare or affect the safety for pedestrians, vehicles or aircraft.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		
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 the safety for any public road?	The proposed design and location of signage is not expected to have an adverse impact on the safety of any public road, reduce the safety for pedestrians or bicyclists or obscure sightlines from any public area.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

The Department is satisfied that the proposal is consistent with the objectives of the Draft Education SEPP.

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

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 will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

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

Lake Macquarie Local Environmental Plan 2014 (LMEP)

The LMLEP provides a planning framework that protects areas of significant conservation importance, while facilitating development and public facilities in appropriate areas, that are accessible to a range of population groups in the Lake Macquarie local government area.

The Department concludes the development is consistent with the relevant provisions of the LMLEP. Consideration of the relevant clauses of the LMLEP is provided in **Table B4**.

Table B4 | Consideration of the LMLEP

MLEP	Consideration
Clause 2.3 Zone Objectives and Land Use Table	<p>The site is zoned B4 Mixed Use and R3 Medium Density Residential.</p> <p>B4 Mixed Use zone</p> <p>Development for the purpose of an educational establishment is permissible with consent in the B4 zone.</p> <p>The proposal is consistent with the objectives of the B4 zone as it would provide for the development of a new school in a location that is close to public transport and would encourage sustainable modes of travel including walking and cycling.</p> <p>R3 Medium Density Residential zone</p> <p>The R3 zone is a prescribed zone under clause 33 of the Education SEPP. Education establishments are permitted with consent in the R3 zone by virtue of clause 35(1) of the Education SEPP.</p> <p>The proposal is consistent with the objectives of the R3 zone as it would maintain the residential amenity and character of the surrounding area.</p>

MLEP	Consideration
Clause 2.7 Demolition requires development consent	The proposal involves minor demolition of internal elements within the existing buildings on the site. Development consent for these works is sought as part of this application.
Clause 4.3 Height of buildings	The site has a maximum building height of 10m. The proposal is for the adaptive reuse of existing buildings. No variation to the height of the existing buildings is proposed.
Clause 7.2 Earthworks	<p>Minor earthworks are proposed to create a level building platform for the car parking area to meet accessibility requirements.</p> <p>The Department is satisfied the extent of proposed earthworks would not have a detrimental effect on drainage patterns and soil stability at the site or adjoining properties.</p>
Clause 7.21 Essential services	<p>Services that are essential for the proposed development currently service the site including water and electricity.</p> <p>Suitable vehicular access is provided from St Albans Close.</p>

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding, the objectives of relevant controls under the Lake Macquarie Development Control Plan 2014, where relevant, have been considered in **Section 6**.

Appendix C – Recommended Instrument of Consent