REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

TITLE **DEVELOPMENT APPLICATION NO. 42043/2012 PART 1**
APPLICANT: NSW DEPT OF EDUCATION & COMMUNITIES - SYDNEY
PROPOSED: EDUCATIONAL ESTABLISHMENT (JRPP) ON LOT: 364 DP: 755227, LOT: 1 DP: 1169232, LOT: 42 DP: 755227, 22-48B AND 50-64 FAUNCE STREET WEST, WEST GOSFORD AND 14 RACECOURSE ROAD GOSFORD (IR 12133406)

Directorate: Environment and Planning
Business Unit: Development

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

EXECUTIVE SUMMARY

Reason for Referral to Joint Regional Planning Panel (JRPP)
Public Infrastructure (School) Value $15 million

Assessing Officer
R A Eyre

Reviewing By
Independent Development & Environment Panel (IDEP)
Deputy Director Environment and Planning
Acting General Manager

Date Application Received
03/04/2012

Proposal
Educational Establishment (JRPP)

Zone
Lot 364 - SP1 Special Activities (School) - GCC LEP 2007
Lot 1 – SP2 Infrastructure – GCC LEP 2007
Lot 42 – 5(a) Special Use - School - GPSO

Area
Lot 364 - 4.704ha
Lot 1 - 0.1538ha
Lot 42 - 2.752ha
Total = 7.61ha

Permissible Development
Development permissible with consent on the land zoned SP1, SP2 and 5(a) Special Activities- GCC LEP 2007 and under SEPP (Infrastructure).

Section 94 Contributions
The land zoned SP1 - GCC LEP 2007 is subject to S94A Contribution Plan Gosford City Centre and land zoned 5(a) Special Use is subject to CP164 Gosford Regional Centre.

Gosford 2025 – Community Strategic Plan/Masterplan
Although not a statutory Plan, the proposal is consistent with the City Vision and the Gosford City Centre Masterplan.

Public Submissions

Seventy-three (73)

Pre-DA Meeting
Held 23/11/2011

Political Donations
None declared.

Relevant Statutory Provisions
1 Environmental Planning & Assessment Act, 1979 – Section 79C
2 Local Government Act 1993 – Section 89
3 Draft Gosford Local Environmental Plan 2009
4 Gosford City Centre LEP 2007
5 Gosford City Centre DCP 2007
6 Gosford Planning Scheme Ordinance
7 SEPP (Infrastructure) 2007
8 DCP 128 – Public Notification of Development Applications
9 DCP 163 – Geotechnical Requirements for Development Applications
10 DCP 111 – Car Parking
11 DCP 106 – Controls for Site Waste Management
12 S94A Contributions Plan – Gosford City Centre Civic Improvement Plan (CIP)
13 SEPP 55 Remediation of Land
14 Rural Fires Act 1997
15 Gosford City Centre Masterplan
16 CP164 Gosford Regional Centre

Key Issues
1 Gosford Planning Scheme Ordinance/ Gosford City Centre LEP 2007
2 Draft Gosford Local Environmental Plan 2009
3 Climate change and sea level rise
4 SEPP 71
5 Section 94 Contribution
6 SEPP (Infrastructure)
7 Tree Removal
8 Architectural Assessment
9 Roads and Maritime Services Comments
10 Engineering Assessment
11 Car Parking
12 Contamination
13 Environmental Assessment
14 Bushfire Risk
15 Crime Prevention Through Environmental Design (CPTED)
16 Social Impact Assessment
17 Public Submissions

Recommendation

Approval

REPORT

The Site

The existing Henry Kendall High School is located on Lot 364 DP 755227 which is bounded to the south by Faunce Street West, to the east by Batley Street, to the north by Racecourse Road and to the west by Ausgrid Depot site.

Part of the Ausgrid depot (Lot 1 DP 1169232) site has been transferred to the Henry Kendall School site to increase the area of the site in the south-west corner. Lot 1 has an area of 1538m^2.

Lot 42 DP 755227 is located on the northern side of Racecourse Road and forms part of the Henry Kendall High School site. Lot 42 currently contains buildings and is used for agricultural education and parking.

The site contains a large number of mature trees, particularly in the south-west corner.

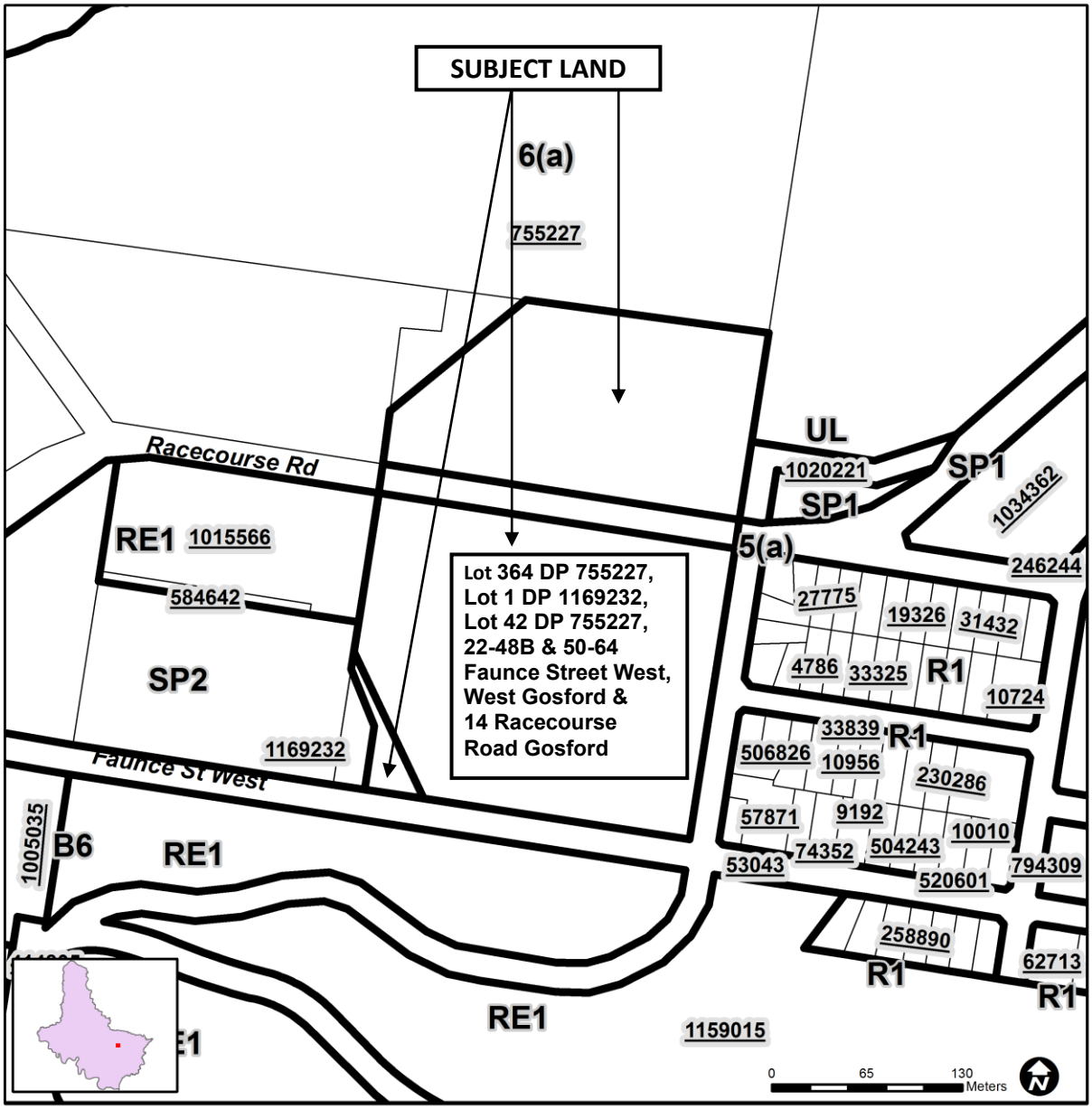
The natural ground level slopes from about RL 30m AHD on the southern side (Faunce Street West) to about RL 10.5m AHD on the northern side with Racecourse Road.

An open drain/overland flow path is located along the western side of the site with stormwater entering the site from a 900mm diameter pipe under Faunce Street West.

The Locality

The site adjoins Waterview Park to the south, residential land and Gosford Hospital to the east, Gosford Golf Club to the north, and Ausgrid Electricity depot and substation to the west.

LOCALITY: WEST GOSFORD
ZONE: LOT 364 - SP1 SPECIAL ACTIVITIES (SCHOOL) - GCC LEP 2007
LOT 1 – SP2 INFRASTRUCTURE – GCC LEP 2007
LOT 42 – 5(A) SPECIAL USE - SCHOOL - GPSO



Consultation
The following authorities were consulted in the assessment of the proposal:

- Roads and Maritime Services
- NSW Rural Fire Service
- NSW Police
- Council's Development Engineer
  - Traffic Engineer
  - Building Surveyor
  - Social Planner
  - Environment Officer
  - Tree Assessment Officer
  - Architect

- The application was publicly exhibited from 18 April 2012 to 18 May 2012.

Background/Gosford Masterplan
The existing public school is located on the corner of Georgiana Terrace, Manns Road and Vaughan Avenue, Gosford.

The Department of Education and Communities (DEC) advises that Henry Kendall High School had a student enrolment of 1,400 in 2004/2005.

With the opening of the Kariong Mountains High School in 2010, high school enrolment is expected to decrease to 720 students in 2014 with 37 teachers (currently 60 teachers).

The Gosford City Centre Masterplan was adopted by Council at its meeting on 9 March 2010. The Masterplan was prepared through an intensive and extensive public consultation process. The Masterplan is a document for the community and Government authorities to understand the changes necessary to revitalise Gosford City Centre and to grow as the Regional Capital of the Central Coast.

The key design strategies that will lead to the revitalisation of Gosford are:

- Connectivity
- Activation
- Access and movement, and
- Sustainability

The Masterplan reflects the Central Coast Regional Strategy which identifies that Gosford is planned to add 6,000 jobs and 10,000 new residents by 2031.

The Henry Kendall school site is located to the west of the Hospital Precinct.

The Masterplan identified possible future parking along both sides of Faunce Street West.

The proposal is consistent with the Gosford Masterplan.

The Proposal
The proposal involves:

- The demolition and removal of some existing structures (Blocks B, C, H – 1108m^2 floor area) on the site including 3 classroom buildings, 3 demountable structures, a garage and a range of associated structures such as paved areas.

- Erection of new buildings containing 22 permanent teaching spaces, comprising 13 new home bases and 9 refurbished spaces in existing Block A Level 2. The area to be refurbished in Block A is 918.5m^2. Other associated new accommodation includes Administration and Staff facilities, Hall, Covered Outdoor Leaning Space, Canteen, Library, Special Purpose rooms, Outdoor Courts, Out-of-School Care room and Basement staff car parking. Existing Blocks G and J are also to be refurbished.

- The construction of car parking, vehicular and pedestrian access.

- The development **includes** adjustments to the existing high school with provision of a new games court on the north-eastern part of the site.

The application originally proposed driveway access to the public school car parking area from Faunce Street West, near the pedestrian entry. The application has been amended to relocate

the driveway to Racecourse Road. Vehicular access to the primary school parking area and waste storage area will now be provided off Racecourse Road on the western side of the site by upgrading the existing driveway.

The DEC advises that the primary school enrolment is expected to remain fairly stable and is forecast to have 540 students in 2014 with 21 teaching positions. In 2014, the projected student numbers of both the High School and Primary School will be 1,260, which is less than the 1,400 students accommodated at the site in 2004/2005.

The floor area of the new school buildings is 3,136m^2 with 1,516m^2 in car parking, stores and Level 1 undercroft.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for Council's information.

Gosford Planning Scheme Ordinance/Gosford LEP 2007

a Objectives Of Zone

Clause 10(3) of the Gosford Planning Scheme Ordinance stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the Local Government Act 1993, pertaining to Ecologically Sustainable Development.

The objectives of Zone No 5(a) are:

- To provide for the development of some miscellaneous public facilities; and
- To provide for other land uses if they do not affect the usefulness of the land for the purpose for which it is zoned.

The objectives of Zone SP1 Special Activities are:

- To provide for special land uses not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To provide for development that is compatible with the special land use or uses shown on the Land Zoning Map.
- To prevent development that is not compatible with or that may detract from the special characteristics of the site or its existing or intended special use.

The objectives of Zone SP2 Infrastructure are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

In this instance, it is considered that the proposal is consistent with the stated objectives of the SP1 Special Activities, SP2-GCC LEP 2007 and 5(a) GPSO Zone as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

b Character

Clause 10(4) of the Gosford Planning Scheme Ordinance stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area. The site is located within Gosford 5 – Community Centres and School precinct of DCP 159. The desired character is:

"These properties should continue to provide community, educational and recreation services according to the needs of their surrounding residential population. The scenic and civic qualities of prominent vegetated backdrops to Gosford City's waterfronts, major roads and residential areas should be protected as well as enhanced by future development, infrastructure or landscape improvements, and by open space management.

Protect the habitat and scenic values of remnant bushland, wetland or salt marsh by retaining natural slopes and by avoiding further fragmentation of the tree canopy, particularly mature bushland remnants along any ridge, slope, waterway or road frontage that provide scenically-prominent backdrops.

Enhance the recreation and scenic potentials of playing fields by masterplanned improvements that satisfy a wide range of recreation needs, including clustered shelter plantings around existing ovals and pitches, walking trails and seating, and amenities buildings. Around carparks and along street frontages in general, protect the safety of children by footpaths that are flanked by landscaped barriers to channel pedestrian traffic towards defined road crossings.

Ensure that new developments (including alterations to existing buildings and infrastructure works) do not dominate their natural or landscaped settings, or their predominantly low-rise residential surroundings. Surround buildings with landscaped settings that maintain the scenic quality of prominent bushland backdrops or existing corridors of planted trees. Ensure that the height and siting of new structures also preserve levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private open spaces. Complement the bushland canopy by planting all setbacks, courtyards and parking areas with shrubs and trees that are predominantly indigenous. Along front boundaries, provide for surveillance and safety by planting hedges or using fences that are low or see-through.

Promote high levels of visible activity around buildings by adopting elements of traditional "main street" shopping villages, including extensive windows and building entrances that are located to reveal indoor activity. Incorporate footpaths, verandahs or colonnades to concentrate pedestrian access between clearly identified building entrances and surrounding streets or carparks.

Minimise the scale and bulk of new buildings and avoid the appearance of uniform building heights along any street by well-articulated forms. Divide floor space into separate pavilion structures that are surrounded by landscaped courtyards, and vary the shape and height of facades, particularly to identify major entrances. For visually-prominent facades, incorporate extensive windows that are shaded by framed verandahs or exterior sunscreens, and display some variety of materials or finishes rather than expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves or verandahs that disguise the scale of exterior walls."

In this instance, the proposal does not detract from the character of the immediate locality.

(c) Planning Controls

The planning controls under the Gosford City Centre LEP 2007 and DCP are:

Item	Required	Proposed	Compliance
Max. Height (Clause 21 LEP)	12m	4-12m	Yes
Max. FSR (Clause 22 LEP)	1.5:1	0.22:1	Yes
Building Setbacks	6m	12.98m	Yes

Draft Gosford Local Environmental Plan 2009
The application has been assessed under the provisions of Draft Gosford Local Environmental Plan 2009 in respect to zoning, development standards and special provisions. The assessment concluded the proposal is consistent with the Draft Plan.

Biodiversity
This land has been identified by the Natural Resource Sensitivity Biodiversity maps and Council has considered in the assessment of this development application the matters contained in Clause 7.10.3 and 7.10.4 of Draft Gosford Local Environmental Plan 2009.

Climate change and sea level rise
Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

Internationally there is a lack of knowledge on the specifics of climate change and the likely impact it will have on the subject development. Government action may mitigate the impact of climate change and the question of sea-level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time.

In the absence of any detailed information at the present however, refusal of this application is not warranted.

SEPP 71
The provisions of State Environmental Planning Policy (SEPP) No 71- Coastal Protection requires Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP.

Section 94 Contributions
The land zoned SP1 Special Activities-GCC LEP 2007 is subject to contribution plan S94A Contribution Plan Gosford City Centre and CP164 Contribution Plan Gosford Regional Centre.

The land on the southern side of Racecourse Road is located within CP94A area, and the land on the northern side of Racecourse Road is located within CP164 area.

The Civic Improvement Plan (CP94A) applies to all development with a cost of more than $250,000.00 and that increases the gross floor area on land covered by the Gosford City Centre LEP.

The purpose of the CP is to provide funding towards the public domain projects and special City Centre projects.

The contribution is 4% of the cost of the development. However as an incentive to encourage development, Council has reduced the contribution to 1% provided the development is carried out within two (2) years.

The cost of the development is $15 million and the 1% contribution would be $150,000.00.

However, the DEC advises that the Crown should be exempt from S94 Contributions as Government Schools provide enormous benefits to the community.

No contributions are applicable under CP164 for development of car parking.

SEPP (Infrastructure)
The DEC advises that the development has been designed taking into consideration the relevant standards for:

(a) School Facilities Standards – Landscape Standard – Version 22 (March 200),
(b) School Facilities Standards – Design Standard (Version 1/09/2006),
(c) School Facilities Standards – Specification Standard (Version 01/11/2008).

Clause 32(3) of the SEPP Infrastructure states that any inconsistency between the above standards and the provision of a development control plan, the School Facilities Standards prevail to the extent of the inconsistency/

In this case the proposal complies with Council's DCPs.

Tree Removal
The applicant has submitted an amended Arborist Report which identifies that up to 60 trees have been nominated for removal.

Trees within the development mostly consist of native trees to the area such as Eucalypt, Melaleuca, Angophora, Turpentine and numerous planted ornamentals.

The applicant advises:

> *"In regard to numbering of the trees, clauses will be placed in the tended documents which will require the site Arborist to number and confirm the trees to be retained with the approval of the Department of Public Works prior to any earthworks."*

Council's Tree Assessment Officer has reviewed the amended Arborist's Report and advises:

"The plans and Arborist's Report are acceptable. It is considered the application can proceed without the tagged trees at this stage, providing they are tagged by the Arborist prior to works beginning to ensure the correct trees are removed and retained."
(Refer Conditions 2.1 and 3.4)

Architectural Assessment
Council's Architect advises:

"The application is for the relocation and construction of a new Gosford Primary School on a site adjoining Gosford High School. The applicant held a pre DA meeting with Council and has generally addressed the issues raised.

The assembly / quadrangle space is defined by adjoining buildings. This is an appropriate response for a primary school. It creates a semi enclosed play area while relating the new buildings to the existing school and streetscape.

On the north the splayed wing and stepped terraces open the school to the northern sun, playing field and views.

The landscaping is well resolved and is appropriate for the site and use.

The application is supported however the applicant should consider the following issues:

1. *The use of continuous large areas of face brickwork adds to the bulk and scale of the application. The pre DA drawings suggested a more diverse selection of materials and colours to disguise the bulk.*

2. *The ten additional above ground parking spaces could be accommodated underground by extending the proposed parking area under the canteen. This would allow the retention of existing trees and open space.*

3. *The extended footpath and drop off area should be coordinated with council to create a safe and visually acceptable streetscape."*

The above issues were referred to the DEC. The DEC in response submitted amended plans with design changes to the roof, south, west and east elevations and relocated the entry to the car parking area to the northern side from Racecourse Road. Council's Architect has reviewed the amendments and advises:

"This is an application for the relocation and construction of a new Gosford Primary School on a site adjoining Henry Kendall High School and has been amended in response to Council's concerns about bulk and scale related to the use of continuous face brick.

The applicant proposes to add areas of compressed sheet cladding and horizontal louvers above windows. The use of these small scale details and the change in cladding will break up the continuous area of face brick and disguise the visual bulk.

The application is now supported."

Roads & Maritime Services (RMS) Comments

The RMS has provided the following submission:

"RMS has reviewed the information provided and has no objections to the proposed development, provided the following matters are addressed and included in Council's conditions of development consent:

Road Network

- *Redundant infrastructure (kerb ramps, children's crossing, kerb blisters, school zone signs markings, kerbside parking restrictions, warning signs etc) at the existing site should be identified through consultation with Council and removed by the developer. A plan illustrating the changes must be submitted to the Traffic Committee for its advice prior to any changes being implemented.*

- *A signposting / linemarking / traffic facility plan for the proposed site must be submitted [to the] Traffic Committee for its advice prior to any changes being implemented.*

- *Consideration should be given to the provision of Traffic Control Signals at the intersection of Batley Street / Racecourse Road to provide safe and efficient movement of vehicles, buses and pedestrians. The provision of Traffic Control Signals would also facilitate the removal of the existing uncontrolled zebra crossing on Racecourse Road, south of Batley Street, which would predominately be used by school children accessing the Agricultural Farm. It is noted that additional car parking is proposed opposite the site, which will increase the demands on the existing zebra crossing. These impacts may also be compounded if this crossing is intended to be utilised by primary school children accessing the Agricultural Farm.*

- *Any proposed Traffic Control Signals should be modelled to ensure that the proposed layout can be accommodated within the existing road reserve.*

- *The Traffic Impact Assessment does not address the performance of this and other intersections over a 10 year horizon, noting that Racecourse Road / Batley Street operates at Level of Service C and D in the Am and Pm periods respectively when considering the additional development traffic.*

- *The proposed waste pick up is contained on-site. It must be designed so that all service vehicles enter and exit the site in a forward direction. No reversing manoeuvres should be permitted within Faunce Street (west).*

- *The Traffic Impact Assessment does not address current or future bus routes servicing the site.*

Pedestrians/ Cyclists

- *The proposed zebra crossings in Faunce Street (west) and Batley Street should be raised facilities to enhance safety for school aged pedestrians.*

- *The proposed pedestrian crossing in Faunce Street (west) is located immediately east of the proposed main vehicular access into the underground carpark. The crossing should be relocated further east to ensure that right turn vehicles into the underground carpark do not queue across the proposed crossing.*

- *Kerb and gutter and footpaths should be provided across both frontages of Faunce Street (west) and in locations further afield where it is expected that parking demands associated with the school are envisaged.*

- *The proposed crossings in Faunce Street (west) and Batley Street will be assessed against the criteria for the appointment of a School Crossing Supervisor (SCS). The criteria include the volume of vehicles and pedestrians and the requirement for a safe workplace for the SCS. It should not be assumed that the SCS that currently works in Georgiana Terrace will be transferred to the new site, unless the criteria can be met. The assessment of any new crossings will occur immediately after the school commences. Note: Any failure to implement traffic facilities in accordance with the relevant standards and guidelines may influence the determination of a safe work place, which jeopardise the possible future appointment of a SCS.*

Internal Circulation / Parking

- *The traffic impact assessment states that 33 car spaces are provided in the basement carpark, yet the plans (DA07) show 37 car spaces. Page 5 of the Traffic Impact Assessment states that the current school has some 42 staff (32 teachers, 4 administrative, 2 cleaners and 6 volunteers). There appears to be a shortfall in the parking supply.*

- *The proposed basement carpark must be signposted appropriately to prevent its use as a set down and pick up area.*

Service / Construction Vehicles

- *The proposed waste pick up is contained on-site. It must be designed so that all service vehicles enter and exit the site in a forward direction. No reversing manoeuvres should be permitted within Faunce Street (west).*

- *A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to Council for review and approval prior to any construction activities occurring onsite. The CTMP must adequately address the parking and access needs having regard for the existing demands associated with Henry Kendall High School and commuter / hospital parking. Truck movements should be directed away from school frontage roads by utilising roads to the west of the site."*

In response to the above issues, the applicant's Traffic Engineer advised:

"Site Road Network
Annexure F of the traffic report presents the future site layout with the appropriate signage on Faunce Street West and Batley Street. This will be submitted to the Traffic Committee for its consideration and is expected that the first dot point of the RMS letter will be the basis of a development condition.

We are advised by the NSW Department of Education & Training that the existing pedestrian crossing in Racecourse Road will continue to be used by Henry Kendall High School staff /students with little or no use by future primary school students / staff. This is particularly evident from the proposed primary school location off Faunce Street with no pedestrian connection to Racecourse Road.

The intention of the drop-off / pick-up bays proposed primary school is to focus them along Faunce Street (both sides) with no primary student drop-off / pick-up along Racecourse Road. The new car parking that is proposed opposite the site will NOT

increase the demands on the existing zebra crossing as it is identified as formalising an existing area where High School staff currently park for use by High School staff only.

The peak bus accumulation for Henry Kendall High School was observed to be 5 queued buses. This has now been adequately catered for in the Batley Street bus zone on the school frontage, south of the proposed pedestrian crossing.

The suggestion on page 12 (second last paragraph) of the lodged traffic report that some 10 minute parking may be displaced to Racecourse Road (in the event that the Batley Street pedestrian crossing is located south of Sinclair Street) only relates to drop-off / pick-up zone for the high school and if it did occur then it was expected to be provided on the school (south) side of Racecourse Road.

Bus accumulation has been applied for the primary school at a rate of 1 per 180 students, which equates to 3 buses. This has been adequately located in Faunce Street site frontage.

Servicing vehicles accessing the waste are able to enter and leave the site in a forward direction, which can be conditioned.

All bus routes depart at the intersection of Racecourse Road and Batley Street. The existing school bus routes are presented in ***Annexure B*** *(in colour) and are not expected to change.*

Traffic Control Signals

As noted in the letter, RMS has requested the provision of Traffic Control Signals (TCS) to be implemented at the intersection of Batley Street/Racecourse Road.

Reference to RMS Traffic Signal Practice Design (1992) Section 3.3 "Signalised Intersections" which outlines the warrants for the provision of TCS.

Racecourse Road forms the major road and Batley Street represents the minor road of the giveway intersection.

Table 1 *represent the traffic flows recorded on 14 December 2011. Traffic surveys for this intersection were taken during the peak period associated with the school and area.*

TABLE 1: TRAFFIC FLOWS

AM PEAK	***7.30-8.30***	***7.45-8.45***	***8-9***	***8.15-9-15***	***8.30-9.30***
Batley Street(1)	*85*	*91*	*95*	*109*	*100*
Racecourse Rd	*749*	*800*	*850*	*913*	*883*
PM Peak	***2-3***	***2.15-3.15***	***2.30-3.30***	***2.45-3.45***	***3-4***
Batley Street(1)	*36*	*59*	*82*	*99*	*106*
Racecourse Rd	*771*	*849*	*857*	*913*	*956*

In accordance with the RMS Traffic Signal Practice Design (1992), volumes in the minor road need to exceed 200 vehicles per hour in one direction. Introducing the additional peak volumes results in 182 vehicles in one direction during the AM and 161 vehicles in one direction during the PM.

It is unreasonable to implement the provision of TCS at Racecourse Road and Batley Street because it is simply not warranted when applying the RMS documented warrant

assessment. For the TCS to be warranted, four one-hour periods on an average day are required to exceed 600 veh/hr two-way on the major road and 200 veh/hr one-way on the minor road. Even the peak demand on Batley Street, which only occurs over 45min to an hour period in the morning and afternoon, does not meet the RMS warrant requirements.

The RMS request for a 10 year traffic assessment, while understood, is not a mandatory requirement for the assessment of all development applications. As per the RMS "Guide to Traffic Generating Developments" it is required to compare existing intersection performance to the future performance. While the intersection operates at LoS D, the necessary treatment would be an accident investigation. Additionally, it is expected that Henry Kendall High School will gradually drop in student numbers due to the increasing catchment areas of nearby high schools, namely Kariong Mountains High School.

Notwithstanding the above, a 10 year growth of 1% has been applied to the through movements on Racecourse Road. This is confirmed with AADT counts at Station 05.121 and 05.138. The resulting performance is **LoS C & D** for the worse movements and an average delay of 5.3 and 6.6 seconds per vehicle (i.e. **LoS A**) in the intersection for AM and PM respectively. The criteria for LoS is repeated below to assist discussion.

Table 4.2
Level of service criteria for intersections

Level of Service	***Average Delay per Vehicle (secs/veh)***	***Traffic Signals, Roundabout***	***Give Way & Stop Signs***
A	*< 14*	*Good operation*	*Good operation*
B	*15 to 28*	*Good with acceptable delays & spare capacity*	*Acceptable delays & spare capacity*
C	*29 to 42*	*Satisfactory*	*Satisfactory, but accident study required*
D	*43 to 56*	*Operating near capacity*	*Near capacity & accident study required*
E	*57 to 70*	*At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode*	*At capacity, requires other control mode*

It should be noted that SIDRA 5.1 already analyses the intersection as 105% of the traffic counts i.e. the traffic assessment already has larger volumes than that of what was recorded in the traffic counts/surveys and loaded onto the system.

In relation to an "accident study" it is relevant to note that sight distances along Racecourse Road for a driver of a vehicle seeking to turn right out of Batley Street exceeds both the minimum and desirable distance for 40km/hr, 50km/hr and 60km/hr, being in excess of 100m to the east and in excess of 200m to the west, as shown below:

Proposed Pedestrian Crossing

The suggested raising of the zebra crossings within Faunce Street was expected and is endorsed. A condition to that effect could be placed on the DA

The pedestrian crossing on Faunce Street West is adequately positioned being on the approach to the bus zone and after the staff only driveway. This driveway will only be used by staff vehicles accessing the staff car park and the occasional service vehicle. Staff arrivals and departures occur before and after school, away from the times of peak student arrival / departure. Further relocating the crossing to the east would reduce effective kerbside length for buses and cars.

As such, queuing (if any) for the right turn vehicles into the driveway will have no detrimental effect on the operation of the pedestrian crossing.

Traffic flows along Faunce Street are over 300 vehicles/ hour during the AM period and under 300 vehicles during the PM period. It is expected that during the peak one hour period during the AM, a total of at least 80 to 100 unaccompanied children will use the pedestrian crossing. A further 40 to 50 adults are also expected at the same time resulting in an expected two way pedestrian crossing demand of 200 persons in both the AM & PM student arrival / departure times.

Traffic flows along Batley Street during the AM are over the 300 vehicles/ hour but under this threshold during the PM. This pedestrian crossing will be mainly utilised by high school students and not infant and/or primary school children. An at-grade zebra crossing would be sufficient in the circumstances, but in any event can be monitored.

The assessment criteria for a School Crossing Supervisor (SCS) are presented below:

Assessment Criteria for a School Crossing Supervisor

Roads and Maritime Services (replacing Roads and Traffic Authority) will assess the nominated site against set criteria. For a site to be eligible for a School Crossing Supervisor it must meet the following criteria:

- *The site must have an existing children's crossing, pedestrian crossing (zebra) or combined crossing (children's and zebra).*
- *The crossing must be used by infant and/or primary school children.*
- *The site must be located within a 40km/h school zone.*
- *The crossing must be used by a minimum of 50 unaccompanied infant and/or primary school children per hour across a road carrying 300 passenger car units per hour within the morning and afternoon school zone times. Heavy vehicles over three tonnes unladen are counted as two passenger car units.*
- *The site must be considered a safe working environment for a school crossing supervisor.*

Overall, the proposed pedestrian crossing on Faunce Street West is expected to qualify for a School Crossing Supervisor (SCS) during the AM peak but may not during the PM peak. Monitoring is appropriate in the circumstances. The Batley Street pedestrian crossing does not qualify for a SCS as it is expected to not meet the required number of unaccompanied infants/primary school children.

Internal Circulation/ Parking

The public school will have on a typical day 42 staff members, of which 32 will be teachers. Gosford City Council DCP No. 111-Car Parking section 3 requires the following:

Schools, Educational Establishments
- *1 space per 2 staff place*
- *1 space per 30 students*

As there will be no student drivers associated with the primary school, only staff need to be accommodated on site. The parking supply of 37 car parking spaces is sufficient as per Council's DCP.

The basement car park will only be used by staff members and can be adequately signposted at the Faunce Street entry to signify "STAFF ONLY".

Service / Construction Vehicles
The two dot points can be conditioned."

Engineering Assessment
Having considered RMS comments and the applicant's Traffic Consultant's reponse, Council's Development Engineer advises:

(a) "Traffic
Traffic consultant, M^{c}Laren Traffic Engineering, has submitted reports detailing the impact of the proposed relocation of Gosford Public School (GPS) to the western part of the existing Henry Kendall High School (HKHS) campus. A major factor in the selection of HKHS as a suitable site for relocating GPS is the fact student numbers at HKHS have reduced significantly since Kariong Mountains High School (KMHS) has opened. It is also projected that the numbers at HKHS will continue to decrease as existing students from within the HKHS catchment progressively leave and are not replaced with new enrolments from within the KMHS catchment.

One report in particular prepared by M^{c}Laren dated 8 June 2012, specifically addresses the points raised within the RMS comments.

With respect to the number of students attending both schools, the traffic consultant has taken into consideration the reduction of numbers at HKHS and included this in their computer modelling to determine the impact of the proposed development on the surrounding existing road network. The results of their analysis have found that there will be a minimal impact on the operation of the existing intersections surrounding the development. The analysis of the level of service (LOS) of the intersection of Batley Street and Racecourse Road showed the projected LOS does not warrant the need for traffic control signals at this intersection.

Consideration by the traffic consultant was also given to the need for "kiss and ride" areas within Faunce Street West for GPS children. These areas have been identified on M^{c}Laren Traffic Engineering plan, "Annexure F: Proposed Site Layout" (Job No. 11187, dated 17 March 2012, Drawing no. 1). That plan also identifies designated areas for bus stops. Parking restrictions are required to set these areas aside for their intended purposes. This will impact on the amount of unrestricted car parking in these parts of Faunce Street West.

A pedestrian crossing within Faunce Street West will be required to provide a location for pedestrians using the "kiss and ride" on the southern side to cross over to the northern side and vice versa. Faunce Street West provides a link from the railway and medical precinct to Racecourse Road and its long and straight construction may encourage speeding. This creates a risk to the infants/primary school children who need to cross the road. Consequently, the traffic consultant has recommended a raised pedestrian crossing be constructed on Faunce Street West to serve a dual purpose of a traffic calming device and formalised pedestrian crossing. This will improve the safety of infants/primary school pedestrians.

In addition, the traffic consultant has advised that the pedestrian crossing in Faunce Street West qualifies for a School Crossing Supervisor (SCS) during the AM peak period, but may not during the PM peak period. Monitoring of this is recommended to determine the need for a SCS during the PM peak period.

A pedestrian crossing within Batley Street is also recommended by the traffic consultant and the Roads and Maritime Services (RMS). It is expected that school students utilising this crossing will be typically high school aged students attending Henry Kendall High School. The traffic consultant has advised that an "at grade" pedestrian crossing will be sufficient, however I concur with the RMS and recommend that the pedestrian crossing should be raised, to include a traffic calming effect. In addition, the traffic consultant has advised that this pedestrian crossing does not qualify for a SCS as it is not expected to meet the required number of unaccompanied infants/primary school children.

Site inspections were carried out to assess the existing use of car parking within Faunce Street West. At its busiest, it was observed that the parking extended westward past the adjoining site. Informal 90 degree parking was observed on the northern side of Faunce Street West, west of the school site. The proposed parking restrictions will impact on the availability of unrestricted parking and some of these commuters will need to park further west an extra 100m or so along Faunce Street West.

Access to the staff car park and garbage pickup area was initially proposed from Faunce Street West. However, it was found that this would require a significant amount of filling and retaining in order to achieve a driveway profile that would comply with Australian Standard "AS 2890.2-2002 Off-street commercial vehicle facilities". Consequently, a redesign was carried out and access is now proposed from Racecourse Road at the western end of the site frontage. The impact and treatment of this access is addressed below, under the section "Road Works and Access.

(Refer Condition 2.11)

(b) Road Works and Access
Faunce Street West is partly constructed across its frontage, having kerb and gutter, partly and fully formed footway formation, and various segments of concrete and bitumen foot paving already constructed on the northern side of the road.

The proposed "kiss and ride" designated areas proposed for both sides of Faunce Street West (described above) are located across part of the school frontage and extend westward approximately 70m or so past the site. This generates the need for a fully constructed roadway for the extent of the designated "kiss and ride" areas identified. The fully constructed roadway will comprise kerb and gutter, road pavement, fully formed footway formation and reinforced concrete footpath on both sides of Faunce Street West for the full extent of the "kiss and ride" designated areas, together with suitable tie-in works at each end of the proposed road works.

Provision of a concrete footpath will encourage infants/primary school children to stay off the roadway, and the construction of 150mm high barrier kerb will provide some level of protection from low speed errant vehicles. The footpath on the northern side of Faunce Street should be constructed full width across the frontage of the school to accommodate the busy pedestrian activity that will be generated at peak AM and PM periods. West of the school on the northern side of Faunce Street West it is recommended that the footpath be constructed a minimum 2m wide to accommodate opening car doors and pedestrian movements. Similarly, the footpath on the southern side should be constructed a minimum of 2m wide for the same reason.

As discussed above, the proposed vehicle access for school staff and for the waste collection contractor will be from Racecourse Road. Racecourse Road is fully constructed and has a carriageway width of approximately 12.8m. Parking along the stretch of Racecourse Road in the vicinity of the proposed access is unrestricted. The traffic consultant has recommended a BAR type of treatment for this intersection. An Urban Basic Right-turn Treatment (BAR) intersection in Racecourse Road, in accordance with AUSTROADS "Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections" shall be constructed. This will require the provision of "No Stopping" signs in the vicinity of this intersection to provide a clearway for eastbound traffic to pass queued vehicles waiting to turn right in to the school. The vehicle crossing connecting the roadway to the property is to be tapered to accommodate the vehicle swept path of a heavy rigid vehicle (HRV) and a B99 vehicle simultaneously.

The grade and dimension of the vehicle crossing and of the internal driveways and parking areas shall comply with Australian Standard (AS 2890) requirements and Council's Specifications and Standards.
(Refer Condition 2.11)

(c) Flooding & Drainage
Faunce Street West contains an existing 900mm diameter culvert that crosses Faunce Street West and discharges into an open drain / watercourse located within the school site. A sag pit is located approximately 17m east of the 900mm diameter culvert. This sag pit will receive a proportion of the 1% flow as surface flow from the southern side of Faunce Street West because the 900mmm diameter culvert is not designed to cater for the 1% AEP flow. The existing inlet capacity of this sag pit is inadequate and it is likely that if the piped system was 50% blocked the current overland flow path will be down the adjacent vehicle entry. This uncontrolled flow path will be beside the proposed development as a result of the vehicle entry becoming redundant and the footpath formation adjusted.

Council requires the watercourse through the site be piped for the 1% AEP flow. As a consequence of this requirement, the inlet capacity at the sag point in Faunce Street West must be increased in order to capture and pipe the 1% AEP surface flow that reaches it. This may

also require upgrading the culvert that connects this sag pit westward to the existing junction at the downstream end of the 900mm diameter culvert.

Council also requires that a secondary flow path be provided from the sag point through the site with a capacity to convey 50% of the 1% AEP stormwater discharge. This is to provide an emergency stormwater flow path in the event that the piped system is partly blocked and operating at a capacity of only 50% of 1% AEP flow.

The proposal to provide a swale within the road reserve along the frontage of the site to direct stormwater west towards the 900mm culvert is unacceptable to Council for the following reasons:

1. *An open drain with no exclusion barrier to keep out pedestrians will pose a significant safety hazard. An exclusion barrier cannot be erected within the road reserve as this would compromise the use of the footpath by pedestrians and service utility providers.*
2. *An alternative "bund" type of swale that restricts the flow within the road reserve would also be unacceptable as it would result in excessive flooding within the roadway. This would create a significant safety risk hazard to both pedestrians and motorists.*

Therefore, the secondary flow path must be directed into the site in the immediate vicinity of the sag in Faunce Street West. Within the site, the secondary flow path shall be captured with an open channel / swale and directed west towards the location of the proposed piped system. It is noted that there will be a proposed pedestrian pathway and ramp for pedestrians and wheelchair access, respectively. These shall be designed to bridge over the open channel and a minimum freeboard of 300mm provided from the HGL of the calculated flow (i.e. 50% of the 1% AEP flow) and the soffit of such bridging structures. In addition, such an open channel shall be fenced off to prohibit persons entering this area.

Where the open channel for the secondary flow path meets up with the location of the proposed piped system, the flow can be conveyed within an open swale drain. Insufficient information has been provided from the consulting engineer to determine what the "Velocity x Depth" (VxD) product will be through/along this route. As a consequence, this area containing the secondary flow path should also be fenced off to prevent young children gaining access into this area.

The downstream end of the secondary flow path should be provided with a raised grated inlet pit for the purpose of collecting any surface flows that are collected by swale structure and surrounding landform.

The drainage consultant has estimated that a 1.2m diameter pipe would be required to pipe the 1% AEP flow. Based on this, Council Design Specification requires an easement width of 3.5m wide drainage easement be created over the pipe. It is recommended that the secondary flow path follows the route of the proposed piped system to simplify the location and creation of drainage easements and 88B restrictions protecting the proposed piped system and the proposed secondary flow path.
(Refer Condition 2.15 and 4.10)

(d) <u>On-site detention and nutrient control Measures</u>
The proposed development will create additional impervious areas on the site, which in turn will generate additional runoff. This will be dealt with using water sensitive urban design principles and on-site stormwater detention in accordance with the principles contained within Council's Development Control Plan, DCP 165 - Water Cycle Management.
(Refer Condition 2.18 and 4.10)

(e) <u>Water & Sewer</u>

The proposed redevelopment of the site for the relocation of Gosford Public School will require a Section 307 Certificate under the Water Management Act. Separate conditions will be required by the Water Authority (presently Council's Water and Sewer Directorate).

An assessment of the plans and search of existing Council water and sewer infrastructure shows that the proposed works will not be within the zone of influence of Council water or sewer mains.
(Refer Condition 2.17)

Car Parking
A Parking Assessment Report has been submitted which analyses the car parking needed for both the High School and the Primary School.

For Educational Establishments, the Gosford City Centre DCP 2007 requires the following parking provisions:

- 1 space per 2 staff
- 1 space per 30 students
- 1 space/5 students above Grade 4
- 1 motorcycle space/25 car spaces

The proposal provides 37 car parking spaces on the site for the Primary School, plus motorcycle parking.

Council's Policy requires the provision of 30 spaces, however primary school students do not generate student parking. Bicycle racks are required as a condition of consent.
(Refer Condition 4.1)

The Car Parking Report states:

"Henry Kendall High School has a large catchment area, however, according to the schools proforma data, student enrolments have been gradually decreasing which is partly due to the development of Kariong Mountains High School located to the west of Henry Kendall High School. Due to the decreasing student enrolments, parking demand has slowly been decreasing while nearby signage has remained constant.

Henry Kendall High School has bus stops/zones on Faunce Street and Batley Street with all bus services departing at the Batley Street and Racecourse Road intersection. During observation of the bus accumulation, only one bus used the Faunce Street bus zone at any one time while Batley Street had a peak accumulation of four buses therefore a total peak of 5 buses which is a rate of 1 per 200 students which is an acceptable rate. The current bus signage exceeds the current bus demand.

Due to the location of the public school to be relocated to the south west corner of the site, it is ideal and practical to contain all primary school student pickups on Faunce Street for both bus and parent pick up. Accordingly, the bus zone needs to accommodate an assumed peak accumulation of 3 buses which is a rate of 1 per 180 students which is an allowable rate for bus usage.

Below is a table summary of the recorded parent pick up/ set down associated with both the High School and the Primary School.

TABLE 3: SCHOOL PEAK PARKING

	AM Peak		***PM Peak***	
Site	*9:00*	*9:15*	*3:00*	*3:15*
Henry Kendall HS	*19*	*37*	*17*	*19*
Gosford PS	*31*	*6*	*13*	*24*
Total	***43 to 50***		***30 to 43***	

*As show in **Table 3** above, the peak parking associated with parent pick up/set down in the AM ranges from 43 to 50 and in the PM from 30 to 43 due to the differing peak times.*

A total of 61 spaces allocated for 10 minute parking during school periods is located on Faunce Street (50) and Batley Street (11). The sign posted zones will enable safe parent set down/ pick up and will displace long stay parkers to use public transport or car share.

Two bus bays are identified on Faunce Street and Batley Street. Faunce Street bus zone can accommodate an accumulated 3 buses which is used by the primary school. Batley Street bus zone accommodates 5 buses for the high school.

Ideally, offsetting the primary school and the high school start and finish times can alleviate the peak parking pressure associated with schools which usually occurs over a 15 minute period. Offsetting the school times will also separate the much younger and physically smaller primary school students from the high school students. The primary students commonly lack the cognitive skills to assess the dangerous traffic conditions located around schools.

Majority of the 10 min parking on Faunce Street will be utilised by the relocated Gosford Primary School students/parents and as such the new pedestrian crossing on Faunce Street is warranted to coincide with the placement of these 10 min parking bays.

Annexure F shows the proposed sign posting layout to correspond with introduction of the primary school to the site. Faunce Street currently has parallel parking on the southern side however there is no kerb and gutter provided, nor any footpath provided. Likewise to the west of the site there is no formal parking or footpath on Faunce Street where parking currently occurs. To safely accommodate the new parking provisions to assist in the safe pick up/drop off of primary school students, kerb and gutter as well as a footpath needs to be provided on the southern side of the Faunce Street within the vicinity of the proposed crossing and upgrades to the parking to the west.

The pedestrian crossing on Batley Street is located north of Sinclair Street and sufficiently offset from the high school bus zone. The pedestrian crossing is required in this location to ensure the bus zone for the high school has sufficient capacity. If the crossing is placed south of Sinclair Street, then the bus zone would need to be extended and force the 10 minute parking on the western side of Batley Street to Racecourse Road.

The existing disabled parking space in Faunce Street at the western end of the school site will be removed as the recently approved porte-cochere allows an on-site facility for the delivery and collection of disabled students.

Notwithstanding the recommended kerbside parking reconfiguration, it is considered that any staggering of the start and end times of the primary and high schools will reduce the extent of kerbside parking adjustment particularly along Faunce Street (west). This would result in an improvement in operating conditions for the local road network to that identified in this report. Staggering of school start and end times is usually a desirable outcome."

Subsequent to consent, the on-site parking restrictions must be approved by the Traffic Committee
(Refer Condition 4.2)

Accordingly, it is concluded that adequate on-site parking has been provided. Roadworks will be required to provide the bus and drop-off parking required in Faunce Street West.
(Refer Condition 2.11)

Contamination
The application was accompanied by an Environmental Site Investigation report which identified that:

(a) 27 soil samples were carried out over the Primary school location (including the land acquired from Ausgrid and the proposed parking area on the northern side of Racecourse Road). The Contamination Report identified that contaminants were not detected or were below Health Based Investigation Levels (HBIL).

    The two topsoil samples which revealed contaminants (including zinc and arsenic) were marginally above the HBIL levels but represent a low human health risk and were not concluded to be a major issue.

    These two samples were located on the northern side of Racecourse Road and not within the Primary School site.

(b) A Hazardous Material Survey of existing buildings to be demolished or refurbished (Blocks B, C, G H, J and the demountables) were identified as containing hazardous materials including non-friable Asbestos, synthetic material fibre (SMF), polychlorinated biphenyls (PCB's) and in one block (G) lead containing paint.

Accordingly such work will have to be carried out in accordance with WorkCover requirements and result in improved safety to existing and future students. The report concludes that the site is suitable for the proposed development subject to conditions.
(Refer Conditions 2.8, 3.6, 3.7, 4.3, 5.1 and 6.1)

Council's Environmental Officer has also reviewed these reports.

Environmental Assessment
Council's Senior Environmental Officer advises:

"This land has been identified by the Natural Resource Sensitivity Biodiversity maps and Council has considered in the assessment of this development application the matters contained in clause 7.10.3 and 7.10.4 of Draft Gosford Local Environmental Plan 2009.

A Flora & Fauna Due Diligence Assessment has addressed Section 5A of the EP&A Act 1979. This assessment has concluded that the proposal will not lead to a significant impact on threatened species, populations, ecological communities or their habitats. Based on an inspection of the site and review of the proposal I concur with this finding.

In respect to threatened species matters, it should be noted that the Willow Peppermint has been recorded on the site. This tree is a listed threatened species under both the NSW TSC Act 1995 and the federal EPBC Act 1999. The natural distribution of this species is from woodland areas within northern central NSW. This species has been widely cultivated within the horticultural industry and has been planted across NSW as an ornamental tree species. The occurrence of this species on this site is due to ornamental planting and as such their presence does not warrant any further consideration under these Acts.

An Environmental Site Investigation Report (NSW Public Works, Report No. 12-GQ46B, dated June 2012) has been prepared to address SEPP 55 contamination issues relating to the site. This report has identified that some soils have been identified with elevated concentrations of zinc or arsenic. Section 12 of this report sets out recommendations for remediation and ongoing monitoring of the site and given the implementation of these recommendations the site is deemed suitable for the proposed development. Conditions of development consent have been attached to address SEPP 55 issues and should form part of any consent granted.

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. No objection is raised to the proposal subject conditions."
(Refer Conditions 2.8, 3.7, 4.3 and 5.1)

Bushfire Risk
The site is identified as bushfire prone land. The use as a school requires the Rural Fire Service to issue a Fire Safety certificate under Section 100B of the Rural Fires Act under the provisions of Integrated Development.

The Rural Fire Service has issued a Fire Safety Certificate subject to conditions which must be included in any consent granted.
(Refer Conditions 2.9, 2.10, 3.8, 3.9, 4.4 and 4.5)

In issuing the Fire Safety Certificate, the RFS advised:

> *"…… after careful consideration of the design, it has been determined that the proposed development satisfies the performance criteria and Section 4.2.5 of "Planning for Bush fire Protection 2006".*
>
> *The design of the proposed development can achieve a better bush fire risk outcome with improved construction standards and positioning of the building works no closer to the hazard. The existing building footprint is located 20 metres from the hazard where as the proposed building footprint will be located 30 metres from the hazard. The existing old timber and demountable buildings will be demolished and replaced with non-combustible materials in accordance with Australian Standard AS 3959-2009 – "Construction of Buildings in Bushfire-Prone Areas".*

Crime Prevention Through Environmental Design (CPTED)
The application was referred to NSW Police (Brisbane Water Local Area Command). CPTED employs four key strategies. These are territorial reinforcement, surveillance, access control and space/activity management. The Crime Prevention Officer has carried out a CPTED analysis and has recommended measures to improve and provide security and safety for the school and to reduce criminal activity opportunity. The full CPTED assessment has been provided to the DEC. The DEC advises that the DEC Schools Facilities Building Standards include CPTED.
(Refer Condition 3.13)

Social Impact
An issue raised in a number of public submissions was the need for social impact assessment of the proposal. The public submissions were essentially concerned with the impact of the location of a primary school with a high school on the same site. That is, it is contended that there should be two schools on two sites.

The DEC advise:

"The design of the school identifies separate entries to the school for secondary and primary students. The primary school will occupy the western side of the site whilst the secondary school will occupy the eastern side. The students of the two schools will also use separate playgrounds.

The two storey 'donut' building (Block A) is a shared building. However, the primary students will enter the building on the first floor level from the main body of the primary school on the western side, whereas the high school students will enter the building on the ground floor on the eastern side. There is no reason that the children would need to mix as they are located on separate floors. Existing stairs have been retained between the floors for emergency access but will not be used by students, generally.

Once students are at school there will be no reason for the primary and high school students to be in the same area except by special arrangement between the school principals.

DEC has a number of central and community schools around the state which have both primary and secondary students sharing the site. This is a very successful model, particularly in country areas. Examples as follows:

***Wadalba Community School (Wyong)** – Total enrolment is 1296 with 177 primary students and 1119 secondary students.*
***Lucas Heights Community School (Lucas Hts)** – Total enrolment is 887 with 404 primary students and 483 secondary students.*
***Bulahdelah Central School** – Total enrolment is 498 with 134 primary students and 364 secondary students.*
***Coolamon Central School –** Total enrolment is 258 with 135 primary students and 123 secondary students."*

The DEC advises the proposal has the following positive benefits to the local wider community;

- *"New facilities for the primary school – The current primary school has very undersized facilities with classrooms generally less than 50m^2. The new school will have facilities that meet modern teaching and learning requirements including classrooms that are 92m^2.*
- *New larger school hall for school use and for community use outside school hours by arrangement with principal.*
- *Large grass area for primary students to play onsite compared to sharing the council field with the community.*
- *New Out of School Hours Centre facilities.*
- *Improved facilities for special education students in the high school.*
- *Upgrading of a number of high school classrooms.*
- *New games courts for high school close to road which could be accessed by the community by arrangement with the principal.*
- *Option for the two schools to operate separately or to access the other schools facilities through arrangements between the principals to enhance their facilities. For example:*
  - *Opportunities for the high school to use the primary hall for performance activities and the primary school to use the large high school gymnasium for whole school activities.*

  - *Access for primary school students to specialist spaces in the high school .*
  - *Access to larger sporting field when not used by other school.*
- *Enhanced opportunities for year 6-7 transition programs.*
- *Convenient dropoff for parents with both primary and high school students being dropped at the same location. Alternatively siblings can travel on the same bus.*
- *Surplus high school facilities not left to decay with lack of use.*
- *New buildings comply with DEC environmentally sensitive design principles."*

The DEC was requested to provide additional information on social impact and the following information has been provided:

Issue

- A social impact statement showing the pros and cons of mixing students of all ages on one site and the relocation of Gosford PS to the new site.

DEC Response

"The suggestion that primary students are at risk on a site with secondary students is contrary to the facts. The 67 Central Schools in the NSW public school system, which cater for Kindergarten to Year 12, have an excellent student welfare record, as have the many non-government schools that also cater for primary and secondary students.

As an example, Caves Beach Public School adjoins Swansea High School and the two schools share an unfenced oval. Both schools have different recess times and there are times when primary students use the oval and P.E. lessons for high school students are utilising the adjoining volley ball and sand pit areas. The principal of Caves Beach PS has indicated significant benefits of sharing facilities, strong transition opportunities from year 6 to year 7 and currently they are developing and implementing a program where high school students act as reading tutors for reluctant readers in the primary school.

Gosford Public School and Henry Kendall High School principals have expressed the desire not to fully separate the sites with a fence. This would clearly work against the advantages of having the two schools adjacent, including more opportunities in the transition from primary to high school, and potential primary access to specialised secondary facilities such as science labs. However if a fence may be needed to alleviate any potential Work Health and Safety considerations or other issues determined by both schools such will be provided.

Issue

- Provide an example eg Wadalba, to show that mixed high and primary sites are successful and how this is managed. Are the two schools separated by fencing and if not how is this managed, as proposed at Henry Kendall?

DEC Response

"In the Hunter Central Coast Region there are two K-12 schools on a single site: Wadalba Community School (WCS) has a fence separating K-6, from 7-12 and Hunter School of Performing Arts (HSPA) has no fence separating K-12.

The Deputy Principal K-6 at WCS indicated significant advantages to being co-located. Primary students use High School facilities; Stage 3 students do science and music with the secondary teachers; secondary students coach primary sporting teams; K-12 share the library and have access to the animals in the Agricultural farm; secondary Child

Studies students assist in the classrooms as part of their studies; and this year a year 11 student choreographed the primary boys dance group item. Smooth transition from year 6 to year 7 was another identified benefit.

Primary and secondary students at HSPA mix readily in common playground areas, including using the same canteen facility. The school runs a 5-8 middle school which, being co-located provides an opportunity to address the learning needs reflective of this age group. The Deputy Principal K-6 reports a strong ethos of care where senior students assist younger students. It should be noted that this is a fully selective school.

The Tomaree Education Centre at Salamander Bay has a primary school, secondary school and satellite TAFE campus co-located with no separating fences between the three facilities. The above benefits were reinforced at this site also. Additionally, Tomaree High School and Tomaree Primary School share the same administration block with both schools' School Administrative Managers (SAMs) sharing the same office and providing mutual advice and support.

The high and primary schools share the one library which is also utilised by TAFE students. The primary hall is utilised by secondary dance, drama and music classes and the secondary multi-purpose centre is used by primary classes. Movement between the spaces is orderly and though intended to be supervised, in reality, at times not directly supervised. The primary and secondary executive work closely together in order to manage any issues which may arise."

Issue

- The effect on students of the relocation, eg. an analysis of pupil behaviour and interaction on a mixed site.

DEC Response

"An indication of the effects on the students at this stage would be anticipated rather than evidence based. However, strong welfare programs are evident at both Gosford Public School and Henry Kendall High School. The commencement date is anticipated to be at the beginning of the 2014 school year which will lessen any impact that may be perceived by transitioning to a new site. With the exception of the common oval areas Gosford Public School students will not share common playground areas with Henry Kendall High School students unless the principals choose such. In relation to the oval the principals will work together to maximise available usage times by scheduling different recess and break times and the use by secondary P.E. classes.

The principals and deputy principals from the schools identified above describe the benefits of collocation but also indicate that any negative behaviours which are evident in every school are managed by means of each school's welfare and management policies. I am confident in the abilities of the staffs at both schools to provided opportunities to benefit the student and manage any negative behaviours in line with school policies which are developed in consultation with the respective parent groups.

The principals of Caves Beach Public School and Tomaree Public School indicate that the advantages of being on an adjoining site significantly outweigh any perceived disadvantages. The Deputy Principals (K-6) at Hunter School of Performing Arts and Wadalba Community School make similar comments."

Issue

- The number of students currently attending Gosford PS.

DEC Response

The DEC advises:

"The students for Gosford Public School are:

- *"In-zone enrolments 246 – 46.7%*
- *Out-of-zone enrolments 281 – 53.3% (of this 11.4% of the total enrolment are enrolled through the selective classes. This leaves approximately 221 students who are not local to the school and can enrol in their local schools. (In some cases it may well be that these students have been enrolled contrary to the Department of Education and Communities enrolment policy.)*

It should be noted that there are significant numbers of students enrolled as non local enrolments from the closest schools (Wyoming 48, Gosford East 28, Valley View 17, Niagara Park 17, Chertsey 10) All of these schools have unused classroom accommodation and all of these schools have been reclassified in recent years due to declining enrolments. A percentage of the non local enrolments is due to local shopkeepers and other workers in the CBD utilising the after-hours facilities."

Issue

- The number of students that will benefit from shorter travelling distance/time to the new school.

DEC Response

"The analysis by the DEC of home locations of students found out that of 352 home locations, 294 would reflect shorter travel distance to the Henry Kendall HS site."

This indicates that the majority of students will travel less distance from home to the new school site which reflects less time and money in travel which is a significant benefit to these students.

In conclusion, the proposal has the following positive social benefits:

- Retention/provision of a public school in the Gosford City centre. This benefits existing and future residents and workers;
- Construction of a modern school with on-site parking, disabled access, halls, bushfire protection and playing fields;
- Upgrading roads and parking restrictions in the vicinity of the school.
- Removal of contaminants from existing buildings.
- Two separate schools or potential K-12 school.
- $15 million investment in education infrastructure.

Council's Social Planner has reviewed the social impact assessment and is satisfied the social impact has been addressed.

Public Submissions

A number of public submissions were received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to

the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

A summary of the submission is detailed hereunder.

1 The Primary School and High School do not meet the respective 3ha and 6ha required or the maximum slope of 1:10.

Comment

The DEC advises that *"the site sizes of 3ha and 6ha for a Primary School and High School respectively are maximum sizes specified by the Department of Education and Communities (DEC) Schools Facilities Standard (SFS). Site sizes for the relocated Gosford PS is 1.85ha (larger than the existing site) and 5.56ha for Henry Kendall HS. There is no requirement for a school site to have a maximum slope of 1:10, landscaped areas should ideally be kept to a max 1:4 for ease of mowing and maintenance, student areas are designed to be as flat as possible with a typical gradient of 1:40 maximum for games courts."*

2 The School will add to the current traffic and parking congestion that currently exists in the streets in this area due to the close proximity of the 2 High Schools, Hospital, and Railway station. The traffic study was carried out at the wrong times of the school year.

Comment

The traffic study and its recommendations/conclusions provided to Council for the DA confirms that whilst traffic will increase, the provision of sufficient onsite parking for the primary school staff and formalising the onsite parking for high school staff in the Agricultural Plot will ensure that traffic remains within acceptable limits with no appreciable change in existing levels of service currently experienced.

3 The proposed School is subject to bushfire risk from Waterview Park.

Comment

The bushfire risk from Waterview Park is acknowledged and the school has been located and designed to comply with the requirements of the Rural Fire Service. The RFS has issued a Fire Safety Certificate.

The existing Special Education Building is located near the bushfire source and would not comply with current standards. Relocation of the Special Education facility away from Faunce Street will improve student safety.

4 The proposed School is located too close to the Ausgrid substation and depot next door. It should be 500m away not 100m.

Comment

The report from EMC Services of the Measurement of Magnetic Field Strength Levels at the site confirms that the maximum recommended level of continuous exposure of 100uT set by the National Health and Medical Research Council is not exceeded in any area within the proposed Primary school development site or any measured locations within the existing school grounds.

5 The internal design and location of the School grounds and buildings do not comply with:

- **i. Safety and security around and within the School, including the parking area.**
- **ii. Inadequate ventilation between the High School science labs below the Primary School class rooms in Block A.**
- **iii. Sun shades required.**
- **iv. Disability access and movement.**
- **v. No noise mitigation between the two Schools.**
- **vi. No toilets in Block A.**
- **vii. The floor levels of the buildings are below the 1% flood events and will have water enter the buildings and basement car park area.**
- **viii. Essential Fire Safety measures**
- **ix. Playground areas required.**

Comment

The relocation of the vehicular access to the parking area from Faunce Street West to Racecourse Road has eliminated the potential vehicle/pedestrian conflict.

The DEC advise that *"the internal design of the school complies with DEC Schools Facilities Standards and the Building Code of Australia*." Gosford Police have carried out a CPTED analysis. Council's Flooding and Development Engineers have assessed the proposal and consider the flooding and traffic issues have been satisfactorily addressed in the SEE or proposed conditions.

6 The Contamination Report is inadequate and additional sampling should have been carried out. Demolition works should only be done when the School is closed.

Comment

The contamination report by NSW Public Works is to the legislative requirements and was submitted as part of the DA. Most drilling and testing was undertaken on the Western side of the site for the new primary school buildings. It is DEC policy that any hazardous demolition work is carried out 'out of hours'. The DEC has submitted the full Environmental Site Investigation Report which has been considered by Council's Environmental Officer as satisfactory.

7 No social impact or future needs analysis has been carried out for future growth of 10,000 people in Gosford. There are more suitable sites than this site. By 2014 there will be 1300 students on the site with the High School. Primary School students will be bullied and learn bad habits from the High School students.

Comment

A social impact assessment has been carried out which identifies a significant number of benefits for the school and community. Council's Social Planner is satisfied with the information.

The DEC advises that: *"DEC demographers carried out extensive studies and concluded that this is the most suitable site. Total enrolment prediction for 2014 is 540 for the Primary school and 720 for the High school less than the 1400 students that were on site in 2004/05. Tthese enrolment figures are anticipated to remain stable."*

All schools and DECC have policies on anti-bullying. The retention of a primary school will have social, educational and economic benefits for the rest of the city.

Information provided by the DEC from other K-12 schools indicates that these are benefits for students in such schools. The DEC has additional land available if future expansion of the school is required.

8 The proposal will result in the loss of trees and impact flora and fauna on the site including such species as the Glossy Black Cockatoo, Willow Peppermint and Casuarina trees. A Flora and Fauna Assessment has been carried out that concludes: "No vegetation within the study area was found to be representative of any ecological community listed as threatened under the TSC or EPBC Acts.

Comment

The DEC advises that "*No threatened fauna species were detected during the site survey".* The 7 part test also concludes that significant impact by the proposed works on the Glossy Black Cockatoo is unlikely. Council's Environmental Officer has assessed the proposal and concurs with the assessment.

9 The relocation of the Special Education students to a worse location disadvantages them and discriminates against them.

Comment

The Special Education Unit is being relocated to a new facility on the site with a dedicated driveway and porte-cochere. This location and facility will provide modern facilities for students and enable easier integration with other high school students. It will also relocate the Special Education Unit away from the bushfire risk area and provide proper disabled access.

10 No information on School starting and finishing times have been provided if staggered School times with the other two schools are to be implemented.

Comment

The DEC advises that school start and finish times will be negotiated/decided in consultation with both school Principals and relevant authorities, prior to occupation and commencement of the use.

11 The reduction in High School students and vacant space could be used for other purposes such as TAFE, adult education etc.

Comment

The reduction in High School students has enabled the development of a new Primary School as well as improved facilities for the remaining high school students and staff.

12 The proposal is supported for the following reasons:

- **There is more room on this site than the existing School.**
- **Compliance with latest disability standards for special education students with purpose built accessibility.**
- **Classrooms have twice the size of the existing school.**
- **Primary students will have access to High School facilities.**
- **The upgrading to roads and parking and safety that will result.**

Comment

The proposal will provide a new primary school which complies with current school and access standards, as well as improved parking and Special Education facilities.

Conclusion

The proposal is permissible with consent. The provisions of SEPP (Infrastructure), Gosford LEP and DCP 2007 and Council's Policies have been taken into consideration. As the application is a Crown application, the application cannot be refused or conditions imposed without either the agreement of the DEC, or the concurrence of the Minister for Planning and Infrastructure. The DEC has agreed to the attached draft conditions.

The proposal has the following benefits:

- Demolition/removal of existing old timber buildings and replacement with new buildings meeting disabled access requirements.
- Upgrading/refurbishment of other existing buildings, including removal of contaminants.
- The provision of additional on-site car parking for the High School and adequate parking for teachers/staff of the Primary School.
- Relocation of the Special Education Unit away from the bushfire service and provision of access ramps/lifts.
- The retention of a Primary School within the Gosford City Centre.
- Upgrading/construction of part of Faunce Street West to provide additional bus parking and drop-off/pick-up areas with appropriate parking restrictions.
- Improved school security and safety.
- $15 million infrastructure spending in the Gosford City Centre on educational facilities.

The issues raised in the public submissions are addressed in the Statement of Environmental Effects or conditions of consent and do not justify refusal of the proposal.

Attachments: Nil

Tabled Items: Nil

RECOMMENDATION

A The Joint Regional Planning Panel as consent authority consider consent to Development Application No 42043/2012 for the proposed Educational Establishment on Lot 364 DP 755227, Lot 1 DP 1169232, Lot 42 DP 755227, 22-48B and 50-64 Faunce Street West, West Gosford and 14 Racecourse Road, Gosford.

B The consent be limited to five (5) years.

C The objectors are notified of JRPP's decision.

D The External Authorities be notified of the Joint Regional Planning Panel's decision.

DRAFT CONDITIONS OF CONSENT DA42043

1. PARAMETERS OF THIS CONSENT

1.1 **Approved Plans and Supporting Documents**

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent"* unless modified by any following condition.

Architectural Plans by Public Works Government Architects Office

Drawing	Description	Sheets	Issue	Date
DA00a	Cover and Location Plan	1	-	27/6/2012
DA01	Site Analysis	1	-	21/3/2012
DA02	Design Principles	1	-	21/3/2012
DA03a	Demolition Plan	1	-	27/6/2012
DA04a	Site Plan	1	-	27/6/2012
DA05a	First Floor Plan	1	-	27/6/2012
DA06a	Ground Floor Plans	1	-	27/6/2012
DA07a	Lower Ground Floor Car Park	1	-	27/6/2012
DA08a	Roof Plan	1	-	27/6/2012
DA09b	Elevations	1	A	27/6/2012
DA010b	Sections	1	A	27/6/2012
DA011	3D Views	1	-	21/3/2012
DA-L01	Landscape Plan	1	B	27/6/2012

Supporting Documentation

Document	Title	Date
	Statement of Environmental Effects	March 2012
2011/187	Traffic and Parking Assessment	April 2012
	Arboricultural assessment Report Amendment C	August 2012
A12038	Bushfire Assessment Report	May 2012
12 – GQ46B	Environmental Site Investigation	June 2012

1.2 **Building Code of Australia**

All building works must be carried out in accordance with the Building Code of Australia.

2. PRIOR TO COMMENCEMENT OF ANY WORKS

2.1 Trees on site must be tagged and numbered by the project's Arborist, to correspond with the Arboricultural Assessment Report (Amendment B – August 2012) prior to issue of the Construction Certificate.

2.2 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to an officer of the Council.

2.3 Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.

2.4 A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

a) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
b) That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

2.5 Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

2.6 Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, *'Site Security and Public Access onto Housing Construction Sites'* and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

2.7 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*.
The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences.
Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
In this condition, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.
Note 1.Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.
Note 2.The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.
Note 3.Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment and Heritage.

2.8 A Site Environment Management Plan (EMP) is to be prepared for the entire site and shall include all recommendation outlined in Section 12 of the Environmental Site Investigation Report (NSW Public Works, Report No: 12-GQ46B, dated June 2012). The EMP shall also include a Remedial Action Plan to set objectives and document the process to remediate the site.

The Environmental Site Management Plan shall be prepared by a suitably qualified environmental professional. This Plan should include a contingency plan for the assessment/management of any unexpected discovery of a contamination during the course of earthworks.

2.9 New construction on the Block 1 and 4, comprising of canteen, administration/staff rooms, Out of Hours School Care room, Hall and Covered Outdoor Learning Space, shall comply with Sections 3 and 6 (BAL 19) Australian standard AS 3959-2009 '*Construction of buildings in bush fire-prone areas*' and Section A3.7 Addendum Appendix 3 of '*Planning for Bush Fire Protection 2006*'.

2.10 New construction on the Blocks 2 and 3, comprising of toilets, special program classroom, library and home bases (classrooms), shall comply with Section 3 and 5 (BAL 12.5) Australian Standard AS 3959-2009 '*Construction of buildings in bush fire-prone areas'* and Section A3.7 Addendum Appendix 3 of '*Planning for Bush Fire Protection 2006'*.

2.11 All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control".

The required works to be designed are as follows:

Faunce Street West:

a. Half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 6.5m wide road pavement on the southern side of Faunce Street West, for a minimum length of 100m measured eastward from the western end of the existing concrete footpath (located near the western end of the site frontage).
b. Full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 13m wide road pavement on both sides of the road in Faunce Street West for a minimum length of 75m measured westward from the western end of the existing concrete footpath (located near the western end of the site frontage).
c. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Faunce Street West.
d. Footway formation graded at maximum -2% from the top of kerb to the property boundary at the sag pit in Faunce Street West with suitable transitions to the +2% footway formation, to provide an overland flow path directly to the proposed secondary flow path within the property.
e. Full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath across the frontage of the site on the northern side of Faunce Street West.
f. 2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath located immediately behind the kerb on the northern side of Faunce Street West from the western end of the school frontage to the end of the required full road construction.
g. 2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath located immediately behind the kerb on the southern side of Faunce Street West for the full extent of the required half road and full road construction.
h. Raised pedestrian crossing in Faunce Street West
i. The redundant vehicular crossings to be removed and the footway formation reinstated with a full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath.
j. Redundant infrastructure (kerb ramps, children's crossing, kerb blisters, school zone signs markings, kerbside parking restrictions, warning signs etc) at the existing site should be identified through consultation with Council and removed by the developer. A plan illustrating the changes must be submitted to the Traffic Committee for its advice prior to any changes being implemented.

k. Upgrade to the inlet capacity at the sag pit and pipe in Faunce Street West to capture the 1% AEP surface flow within the roadway and convey the flow towards the junction pit located to the west of the sag pit.

Racecourse Road:

l. Urban Basic Right-turn Treatment (BAR) intersection in Racecourse Road at the access to the development, in accordance with AUSTROADS "Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections".
m. Tapered heavy-duty vehicle crossing associated with the BAR intersection on Racecourse Road, that has a width of 13m behind the heavy-duty gutter crossing and 9m at the property boundary, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
n. The piping of stormwater from within the site to Council's drainage system located in Racecourse Road.
o. Heavy-duty gutter crossings to suit the width of the proposed heavy-duty vehicle crossings.

Batley Street:

p. Raised pedestrian crossing in Batley Street.

General:

q. Signage and line marking. The signage and line marking plan shall be approved by the Local Traffic Committee and shall generally be in accordance with the details shown on the drawing titled "Annexure F: Proposed Site Layout" prepared by M^{c}Laren Traffic Engineering (Job No. 11187, dated 17 March 2012, Drawing no. 1) and drawing titled "Annexure B: Concept Driveway Treatment" contained in M^{c}Laren Traffic Engineering report (Reference 2011/187.L02 CM/hc, dated 26 June 2012).
r. Redundant infrastructure (kerb ramps, children's crossing, kerb blisters, school zone signs markings, kerbside parking restrictions, warning signs etc) at the existing site are to be identified through consultation with Council and removed by the developer. A plan illustrating the changes shall be approved by the Local Traffic Committee prior to any changes being implemented.
s. Retaining walls. Retaining walls shall be designed by a practising Civil/Structural engineer and shall not conflict with services.
t. The raised pedestrian crossings shall be approved by the Local Traffic Committee.

The engineering plans for works within the public roads must be approved by Council prior to the commencement of construction required under this consent.

2.12 A pavement report for works within a public road reserve shall be prepared by a practising Geotechnical Engineer. This report must be submitted with the engineering plans and approved by Council under the Roads Act, 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	**Traffic Loading (ESAs)**
Faunce Street West	2×10^6

2.13 A dilapidation report must be submitted to Council prior to the commencement of construction and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

2.14 The submission of a written commitment to Council that any damage to Council's assets caused as a result of the development will be repaired at no cost to Council.

2.15 All public stormwater/watercourse work to be carried out must be approved by Council under Section 68 of the Local Government Act.

Engineering plans for the work must be prepared and designed by a suitably qualified professional in accordance with Council's 'Civil Construction Specifications', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

The required works to be designed are as follows:

a. Piping of the natural watercourse for its entire length within the subject land to convey the 1% AEP flood flow.
b. Secondary stormwater flow path capable of conveying 50% of the 1% AEP flood flow. The overland flow path shall convey stormwater from the sag point in the road and convey it within the property towards the location of the proposed piped watercourse and follow the route of the proposed piped watercourse for its full length.
c. Construction of a raised grated inlet pit at the end of the proposed piped watercourse and secondary flow path, and piping to the open channel located on the adjoining property.
d. Upgrade the open channel on the adjoining property/s if the additional stormwater discharged to it, generated from the proposed works (including road works) exceeds the capacity of the open channel.

The engineering plans must be approved by Council prior to the commencement of construction of works required under this consent.

2.16 A flooding report, prepared by a suitably qualified engineer must be submitted to Council to determine the 1% AEP flood levels relevant to the proposed development. All work proposed to be carried out to mitigate flooding must be approved by Council under the Local Government Act, prior to the commencement of construction of works required by this consent.

2.17 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the commencement of construction. Contributions may be applicable to the Section 307 Certificate.

2.18 Design of the following engineering works within private property:

a. Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
b. A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1%AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.

c. Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
d. The secondary stormwater flow path shall be capable of conveying 50% of the 1% AEP flood flow shall be designed in accordance with Council's 'GCC Design Specification for Survey, Road and Drainage Works' & 'Civil Construction Specification'.
e. Permanent safety (exclusion) fencing to be provided around the area of the secondary flow path.
f. Bridging of pedestrian footways over the secondary stormwater flow path. The obvert of such structures shall have a minimum freeboard of 300mm above the HGL of the secondary stormwater flow rate (i.e of 50% of the 1% AEP flood flow).
g. Stormwater management provided is to be generally in accordance with the report "Gosford Public School Concept Stormwater Management Report", ref DC 12025, dated 26 March 2012 and prepared by Eric Lin C/O NSW public works dept, except where modified by the conditions of this development consent.
h. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Racecourse Road.
i. The minimum floor level of buildings is to be 0.5m above finished ground level.

The design of these details and any associated reports shall be included in the construction documentation.

2.19 Structures constructed adjacent to a Council stormwater system and/or drainage easement and within the zone of influence must have footings designed in accordance with Council's "Guidelines for Building Adjacent to a Drainage Easement". Details prepared by a practising structural engineer shall be approved by Council and shall form part of the construction documentation.

2.20 The proposed waste pick up is to be contained on site. It shall be designed so that all service vehicles enter and exit the site in a forward direction. Reversing from the site will not be permitted onto Racecourse Road.

2.21 A construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to Council for review and approval prior to any construction or demolition activities occurring onsite. The CTMP must adequately address the parking and access needs having regard for the existing demands associated with Henry Kendall High School and commuter / hospital parking. Truck movements should be directed away from school frontage roads by utilising roads to the west of the site.

3. DURING WORKS

3.1 Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm
Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'
a No work is permitted on Sundays and Public Holidays
b No work is permitted on:
- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.

- Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

i Minor renovation or refurbishments to single dwelling construction.
ii Owner occupied renovations or refurbishments to single dwelling construction.
iii Owner builder construction of single dwelling construction; and/or
iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

3.2 Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.

3.3 Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.

3.4 a Trees to be removed are to be those as shown for removal on the Demolition Plan DA03a 27/06/12. Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.

b The Project Arborist is to be onsite to supervise tree removal works to ensure trees are removed as per “Demolition Plan DA03a 27/06/12”. The Project Arborist is to be in attendance during critical stages of construction, particularly when excavation is occurring near trees nominated for retention, to ensure tree protection measures as recommended within Revised Arboricultural Assessment Report Aug 2012 are adhered to.

3.5 The fit-out of any food storage, preparation or servery is to comply with the Food Act 2003, Food Regulation 2010, Food Standards Code and Australian Standards AS 4674 for the Design, Construction and Fit-out of Food Premises.

3.6 Compliance with the Recommendations of the Environmental Site Investigation Report No 12-GQ 46B dated June 2012 prepared by NSW Public Works being;

a Because of the elevated concentration of zinc or arsenic detected in the topsoil/fill samples from boreholes B1,B24 and B25, unless a further detailed phytotoxicity assessment of the soil (including additional analysis to determine bio-availability of zinc and arsenic) is to be conducted by a horticulturist, it is prudent that the excavated surface fill/topsoil from around the boreholes (B1, B24 and B25) should not be reused for landscaping purposes.

b Following the demolition of the existing buildings in future development, the exposed surface within/around the footprint of the building should be assessed for any sign of contamination, environmental soil sampling and analysis may be conducted if warranted. It should be noted that it is not uncommon that demolition debris (which could contain asbestos containing material) could remain buried in the surface soil upon completion of demolition works.

c Any soil material that is to be excavated and disposed of in a NSW OEH licensed landfill should be assessed and classified (with TCLP testing, where appropriate) in accordance with the *Waste Classification Guidelines* (NSW DECC, 2009) and relevant legislation.

d Any imported material should be validated in accordance with the *Sampling Design Guidelines* (NSW EPA, 1995), The *Guidelines for Assessing Service Station Sites* (NSW EPA, 1994) and the *Guidelines for the NSW Site Auditor Scheme* (NSW

DEC, 2006). The fill material should not contain asbestos, and not be acid sulphate soil or saline soil. The imported fill material should be 'virgin excavated natural material' (VENM) or 'excavated natural material' (ENM), as defined in the *Waste Classification Guidelines* (NSW DECC, 2009) because of their low rise of contamination.

e All of the above works should be undertaken by a suitably qualified environmental professional and independently reviewed by the Principal.

3.7 The approved Site Environment Management Plan (EMP) shall be implemented.

3.8 The provision of new services such as water and electricity shall comply with Section 4.2.7 of '*Planning for Bush Fire Protection 2006'*.

3.9 Gas services shall comply with Section 4.2.7 of '*Planning for Bush Fire Protection 2006*'.

3.10 The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

3.11 The stormwater/watercourse works that required approval under the Local Government Act shall be constructed in accordance with Council's 'Civil Construction Specifications', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

3.12 The Engineering works within private property shall be constructed in accordance with the plans and details contained in the approved construction documentation.

3.13 The school design and construction complying with the "DEC Schools Facilities Standards" taking into consideration the recommendations in the CPTED analysis provided by the NSW Police Service dated 30 April 2012.

4. PRIOR TO THE COMMENCEMENT OF USE / OCCUPATION OF THE PRIMARY SCHOOL

4.1 Bicycle racks shall be located in a highly visible area near the main pedestrian entry at the rate of 1 per 5 students in years 4 and above. A low hedge or wall around the bicycle racks shall be installed.

4.2 The submission of an application and approval by the Local Traffic Committee of bus and parking restrictions in Faunce Street West. Bus/parking restrictions must be installed prior to the opening of the school. The application to the Local Traffic Committee must be made at least 4 months prior to the opening of the school.

4.3 A Validation and Monitoring Report shall be prepared and submitted to Council to demonstrate whether the objectives stated in the Remedial Action Plan/Environment Management Plan have been achieved.

4.4 Landscaping to the site is to comply with the principles of Appendix 5 of '*Planning for Bush Fire Protection 2006*'.

4.5 A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document '*Guide for Developing a Bush Fire Emergency Evacuation*

Plan'. The evacuation plan shall stipulate the evacuation shall be to the north of the site towards Racecourse Road.

4.6 Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the occupation or use of the development.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

4.7 Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the occupation or use of the development.

4.8 Stormwater/watercourse works that required approval under the Local Government Act 1993 are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Council prior to the occupation or use of the proposed development.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

4.9 A Works-as-Executed Plan shall be provided to Council upon completion of engineering works completed in accordance with the plans and details approved and carried out under this consent.

4.10 Prior to the occupation or use of the development the Deposited Plan (DP) must be amended to:

- Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan.
    - a To create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
    - b To create an easement to drain water in favour of Council, 3.5m wide located over the proposed piped watercourse.
    - c To create a 'Restriction as to User' over all land affected by a secondary flow path to ensure:
        - (i) The shape of the flow path is not altered.
        - (ii) No structure is erected within the flow path, excluding fences that are flood compatible.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
    - a To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
        - (i) The facility will remain in place and fully operational.

(ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
(iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
(iv) Council is indemnified against all claims of compensation caused by the facility.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by Gosford City Council prior to the occupation or use of the development.

4.11 Certification from a consulting engineer shall be submitted to Council stating that all slabs and/or footings within the zone of influence associated with the Council stormwater system and/or drainage easement have been constructed in accordance with the approved construction documentation.

5. ONGOING OPERATION

5.1 The approved Site Environment Management Plan shall be implemented.

5.2 Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.

5.3 Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.

6. ADVICE

6.1 All work carried out under this Consent should be done in accordance with WorkCover requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

6.2 Any water or sewer works are to be undertaken with the consent of Council. Application is to be made with Council under the provisions of Section 68 of the Local Government Act 1993 prior to commencement of any works on the site.

6.3 A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

6.4 The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

6.5 A fee for the approval of engineering plans under the Local Government Act applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

6.6 The inspection fee for works associated with approvals under the Local Government Act is calculated in accordance with Council's current fees and charges policy.