

JRPP NO:	2010HCC046
DEVELOPMENT APPLICATION NO:	8/2009/677/1
PROPOSED DEVELOPMENT:	Concept Plan and Stage 1 approval for an Educational Establishment and Associated Works
ADDRESS:	Lot 1 DP 126765 & Lot 1 DP 744377 Wine Country Drive (corner Lomas Lane) Nulkaba
APPLICANT:	St Phillips' Christian Education Foundation Limited
OWNER:	St Phillips' Christian Education Foundation Limited
COUNCIL:	Cessnock City Council
AUTHOR	Tracy Sharp
RECOMMENDATION:	Approval

ASSESSMENT REPORT AND RECOMMENDATION

RECOMMENDATION

That the Development Application No. 8/2009/677/1 for a Concept Plan and Stage 1 approval for an Educational Establishment and Associated Works on Lot 1 DP 126765 & Lot 1 DP 744377 Wine Country Drive (corner Lomas Lane) Nulkaba be determined pursuant to S80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions at the end of the report.

REASON FOR REPORT

The proposal is an educational establishment with a capital investment value of more than \$5 million pursuant to Clause 13B(2)(b)(i) SEPP (Major Development) 2005.

APPLICANT

St Phillips' Christian Education Foundation Limited

OWNER

St Phillips' Christian Education Foundation Limited

APPLICATION LODGED

27/10/2009

PROPERTY ADDRESS

Lot 1 DP 126765 & Lot 1 DP 744377 Wine Country (Corner Lomas Lane) Nulkaba

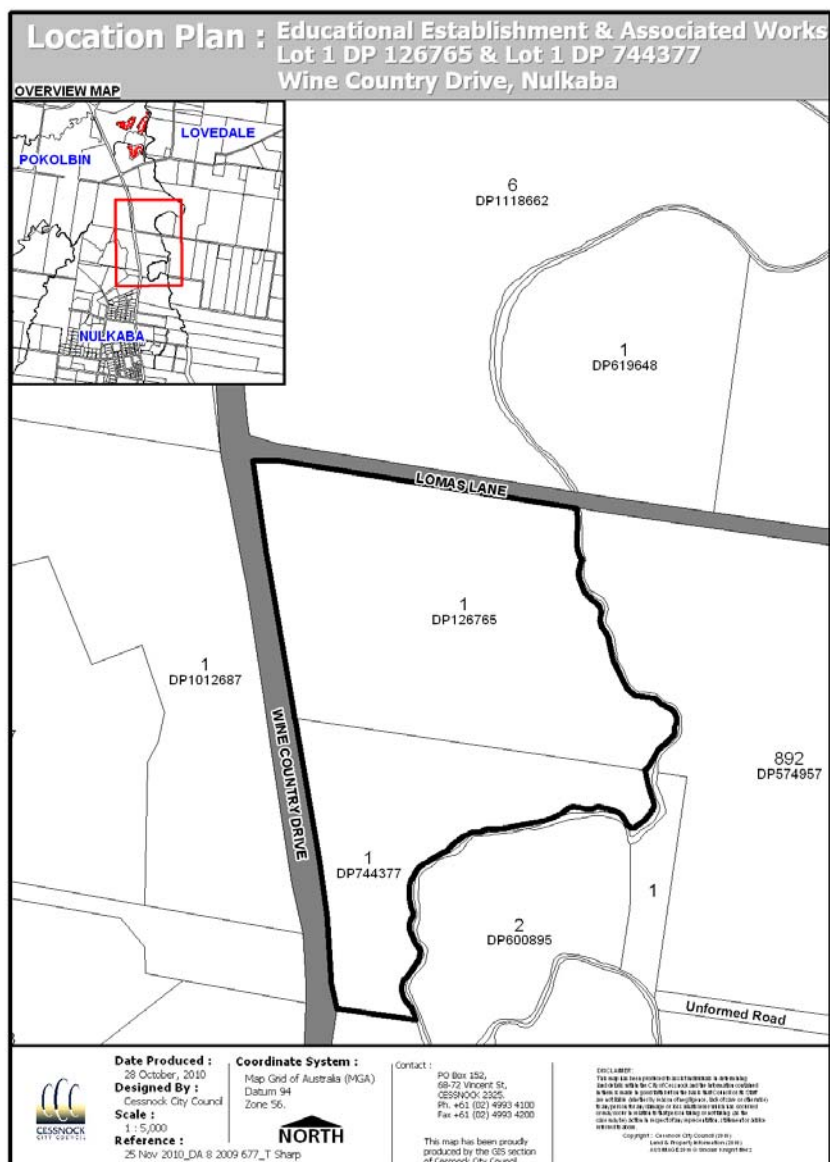
AREA

12.47ha & 6.4ha

ZONING

1(a) Rural

MAP



KEY ISSUES

Flooding
 Site Filling
 Lomas Lane Bridge Structural Requirements
 Visual Impact
 Endangered Ecological Communities
 Parking and Access
 Signage
 Submissions

PROPOSAL

The applicant proposes a staged development in accordance with Section 80(4) of the EP&A Act. The applicant has provided details for a concept plan with indicative building envelopes for future development on the site. A detailed Stage 1 proposal also forms part of the subject application.

The school fully developed is expected to cater for up to 1,500 students and 220 staff on the Campus, with students ranging from Kindergarten through to Year 12 inclusive.

The school development aims to provide a range of core educational services including additional services to meet the needs of the area to support families and young people. Stage 1 has been, designed to accommodate 409 students by 2011, 504 students by 2012 and approximately 656 students by 2013. The projected staff numbers for Stage 1 of the proposal are for 60 full time equivalent staff.

Concept Plan

The Concept Plan provides an approval framework against which future stages can be considered and enables St Phillips to proceed to detailed designs for buildings associated with future stages. These buildings/developments will be the subject of separate, future development applications to Council which must not be inconsistent with the concept plan approval.

The proposed Concept Plan has attempted to locate buildings an acceptable distance from Wine Country Drive to reduce the traffic noise impacts on the teaching areas, and to maintain the open appearance of the site when viewed from Wine Country Drive. The Concept Plan also provides an integrated mix of different building types, compatible with the natural attributes of the site and the nature of developments in the nearby vineyards.

Indicative building envelopes for the following facilities of future stages are indicated on the Concept Plan as follows: -

- Agriculture and Bio-gas Plant;
- Junior School Building;
- Senior School Building;
- Sports Centre;
- Middle School Building;
- Special Education;
- Auditorium;
- Administration Building;
- Chapel and Parents Centre;
- Early Learning Centre;
- Young Mothers Facility; and
- Dale Alternative Learning Centre.

Stage 1

Stage 1 of the application comprises the following: -

- Specific building envelopes for the following Stage 1 facilities: -
 - Information Resource Centre;
 - Senior School Specialist Facilities Building;
 - Demountable Administration Building;
 - Demountable General Learning Spaces;
 - Open Shelter Structures (including demountable canteen and toilets); and
 - 48 car parking spaces, 12 car set down space, 7 bus set down spaces.
- Filling of 4.75ha to create a building platform of approximately

220m x 240m above the 1:100 year flood level.

- Access to the site will be off Lomas Lane.
- Land uses for remaining components of the grounds (equestrian activities area, wildlife reserve and regeneration area, football field, cricket oval and tennis courts);
- A maximum gross floor area for the Stage 1 school buildings of 4,238 m2 (inclusive of ground and upper level);
- Landscape design concept;
- Vehicular access, internal layout and car parking; and
- Site works incorporating any site remediation, and removal of debris or vegetation approved for removal.

BACKGROUND

Council's Authority system indicates no previous applications for the subject property.

SITE DESCRIPTION

The subject site is located on the corner of Lomas Lane and Wine Country Drive, Nulkaba and is bounded by Wine Country Drive to the west, Lomas Lane to the north and Black Creek to the east. The site has an area of approximately 41.8 hectares and is zoned 1(a) Rural. The subject site adjoins and is adjacent to 1(a) Rural and 1(v) Rural (Vineyards) zoned land.

The subject site is vacant and has been previously used for grazing purposes. Black Creek meanders along the eastern boundary of the property, with the site containing low lying areas and stands of remnant vegetation (dry sclerophyll forest), including riparian vegetation, both of which contain Endangered Ecological Communities.

The subject site is generally flat with an Australian Height Datum (AHD) of approximately RL 58m to RL 64m AHD. The site slopes towards Black Creek. Part of the site is located in the Black Creek floodway.

The subject site is affected by inundation of the 100 year Average recurrent interval (ARI) flood level for Black Creek.

ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning and Assessment Act 1979
National Parks and Wildlife Act 1979
Rural Fires Act 1997
Water Management Act 2000
Cessnock Local Environmental Plan 1989
Draft Cessnock Local Environmental Plan 2010

CONSULTATION

NSW Rural Fire Service
NSW Office of Water
Hunter Water
Roads and Traffic Authority
Department of Environment, Climate Change and Water
Development Engineer

**PLANNING
ASSESSMENT**

All heads of consideration detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following relevant matters identified:

a. The Provisions of any Environmental Planning Instrument

Cessnock Local Environmental Plan, 1989

Clause 9

Under Clause 9 of the Cessnock Local Environmental Plan (CLEP), the proposed educational establishment on 1(a) zoned land is permissible with consent of Council.

The objectives of the zone read as follows: -

1 Objectives of zone

The objectives of this zone are:

- (a) to enable the continuation of existing forms of agricultural land use and occupation,*
- (b) to ensure that potentially productive land is not withdrawn from production,*
- (c) to encourage new forms of agricultural land use,*
- (d) to enable other forms of development which are associated with rural activity and which require an isolated location, or which support tourism and recreation, and*
- (e) to ensure that the type and intensity of development is appropriate in relation to:*
 - (i) the rural capability and suitability of the land,*
 - (ii) the preservation of the agricultural, mineral and extractive production potential of the land,*
 - (iii) the rural environment (including scenic resources), and*
 - (iv) the costs of providing public services and amenities.*

2 Without consent

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); commercial vineyards; forestry; stables.

3 Only with consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries

(other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; multiple dwellings; recreation facilities (other than those ancillary or related to a tourist recreation facility); residential flat buildings; shops (other than those primarily intended to provide services to tourists or general stores); transport terminals (other than the storage and servicing of vehicles associated with the occupation of the owner); warehouses.

Assessment Officers Comments

The proposed Stage 1 development only incorporates a small portion of the site (a filled building platform of 4.75ha with Stage 1 buildings occupying 4,238m² and 17,500m² upon completion of the final stage, the site has an area of 41.8ha), and therefore agricultural land uses will still be able to be undertaken, and could be incorporated into the school syllabus. Under the repealed agricultural land classification of the Hunter REP 1989, the subject site comprises Class 2 land. As the proposed development is occupying part of the site, part of the site is still available for production.

The school will have the opportunity to encourage new forms of agricultural land uses through their syllabus. As the development is occupying part of the site, this could enable other forms of development which are associated with rural activities.

The proposed development is considered appropriate in relation to the rural capability and sustainability of the site; the development will still encompass agricultural land uses as part of the school curriculum. The development is considered compatible with the rural visual environment as the buildings are single storey and comprise a mixture of metal cladding/masonry veneer/metal roofing, and limited amounts of hardstand areas are proposed (large areas of open grassed surface including recreational areas and landscaping). The development will extend the water and sewer services to the site. It is considered that the proposal complies with the objectives of the zone.

Clause 10

Under Clause 10 of this Plan, there are general development principles for development and buildings that Council shall have regard to in considering any application within the 1(a) Rural zone. The following principles are considered relevant having regard to the intended purposes of the proposed educational establishment: -

(a) to the following general principles:

- (i) development should be generally compatible with the rural suitability and capability of the land on which it is to be carried out, as indicated on maps deposited in the office of the Council,**

Assessment Officers Comments

The proposed development does not occupy the whole site (a filled building platform of 4.75ha with Stage 1 buildings occupying 4,238m² and 17,500m² upon completion of the final stage, the site has an area of 41.8ha). The development is considered compatible with the rural

environment as the buildings are single storey and comprise a mixture of metal cladding/masonry veneer/metal roofing. The school has limited the amount of hardstand areas and have large areas of open grassed area. Rural uses will still be able to be undertaken on the site.

- (ii) ***development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the City of Cessnock,***

Assessment Officers Comments

The proposed development is considered to be compatible with existing development in the rural and vineyards area in terms of the scale of the development, materials used and the ability to continue limited rural land uses.

- (iv) ***the existing and possible future use of the land and of other land in the locality should not be prejudiced (particularly in the case of land which contains recoverable mineral or extractive resources),***

Assessment Officers Comments

The proposed use does not prejudice the recovery of mineral or extractive resources. The land is not identified as containing any mineral or extractive resources.

- (v) ***development should not materially affect any wildlife refuge, significant wetland or any identified site containing Aboriginal archaeological relics and such relics or places should be preserved where necessary,***

Assessment Officers Comments

Flora and fauna and aboriginal assessments were undertaken and they have indicated that the proposed development will have minimal impact. DECCW has provided General Terms of Approval in relation to the Aboriginal assessment.

- (vi) ***development (including associated access roads) should not create or worsen soil erosion potential through the action of wind or water or the alteration of land form, and adequate measures should be taken to avoid such an effect,***

Assessment Officers Comments

A condition of consent will require the appropriate erosion and sedimentation control measures during construction.

- (vii) ***adequate utility services and community facilities should be available to the land and its future occupants, and the land should be capable of accommodating on-site disposal of domestic waste and the provision of a domestic water supply, including a fire-fighting capacity,***

Assessment Officers Comments

The applicant is proposing to connect to reticulated water and sewer infrastructure. As the site will be connected to reticulated water, there is the capacity for it to be utilised for bushfire fighting purposes. However, the RFS have not required specific water provisions for bushfire fighting purposes.

The concept plan indicates an auditorium will be constructed as part of Stage 8, which will provide additional indoor space that could be utilised by the community for various uses.

- (viii) development should not have the possible effect of creating demands for unreasonable or uneconomic provision or extension of services by the Council or any other public authority,***

Assessment Officers Comments

The applicant has recognised that the school requires connection to reticulated water and sewer, and therefore will need to extend the sewer pipeline. Hunter Water has indicated that they are upgrading a pumping station and that there will be capacity for the school when that has been undertaken.

- (ix) development should not create significant additional traffic or create or increase a condition of ribbon development on any road, particularly a main or arterial road, relative to the capacity, standard and safety of the road,***

Assessment Officers Comments

The RTA has indicated they have no objection to the proposed development subject to conditions. Lomas Lane will be required to be upgraded for 300m from the intersection with Wine Country Drive.

- (x) the creation of vehicular access to a main or arterial road should be minimised and where no alternative access is available, the location and treatment of the access should minimise potential traffic hazards,***

Assessment Officers Comments

The RTA has indicated that the proposed development shall not have its main access point onto Wine Country Drive, but can have an emergency entry/exit point only.

- (xi) development should incorporate adequate drainage measures, including sediment and waste control, and prevention of the uncontrolled flow of water across the land or adjoining land,***

Assessment Officers Comments

Appropriate measures have been incorporated into the development to address these environmental issues.

- (xii) development should not lead to any deterioration of***

water supply or water quality within a water catchment,

Assessment Officers Comments

The proposed development is connecting to reticulated water and is proposing to integrate water conservation systems such as rainwater harvesting, therefore, minimising the impact upon the water quality of Black Creek.

The applicant submitted a stormwater management plan with the application which proposed the construction of three (3) wetlands for water quality treatment and rain water tanks for rainwater harvesting.

(xiii) where land is proposed to be cleared, vegetation should be retained in appropriate locations to reduce the visual impact of clearing to the maximum extent consistent with the rural character of the area,

Assessment Officers Comments

The Flora Survey and Assessment for the site by Eastcoast Flora Survey (September, 2009) stipulates that the concept plan for the proposal involves the loss of some remnant patches of vegetation and wetlands to the north of the site. To offset this loss, it is proposed that the remnant forest within the 'old trotting track' on the site be retained and managed as a reserve with limited access, and that some new wetlands be created in the southern half of the property.

Under the current concept plan, <0.5 ha of Cabbage Gum Floodplain Forest Endangered Ecological Community (EEC) and 0.3 ha of Paperbark Floodplain Forest EEC will be removed or modified.

The development illustrated in the concept plan also involves the clearing of approximately 1.2 ha of Floodplain Wetlands. The large wetland immediately west of the existing trotting track will be expanded by a further 0.25 ha to the south-east, and new wetlands will be created in the south of the property, on a 2:1 ratio to those lost.

No significant fragmentation is expected through the proposed development, given that those areas of EEC to be removed are already segregated from the vegetation along Black Creek.

The 7 part test provided with the application and its subsequent further assessment indicate that the proposed development will not have a significant detrimental impact on the flora values of the site. No Species Impact Statement has been required.

Conditions of consent propose the requirement for a revegetation and wetland management plan.

- (c) to the following principles with respect to buildings:***
- (i) buildings should be sited and designed and be of an appropriate scale so as to maintain the rural character of the locality, to minimise disturbance to the landscape through clearing, earthworks, access roads, the use of platforms or stilts and other similar construction methods, to maintain slope stability, and to generally fit***

into their environment to the maximum extent consistent with their being sited to minimise flood and bushfire hazards,

Assessment Officers Comments

The proposed buildings are considered to be sited and designed at an appropriate scale to maintain the rural character of the locality and minimise the disturbance to the landscape. Flooding and bushfire comments are detailed later on in the report.

- (ii) buildings should not intrude into the skyline, when viewed from roads or other public places,***

Assessment Officers Comments

The subject site is located below Wine Country Drive and with the proposed landscape berm the proposed buildings will have minimal impact upon the skyline when viewed from the roads.

- (iii) buildings should be sited in relation to the boundaries of the site, to existing buildings on the site or on adjoining land, and to potential building sites on adjoining land, so as to avoid too high a concentration of buildings and so that the overall pattern of building development maintains the rural character of the locality,***

Assessment Officers Comments

The closest building to the site is setback approximately 70m from Lomas Lane. The proposed development is consistent with this setback. Attached photomontages demonstrate the compatibility of the development with the rural character of the locality.

- (iv) building materials and painting or other finishes should preferably be of dark natural tones with low reflective quality to the maximum extent consistent with effective heat insulation of the building and the comfort of its occupants,***

Assessment Officers Comments

The buildings are single storey and comprise a mixture of metal cladding/masonry veneer/metal roofing that are non-reflective. A condition of consent will require that the colours of the proposed building blend into the existing rural environment.

- (v) the curtilage of buildings should, wherever possible, be landscaped so as to lessen the impact of buildings on their natural or rural setting,***

Assessment Officers Comments

A landscape berm is to be provided on Wine Country Drive, vegetation is to be planted on Lomas Lane to minimise the visual impact of the car parking and buildings. The majority of the existing vegetation on-site is to be retained.

Additional landscaping is to be incorporated onto the site.

- (vi) *essential buildings should be sited in positions of least flood risk, and the floor levels of dwellings should be above the 100 year flood level and be capable of withstanding floodwater pressures,***

Assessment Officers Comments

The proposed buildings will be sitting on a flood free fill mound.

Therefore, the proposal satisfies the provisions of this Clause.

Clause 18

Under Clause 18 of the CLEP, *Where land within a zone has frontage to a road, a building erected on the land shall be set back from the nearest alignment of the road a distance determined by the Council having regard to:*

- (a) the nature, scale and function of the building,*
- (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road,*
- (c) the minimisation of distractions to drivers using the road, and*
- (d) any possible future need to alter the road alignment.*

Under Policy B32.4 Building Line, development on 1(a) zoned land requires a setback of 18m to all roads.

Assessment Officers Comments

The proposed setbacks comply with the provisions of Policy B32.4 and the intentions of Clause 18 of the CLEP. It is considered that the setbacks of the buildings, landscaping berm, coupled with existing vegetation other introduced landscaping, will minimise the impact upon driver's sight distances/visibility/distractions. No road widening has been identified for Wine Country Drive. Therefore, the proposal satisfies the provisions of this Clause.

Clause 21

Under the Clause 21 of this CLEP,

- (1) This clause applies to land within Zone No 1 (a):*
 - (a) having frontage to a main or arterial road,*
 - (b) which otherwise relies on a main or arterial road for its sole means of access, or*
 - (c) which has access to a road which intersects with a main or arterial road, where the point of access is within 90 metres of the intersection of the road and the main or arterial road.*
- (2) The Council shall not grant consent to development on land to which this clause applies unless it is satisfied that:*
 - (a) the development by its nature, intensity or the volume and type of traffic likely to be generated is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main or arterial road,*
 - (b) the development is of a type that (whether or not because of the characteristics of the land on which it is proposed to be*

- carried out) justifies a location in proximity to a main or arterial road,*
- (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road are not impeded, and*
 - (d) the development will not prejudice future improvements to or realignment of the main or arterial road, as may be indicated to the Council from time to time by the Roads and Traffic Authority.*
- (3) Notwithstanding the provisions of clause 9 but subject to this clause, the Council may grant consent to development on land to which this clause applies which has frontage to a main or arterial road for the purposes of providing services to motorists, tourists and the travelling public, including development for the purposes of a motel, general store, refreshment room, tourist recreation facility, transport terminal or service station, where:*
- (a) the Council is satisfied that demand for the development exists, having regard to the nature and volume of traffic using the road, the location of and distance from existing development of a similar type and the location of and distance from other land on which development of a similar type may be carried out, and*
 - (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise interference with the free flow of traffic on the road and to minimise traffic hazards.*

Assessment Officers Comments

The subject site has frontage to an arterial road (Wine Country Drive), however the only access proposed to it is to be for emergency entry/exit only. Lomas Lane intersects with Wine Country Drive and the RTA has indicated that the intersection does not require upgrading at Stage 1. Further traffic assessments will need to be undertaken with later stages to ascertain if the intersection needs to be upgraded. Council and the RTA are satisfied with the information provided in relation to traffic assessment. Therefore, the proposal satisfies the provisions of this Clause.

Clause 29

Under Clause 29 of the CLEP,

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.*
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.*

Assessment Officers Comments

Once the proposed educational establishment has been constructed the site will be able to be utilised for the other uses indicated in this Clause should the school choose to do so. Therefore, the proposal satisfies the provisions of this Clause.

Clause 31

Under Clause 31 of the CLEP, *A person shall not carry out development on land within a floodway unless the Council is satisfied that the carrying out of the development is not likely:*

- (a) to impede the flow of flood waters on the land,*
- (b) to imperil the safety of persons on the land in the event of the land being inundated with flood waters,*
- (c) to aggravate the consequences of flood waters flowing on the land with regard to erosion, siltation and the destruction of vegetation,*
- (d) to have an adverse effect on the water table of the land or of land in its immediate vicinity,*
- (e) to have an adverse effect on riverbank stability, or*
- (f) to increase the level or flow of flood waters on other land.*

Applicants Comments

The majority of the subject site is inundated by a 100 year ARI flood event. The application proposes the construction of a 4.75ha fill pad (approximately 220m x 240m) to raise the school site above the 100 year ARI flood level.

The Flood Assessment Report by Worley Parsons (September 2009) indicates that the construction of the fill pad relocates the flood conveyance that currently flows to the western side of the site towards the eastern side. *“The proposed floodway alignment would have an equivalent conveyance capacity to the existing floodway, with no net loss of flood conveyance capacity predicted”.*

“The development would result in an approximate 2.5% reduction of the total flood storage capacity within the model domain. This relatively minor loss in flood storage is likely to have a negligible impact on the flood behaviour.

The report recommended the following development controls required to maintain the current flood conveyance of the Black Creek Floodplain:

- Ground levels within designated floodway areas should be maintained at design levels provided. Minor alterations would be permissible as long as the design levels are maintained on average. For example, the proposed playing field could be constructed with a 1% cross fall to facilitate drainage, provided the average level is at or below the design levels.*
- There are to be no fences that would create a constriction to flood conveyance (should they become blocked) constructed within areas designated as floodway.*

- *The vegetation in areas designated as floodway must be maintained in a similar condition to the existing state. The school would be responsible for actively managing this vegetation and would keep a photographic record of the vegetation coverage.*
- *Any future works on Lomas Land must not raise the load levels past the eastern edge of the fill pad.*

The report included a Flood Evacuation Plan and a Preliminary Flood Emergency Response Plan however a formal Flood Emergency and Response Plan (FERP) would be developed at a future date in close liaison with the State Emergency Service (SES) and Council. The proposed evacuation strategy is to provide on-site flood refuge for all students and staff. This would effectively minimise the evacuation distances and the requirement for assistance from emergency services. Initially the flood refuge point would be located in the Stage 1 Specialist facilities building. The flood refuge would be relocated to the auditorium once it is constructed (potentially 5 to 10 years after the school opening). Access to both of these flood refuge locations would be provided through the emergency access to Wine Country Drive.

Flood management measures for the development would include the following:

- *Filling the majority of the school site to levels at or above the 100 year ARI flood level.*
- *Establishing all habitable dwelling floor levels at least 500mm above the predicted 100 year ARI flood level.*
- *Measures described above to maintain the existing flood conveyance of Black Creek and its floodplain (restrictions on fences, ground level modifications within the flood plain and ongoing vegetation management).*
- *Preparation of a FERP during the detailed design phase in close liaison with the SES and Council”.*

Assessment Officers Comments

Specific comments relating to flooding from Council's Infrastructure and Strategy Manager are detailed further in the report, under the heading flooding.

The following are comments on Clause 31 of the Cessnock LEP 1989: -

(a) to impede the flow of flood waters on the land

The proposed development will not impede the flow of flood waters on the site. However, will divert water to the eastern side of the site. This will not considerably increase the flood extent and will not increase the risk to any property.

(b) to imperil the safety of persons on the land in the event of the land being inundated with flood waters

The application proposes a flood refuge area within Stage 1 (and subsequently the remainder of the site) to be situated at or above the level of inundation of the Probable Maximum Flood (PMF) event. The proponent will be required to prepare a flood evacuation plan prior to issue of any construction certificate for the Stage 1 development. A condition of consent will require the preparation of a flood emergency and evacuation plan in accordance with the Flood Impact Assessment by Worley Parsons and the Floodplain Development Manual which will need to be submitted to and approved by the PCA prior to the issue of the Construction Certificate.

(c) to aggravate the consequences of flood waters flowing on the land with regard to erosion, siltation and the destruction of vegetation

The fill pad will be graded and vegetation maintained to minimise the impact of erosion, siltation and destruction of vegetation of the site during a flood event.

(d) to have an adverse effect on the water table of the land or of land in its immediate vicinity

The proposed development proposes a fill pad with buildings constructed on top. These buildings cover a small portion of the pad, therefore, the majority of the land will be permeable and still receive rainfall that will replenish the water table.

(e) to have an adverse effect on riverbank stability

No earthworks are being proposed in proximity to the riverbank and no vegetation is being removed. Therefore, the proposal will have minimal impact upon the riverbank stability

(f) to increase the level or flow of flood waters on other land

The construction of a fill pad will divert water to the eastern side of the site. This will increase the level and velocity of flood water, but not to an extent to significantly impact on adjoining properties or increase the risk to any adjoining property.

The proposed development will increase the flood level and velocity of post development flood water travelling through the bridge and over Lomas Lane, which may result in an increase in potential bridge failure and may restrict options associated with any future raising of the bridge and lead in roads. A condition is to be imposed requiring a comprehensive engineering report to be prepared which clearly articulates post development implications and any associated requirements for the Lomas Lane Bridge. If any works are required to the bridge which have a direct nexus to the development of the school, such costs are to be borne by the proponent.

Council is satisfied that the proposed development will not impede flow of flood water on the lane, imperil the safety of person on the land in a flood event, will not aggravate flood waters or have an adverse effect on the water table or adversely affect riverbank stability or increase the level or flow of flood waters on other land. A detailed assessment of the flooding impacts is detailed in a later section of this report. The

proposal satisfies the provisions of this clause and the site is deemed to be suitable for the proposed development.

Draft Cessnock Local Environmental Plan 2010

The Draft Cessnock Local Environmental Plan 2010 (Draft LEP) seeks to rezone the site to RU2 Rural Landscape.

The proposed development is defined as an 'educational establishment' under the provisions of the Draft LEP and is permissible with development consent.

The objectives of the RU2 Rural Landscape zone are:

- (a) to enable the continuation of existing forms of agricultural land use and occupation,
- (b) to ensure that potentially productive land is not withdrawn from production,
- (c) to encourage new forms of agricultural land use,
- (d) to enable other forms of development which are associated with rural activity and which require an isolated location, or which support tourism and recreation, and
- (e) to ensure that the type and intensity of development is appropriate in relation to:
 - (i) the rural capability and suitability of the land,
 - (ii) the preservation of the agricultural, mineral and extractive production potential of the land,
 - (iii) the rural environment (including scenic resources), and
 - (iv) the costs of providing public services and amenities.

It is considered that the proposed development is generally consistent with the objectives of this zone, particularly having regard to objectives (a),(c) and (e)(i)(iii) and (iv).

Agricultural land uses are intended to continue over part of the site in conjunction with the proposed school syllabus, including an extensive range of sustainable agricultural study. Environmental studies are also proposed, consistent with conserving the environmental qualities of the site and the rural and scenic amenity of the locality. The intended density and proposed built form of the development is complementary to the existing rural environment of the locality: an acceptable balance of built form and natural environment is proposed. This is illustrated in the photomontages prepared by the proponent, included in the enclosure document.

b. The Provisions of any Development Control Plan

C.2 Parking & Access

Under this Chapter of the DCP, educational establishments require: -

1 space per 2 staff, PLUS

1 space per 15 students over 17 years for high schools and 1 space per 5 students for higher education establishments.

Based on the Stage 1 proposed works that would cater for up to 656 students (58 students over 17 years of age) and a total of approximately 60 full time equivalent staff by 2013, the number of car

parking spaces required in accordance with Council's DCP is shown in the following table:

Land use – By 2013	Parking space requirement	No. spaces.
60 staff	1 space per 2 staff	30
58 students over the age of 17	1 space per 15 students over 17 years for high schools	3.9
Total		33.9

Therefore in accordance with Council's DCP, thirty four (34) car parking spaces, including a disabled space are required to be provided. The applicant proposes to provide a total of 48 car parking spaces, 12 car set down spaces and 7 bus set down spaces, which is considered satisfactory.

There is sufficient area available on site to provide the required number of car parking spaces.

For Stage 1 of the development it was estimated that 360 (55%) of the 656 students would travel to/from School by bus. A dedicated bus zone to accommodate 7 buses and a set down and pick up area for 12 cars are proposed to be provided within the site.

When fully developed after all Stages are complete by 2019 (estimated as per SEE), the School is proposed to accommodate a total of 1,500 students (assume 132 students over 17 years of age) and 220 staff. When fully operational the number of car parking spaces required in accordance with Council's DCP is shown in the following table

Land use – By 2013	Parking space requirement	No. spaces.
220 staff	1 space per 2 staff	110
132 students over the age of 17	1 space per 15 students over 17 years for high schools	8.8
Total		118.8

Therefore when fully operational with 1,500 students, in accordance with Council's DCP, approximately 120 car parking spaces are required to be provided. The Master Plan shows 162 car parking spaces proposed to be provided. There is sufficient space on site to provide the required number of car parking spaces. This will be further assessed during the submission of DA's for the future stages of the development.

C.2 Flora & Fauna Survey Guidelines

A seven part test was undertaken by: -
 Eastcoast Flora Survey in relation to flora; and
 Ecobiological in relation to fauna.

The flora survey and assessment concluded: -

All three of the native vegetation communities present on the site equate in a State-wide context to an EEC listed under the TSC

Act. The Cabbage Gum Floodplain Forest and the Paperbark Floodplain Forest conform to the River-Flat Eucalypt Forest on Coastal Floodplains EEC, and the Floodplain Wetlands conforms to the Freshwater Wetlands on Coastal Floodplains EEC. Consequently, significance assessments were undertaken as required under the EP&A Act 1979, TSC Act 1995, and EPBC Act 1999. The significance assessment concluded that the local occurrences of these communities were unlikely to be significantly impacted upon by the proposed development, and a Species Impact Statement (SIS) (under Section 110 of the TSC Act 1995) was not required.

Under the proposed Master Plan, development is proposed for a large part of the northern section of the subject site. Black Creek and the riparian vegetation associated with it would be retained, and the proposed wildlife reserve and regeneration area within the old trotting tack would also be retained and enhanced. Several wetlands would be lost under the proposed development, however these would be offset by the creation of new wetland areas on the site (as identified in the Concept Plan in Appendix A). The Flora Survey and Assessment recommended that new wetlands should support a diversity of microhabitats for flora and fauna, ranging from wet meadows with little standing water, through to deeper waterholes capable of supporting taller sedges. Wetlands should be created in association with a recognised wetland rehabilitation scientist.

A Revegetation and Wetland Management Plan (RWMP) will be prepared prior to any development occurring on the subject site, to ensure recommendations for habitat offset and new wetland areas are integrated into the overall plan for the site.

The fauna and threatened species assessment concluded: -

An Assessment of Significance was undertaken for each threatened species that was recorded during the field surveys, and for species that may be found on the site under different conditions to those prevailing at the time of this assessment. The Assessment of Significance revealed that for all threatened species considered, the proposed development would represent an acceptable threat to the viability of the local populations.

However, in order to ensure the safety of native fauna, and to preserve habitat integrity at the subject site, several ameliorative measures and management actions were recommended. These include:

- A Weed Management Plan to be prepared and implemented for the development/remnant vegetation interface on the eastern side of the subject site.*
- Best practice erosion and sedimentation control methods to be adopted, enforced and maintained during construction. The construction site should be managed to allow no accidental incursions into areas that are not part of the proposed development footprint such as nearby drainage lines and adjoining remnant vegetation.*
- Avoiding the use of insecticides and herbicides within the study area to retain the integrity of the surrounding habitat for*

insectivorous Microchiropteran bats, Large Forest Owls and amphibian species.

Conditions of consent require the lodgement of a revegetation and wetland management plan and a weed management plan. In addition, a condition indicates that the use of insecticides and herbicides on-site should be avoided where possible.

C.4 Land Use Conflict & Buffer Zones

4.3.9 Transport Corridors

An acoustic report was undertaken by AECOM. This report indicates,

Noise intrusion as a result of road traffic noise was assessed in relation to external spaces and internal spaces. Compliant noise levels would be achieved by locating outdoor recreation areas 50m from Wine Country Drive, if some form of shielding is provided such as earth berms or barriers. Active recreation areas located 100m or more from the road would require no acoustic measures to achieve compliant noise levels. The criterion for playground areas is more stringent, and as such playgrounds can only be located 50m from the road provided earth berms were provided. The main play areas are located more than 100m from Wine Country Drive, and therefore would achieve compliant noise levels. The report considered it would be beneficial to locate learning spaces 100m from the road and including shielding to satisfy the internal noise requirements. The Stage 1 learning spaces are set back approximately 100m from the road and as such would be acoustically feasible.

Noise emission from school activity related noise such as play activities, outdoor sporting events, use of the auditorium, and assemblies were assessed. The report indicated that noise emission from school-related activities would be capable of complying with the most stringent daytime intrusiveness criterion under an assumed 'noisy' scenario.

Noise emission as a result of increased vehicle activity associated with the school was also assessed. In order to control noise levels due to increased vehicle activity, vehicle numbers must not increase by more than 60% of the existing traffic flows. It was not considered likely that vehicle numbers would increase by more than 60% (the traffic assessment indicates an increase of approximately 25% during peak periods) at the morning and afternoon peak periods, and therefore, the development would meet the noise level requirements.

The applicant is proposing a landscaped berm which has both acoustic and visual benefits. In addition, acoustic resistant materials where possible will be utilised within the buildings. The closest dwelling to the development site is located approximately 200m away.

The proposed buildings are setback greater than the 18m required under Policy B32.4 Building Line, as required for 1(a) zoned land.

It is considered that the proposed development complies with this

Section of the DCP Chapter.

4.3.15 Rivers, Water Courses and Wetlands -Category A

The applicant is proposing to connect to reticulated water and sewer. All proposed buildings are located greater than 40m from the watercourse. The application was referred to NSW Office of Water and they have advised that a controlled activity approval is not required.

It is considered that the proposed development complies with this Section of the DCP Chapter.

C.5 Waste Management & Minimisation

Waste management details have been submitted with the application. A condition of consent will require a detailed waste management plan be submitted with every stage of the development.

It is considered that the proposed development complies with this Section of the DCP Chapter.

D.5 Outdoor Signage

The applicant proposes three (3) frontage signs. One (1) sign on Wine Country Drive adjacent to the emergency entry/exit, which has an area of 3m², one (1) sign on the corner of Lomas Lane and Wine Country Drive, with an area of 7m² and a sign on Lomas Lane adjacent to the entrance driveway, with an area of 1.26m².

The subject site is located within Map 1 therefore, the special provisions of Clause 5.4 are applicable.

It is considered that the three (3) proposed signs best fit the category of frontage signs.

5.4.2 Private Signs

a) Frontage Signs

Signs positioned at the frontage of a site for the express purpose of presenting the facility or business to the travelling public. Signs within this category are post-supported signs or wall structures (with or without the provision for banner advertising). Post-supported structures shall not exceed a height of 3 metres above natural ground level or an advertising area of more than 3 square metres. Frontage signs are only allowed on properties where a registered business operates. Advertisements may be provided on either side of the structure. Where the advertising structure is supported by three posts and has an advertisement on either side of the structure, the internal angle shall not exceed 65 degrees. Frontage signs require Council consent.

The sign on the corner of Wine Country Drive and Lomas does not comply with the required 3m². However, the proposed sign is considered to be an integral part of the proposal, is consistent with the scale of the development, blends in with the proposed landscaping berm is of a scale that would have minimal impact on traffic safety. The signs are attached to stone walls further reducing the visual

prominence. The signs are located 300mm to 450mm from natural ground level. The stone wall has a maximum height of 1.2m and 1.5m.

In addition, Section 5.4.6 of this Chapter permits exceptions to the size requirements of private signs. Refer to this section below.

5.4.3 How many signs may I have on my property?

- a) Each property shall be allowed a maximum of two (2) frontage signs visible from the property frontage or public place.*
- b) Properties that have frontage to more than one road may have a total of three (3) frontage signs provided that:*
 - i) two (2) of the signs are located either side of the nominated principal entrance,*
 - ii) only one (1) sign is located on the road not used as the principal entrance, and*
 - iii) the road that is not used as the main access point has a frontage of more than two hundred and fifty metres (250m).*

The subject site has two (2) frontages and therefore the proposed three (3) signs are permissible, and comply with this Clause.

5.4.4 Where should the signs be placed?

- a) Signs should be located on and within the boundaries of the land/property to which they relate and the onus is on the operator to position these to achieve the best effect consistent with other objectives of this code.*
- b) Where signs are introduced to a bushland setting consideration should be given to the age of the surrounding trees and whether the trees will grow to obscure the sign from view. Similarly, where signs form part of a new landscape treatment care should be taken in the selection of plant species to ensure long term visibility of the signs.*
- c) Signs should have adequate clearance around power poles and electricity wires.*
- d) Signs should not be placed where they may cause obstruction to visibility for motorists and/or pedestrians. Signs considered by the Council to be a potential risk to traffic in what is largely a 80 kph speed zone shall be referred to the NSW Roads and Traffic Authority or to the Cessnock Local Traffic Committee for advice.*
- e) All signs, regardless of their type, should form an integral part of the landscape treatment of the development.*

The proposed signage has been located within the property boundaries, the scale of the landscaping around the signs are considered appropriate to ensure the signs are not obscured in the future. The proposed signs have been located away from powerlines and the signs are of a size and location so as to have minimal impact upon traffic safety. The proposed signage complies with these provisions.

5.4.6 Are there any exceptions to the size requirements for private signs?

Council may consider the erection of a sign(s) which has a sign face

area greater than the maximum area prescribed under this section only where:

- a) the configuration of the road reserve in front of the land means that there is a substantial distance from the vehicle carriageway to the property boundary which would make visibility of the sign difficult; or*
- b) where the sign is a wall structure incorporated into a feature landscaping treatment of high visual quality. In such circumstances Council must be satisfied that the wall and landscape treatment are in scale with the size of the development and the property on which it is located; or*
- c) where there is only one (1) frontage sign proposed and/or the site has a narrow frontage, larger signs will be considered on their merits provided they are in scale with the built and natural environment. Such signs must have an area not exceeding 4.0 square metres. In this respect no other signage is allowed to be erected that is directed towards a public place (i.e. frontage signs, gateway signs etc).*

The proposed sign on the corner of Wine Country Drive and Lomas Lane is located approximately 30m from this intersection and it is considered to be of a high quality and of an appropriate size and scale for the proposed development. Therefore, the proposed variation is considered appropriate and acceptable.

5.4.8 What form of sign illumination is permitted within this area?

The signs are not proposed to be illuminated.

Assessment Officers Comments

The Wine Country Drive sign does not comply with the 3m². However, the sign is considered to be an integral part of the proposal, and is consistent with the scale of the development. The proposed sign on Wine Country Drive is located 16.45m from the centre line of the road and is incorporated into the proposed contoured landscape berm. The proposed berm is considered to be in scale with the size of the development and an integral part of the development from a visual and acoustic perspective.

Therefore, it is considered that the signage satisfies the objectives for signs in this location.

c. The Likely Impacts of That Development

Access, Transport and Traffic

Under the provisions of SEPP (Infrastructure) 2007, the proposed site fronts a classified road and the proposed development is classified as a traffic generating development and referral is required to the RTA.

The RTA Hunter Regional Development Committee (HRDC) met on 25 August, 2010 to consider the development application. The HRDC advised of the requirement for a Road Traffic Safety Audit (RTSA). This was considered a requirement given potential traffic safety issues for school children and vehicles in proximity to Wine Country Drive, an arterial road carrying significant amounts of vehicular traffic. The

relationship between Wine Country Drive and Lomas Lane was also considered.

A RTSA was prepared by Better Transport Futures (Traffic Safety Review, October, 2010), concluding with recommendations for improvements for the road environment in the vicinity of the development site.

The RTSA was reviewed by the RTA and the RTA subsequently advised Council of its general satisfaction with the document. The RTA advised Council to condition a number of matters emanating from the audit which would lead to traffic safety improvements and improvements at the interface between school attendees and vehicles. Examples of such improvements include advanced intersection warning signs, a give-way sign at the intersection of Wine Country Drive and Lomas Lane, pavement marking and fencing and landscaping specifications. Conditions of consent have been recommended accordingly.

Flooding

The flooding implications for the site and proposed development, the Black Creek floodplain and engineering infrastructure have been examined in detail by the proponent (detailed flood study by Worley Parsons, 2010) and by both Council's Infrastructure Strategy Manager and Consultant Development Engineer. Assessment has included details relevant to both the Stage 1 development and to the concept plan, including an assessment of the extent of fill proposed in its entirety over the total development site.

(a) Impact on the Development Site

The site is impacted by flooding from Black Creek. The recently completed Draft Black Creek Flood Study (prepared by DHI Water and Environment Pty Ltd for Council) indicates that the subject site is significantly impacted by a 1 in 100 year annual flood recurrence interval. Similarly, the Flood Impact Assessment prepared by Worley Parsons (submitted by the proponent with the application) concluded that the majority of the site would be impacted by flooding during a 1 in 100 year flood event. The concept plan component of the application proposes the construction of a 4.75ha fill pad (roughly 220mx240m) to raise the school components above the 1% AEP.

The site (Stage 1 and Concept Plan) is to be filled to an extent to enable buildings to be located at least 500mm above the 1% AEP flood extent. The comprehensive management of bulk earthworks associated with such fill requires a proposed condition of consent.

Furthermore, proposed flood refuge areas within Stage 1 (and subsequently within the remainder of the site) are to be situated at or above the level of inundation of the Probable Maximum Flood (PMF) event. The proponent will be required to prepare a flood evacuation plan prior to issue of any construction certificate for the Stage 1 Development.

(b) Impact of Proposed Development on the Black Creek Floodplain, Neighbouring Rural Property and Road and Bridge Infrastructure

Council's Infrastructure Strategy Manager has provided the following comments in relation to the implications of the proposed Stage 1 development and concept plan on the Black Creek Floodplain:

The Infrastructure Strategy Manager has compared Council's Black Creek Flood Study against the Worley Parsons Flood Study undertaken on behalf of the proponent and has advised the following: -

- The 1% AEP flooding extent and depth of both studies downstream of Lomas Lane Bridge do not align. This is likely to be due to the fact that Council's flood study ends just north (downstream) of Lomas Lane Bridge whereas the proponents flood study extends to Lovedale Road Bridge. Further, the proponents flood study has identified a significant 'knoll' in the floodplain between the two bridges that has an impact on their modelled flood levels, which has apparently not been taken into consideration by Council's flood study. In any case, the proponents flood study presents more conservative (higher) flood levels downstream of Lomas Lane Bridge and indicates that there is no net effect on flood levels downstream of Lomas Lane Bridge post development.
- The 1% AEP flooding extent and depth of both studies align adjacent to the development area.
- The 1% AEP flooding extent and depth of both studies align upstream of the development to a point beyond the 'backwater effect' zone of influence of the proposed development. While the flood levels then start to diverge by up to a metre as you progress further upstream, this divergence is beyond the influence of the development and therefore is not relevant to identifying the impact of the proposed development on the floodplain. It is most likely a result of the less comprehensive nature of the proponent's flood study beyond the immediate vicinity of the proposed development.
- Based on the above comparison of modelled flood levels, the results provided by the proponent's flood study relating to the impact on flood levels within the affected floodplain post development is as defined in the proponent's flood study in Table 5.1.
- Table 5.1 indicates no net effect on flood levels post development downstream of Lomas Lane Bridge.
- Table 5.1 indicates a maximum 0.11m net increase in flood levels post development adjacent to the site. The sloping nature of the terrain on the east side of Black Creek is such that an increase of this order will not considerably increase the flood extent, will not increase the risk to any property and will not impact on any new lots. The impact of the flood extent on the western side (proposed development land) will be influenced by the proposed earthworks (per their proposed flood mitigation measures), but does not appear to present further risk to Wine Country Drive.
- Table 5.1 indicates that the 'backwater effect' zone of influence

from the proposed development will cease approximately 500m south (upstream) of the development (approx 800m south of Lomas Lane Bridge) and in fact the increase in flood level reduces from +0.1m to +0.02m (i.e negligible) within 200m south of the development. The flat nature of the terrain in this area will mean that any increase in height will present an increase in flood width, however given the limited extent of affected floodplain, the rural nature of the land use and the absence of dwellings, the impact will present minimal risk to property or life. Given the data it is not possible to identify a percentage increase in the flood plain, but it is not considered to be significant within the accuracy of the flood models.

Worley Parsons provided a report, entitled "Lomas Lane Bridge Structural Investigation", dated 6 September 2010, this report stated: -

"The inspection was carried out by a visual and hammer impact inspection only (no drilling of timber was carried out). The inspection should not be treated as a full and conclusive inspection report for the condition and strength of the bridge. Note that since the loadings on the bridge due to flooding do not change with the proposed development, the information provided is for reference only for the Council and recommendations are not reflecting actions necessitated by the development".

In association with Council's Infrastructure Strategy Manager, Council's Consultant Development Engineer has advised that as only a visual and hammer impact inspection was undertaken, that there is a need for a condition to be imposed requiring a comprehensive report to be prepared which clearly articulates post development implications and associated requirements for the Lomas Lane Bridge. The bridge may be required to be replaced or re-engineered (including potential structural and locational alterations) in accordance with the requirements of the report, to the satisfaction of Council. The rationale behind this requirement is that the localised flood level and velocity increases of post development flood water travelling through the bridge and over Lomas Lane may result in an increase in potential bridge failure and could also restrict options associated with any future raising of the bridge and the lead in roads. If any works are required to cater for the post development scenario (having a direct nexus to the development), they are to be undertaken at no cost to Council.

Noise, Dust and Vibration

An Acoustic Assessment for the site was undertaken by AECOM and summarised that: -

The acoustic study incorporated noise intrusion into the site from external sources, and noise emission from the proposal due to construction and operation. Hours of operation were assumed to be 7.00am to 6.00pm, however for completeness (and in the event that out-of-hours activities are undertaken) noise levels and noise criteria were presented for all periods being daytime (7.00am to 6.00pm), evening (6.00pm to 10.00pm), and night-time (10.00pm to 7.00am).

Noise emission from school activity related noise such as play

activities,' outdoor sporting events, use of the auditorium, and assemblies were assessed. The report indicated that noise emission from school-related activities would be capable of complying with the most stringent daytime intrusiveness criterion under an assumed 'noisy' scenario.

Noise emission as a result of increased vehicle activity associated with the school was also assessed. In order to control noise levels due to increased vehicle activity, vehicle numbers must not increase by more than 60% of the existing traffic flows. It was not considered likely that vehicle numbers would increase by more than 60% (the traffic assessment indicates an increase of approximately 25% during peak periods) at the morning and afternoon peak periods, and therefore, the development would meet the noise level requirements.

It is envisaged that due to the scale of the development, that there maybe dust, noise and vibration issues during construction. Consequently the application will be required to submit a noise, vibration and dust management plan. In addition, to decrease these impacts on residents during construction this work should only be undertaken during the following times: -

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Aboriginal Archaeology

The proposed application is classified as integrated development because General Terms of Agreement were required pursuant to the National Parks and Wildlife Act 1974. Accordingly the application was referred to the Department of Environment Climate Change and Water (DECCW) for assessment and general terms of approval have been issued. The development will require a Section 90 AHIP prior to the commencement of any construction works for this development.

Visual Impact

The subject site is located on the corner of Wine Country Drive and Lomas Lane adjoining the beginning of the Vineyards District. Wine Country Drive is one of the main arterial roads linking Branxton to Cessnock via the Vineyards District.

The subject site contains very little vegetation on Wine Country Drive and the majority of the site can be viewed from Wine Country Drive as open grazing land towards the vegetated Black Creek.

The majority of the proposed development will be located on the north eastern section of the site, with significant landscaping and land contouring proposed to reduce the visual impact of the development from Wine Country Drive and Lomas Lane.

A landscaped contoured berm is proposed, 20m wide, 3.6m high from natural ground level or 2.25m high from the level of Wine Country Drive and 17.96m long from toe to toe. The proposed berm is a contoured/undulating earthen structure so that there is visual relief

rather than one (1) long mass. This enables the berm to incorporate landscaping comprising a variety of shrubs, stone wall panels and a stone retaining wall with signage attached. Sandstone panelling has been incorporated into the berm as it is a local material, and a feature of several other developments on Wine Country Drive, e.g. Crowne Plaza, Hungerford Hill Estate and Debortoli's. Details of the berm and photomontages are attached within the enclosures.

As part of Stage 1 demountable buildings are proposed. However, these buildings will be replaced with permanent buildings during later stages. The demountable buildings, as with the other buildings proposed as part of stage 1 will be screened from Wine Country Drive and Lomas Lane by the landscaped contoured berm, existing vegetation and additional plantings.

Social and Economic Impact

The proposed school will increase the number of educational establishments available in the Cessnock LGA.

The proposed development represents a major financial investment into the local economy, through the provision of employment opportunities during the construction and subsequent operational phases represents a boost to the local economy, given the current economic climate in the region.

d. Submissions

Government Authority Submissions

A copy of all submissions from Government and Servicing Authorities are included in the enclosures.

Roads and Traffic Authority

Under the provisions of SEPP (Infrastructure) 2007, the proposed site fronts a classified road and the proposed development is classified as a traffic generating development and referral is required to the RTA.

The RTA has indicated that they have no objection to the application subject to several conditions.

DECCW – Aboriginal Heritage

The proposed application is classified as integrated development under the provisions of Section 90 of the National Parks and Wildlife Act 1974. Accordingly the application was referred to DECCW for comment in relation to Aboriginal Heritage. DECCW has issued general terms of approval in relation to the application.

NSW Rural Fire Service

The proposed development constitutes "integrated development" because a Bush Fire Safety Authority was required pursuant to Section 100B of the Rural Fires Act 1997. Accordingly the application was referred to the NSW Rural Fire Service (RFS) for assessment and a Bush Fire Safety Authority has been issued.

NSW Office of Water

The application was referred to the NSW Office of Water for assessment as integrated development, however, they have indicated that a controlled activity approval is not required as works do not appear to be occurring within 40m of a watercourse.

Public Submissions

Under Chapter B.2 Public Notification and Advertising of the Cessnock DCP 2006, the application was notified and/or advertised for a period of thirty (30) days from 12.11.2009 to 11.12.2009. Two (2) submissions were received during this period, one (1) objecting and one (1) not raising any considerations. Their issues of concern are summarised below:-

1 Noise from school impacting on the neighbours.

Comment

The core hours of the school are as follows: -

Before school activities:	6.00am to 8.30am, Monday to Friday
Teaching activities:	8.30am to 3.00pm, Monday to Friday
After school activities:	3.00pm to 6.00pm, Monday to Friday
Evening activities:	6.00pm to 11.00pm, Monday to Friday
Weekend Activities:	6.00am to 11.00pm, Saturday and Sunday

An Acoustic Assessment for the site was undertaken by AECOM and summarised that: -

Noise emission from school activity related noise such as play activities, outdoor sporting events, use of the auditorium, and assemblies were assessed. The report indicated that noise emission from school-related activities would be capable of complying with the most stringent daytime intrusiveness criterion under an assumed 'noisy' scenario.

Noise emission as a result of increased vehicle activity associated with the school was also assessed. In order to control noise levels due to increased vehicle activity, vehicle numbers must not increase by more than 60% of the existing traffic flows. It was not considered likely that vehicle numbers would increase by more than 60% (the traffic assessment indicates an increase of approximately 25% during peak periods) at the morning and afternoon peak periods, and therefore, the development would meet the noise level requirements.

Therefore, it is not considered that the impact of noise upon adjoining properties is significant and is of a limited duration.

2 The impact on Lomas Lane, as this has the main entrance for the

school.

Comment

The intersection of Wine Country Drive and Lomas Lane, does not require upgrading with Stage 1. Lomas Lane is to be upgraded to cater for the proposed vehicular movements, from the intersection of Wine Country Drive for a distance of 300m.

- 3 The impact of water and sewerage on neighbouring properties and Black Creek.

Comment

A preliminary Water and Wastewater Servicing Study prepared by Worley Parsons which assessed the provision of water and wastewater services to the site. Hunter Water Corporation has indicated that the site can be service from the water main located on the eastern side of Wine Country Drive. No wastewater services are currently available to the site, with the closest service located in Nulkaba. Hunter Water Corporation has indicated that the pump station is to be upgrade in 2010 and once upgraded this station will have sufficient capacity to service the proposed development. Therefore, as the site is going to be serviced by reticulated water and sewer, the impact upon adjoining neighbours and Black Creek will be minimal.

The applicant submitted a stormwater management plan which proposed the construction of three (3) wetlands for water quality treatment and rain water tanks for rainwater harvesting to minimise the impact upon Black Creek.

STRATEGIC LINKS

Management Plan

The assessment of this application supports Council's Second Goal – To protect, enhance and promote our natural, developed and cultural environment.

a. Other Plans

NIL

**STATUTORY
IMPLICATIONS**

a. Policy and Procedural Implications

NIL.

b. Financial Implications

NIL.

c. Legislative Implications

NIL.

d. Risk Implications

The proposed development is located in a flood prone area. The proposed development has due regard to the Black Creek Flood Study. The Flood Impact Assessment by Worley Parson indicates that the proposed filling would not have a significant impact upon the flood water level on adjoining properties. The development will impact on

Lomas Lane bridge with a further study required to assess detail and requirements for any works or upgrade.

The applicant will be required to undertake a flood evacuation and emergency plan to ensure the safety of occupants.

If the application is approved, then opportunity to alter/modify Lomas Lane so as to construct a flood free access for approximately 25 properties may be limited. Lomas Lane is currently affected by localised flooding.

e. Other Implications

NIL.

OPTIONS

1. Approve the application subject to conditions.
2. Refuse the application subject to valid reasons of refusal being identified.

CONCLUSION

The proposed development is permissible in the zone and complies with the objectives of the zone. The proposal complies with the provisions of the EPI's including draft, and Council's DCP. The various government agencies have no objection and have provides the various approvals, subject to conditions, where relevant.

The proposal when construction will provide an additional educational establishment in the area.

Therefore, the proposal warrants approval subject to the draft conditions of consent below.