

JRPP No.	2012HCC027
DA No.	12-2840
Proposed Development	Educational Establishment
Location	Lot 430 DP747856, 13 Melaleuca Drive, Metford
Applicant	NSW Public Works
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Assessment Report and Recommendation

Executive Summary

Development consent is sought for an educational establishment at 13 Melaleuca Drive, Metford. The subject land is zoned R1 General Residential under Maitland Local Environmental Plan 2011 and is not mapped as being environmentally sensitive. Educational establishments are permissible forms of development in the R1 General Residential zone with Council consent and are consistent with the objectives of the zone.

The site is situated off Melaleuca Drive, Metford and currently accommodates the Metford Public School. It is surrounded by residential development, with a public reserve area located to the east. An immature stand of native trees containing Lower Hunter Spotted Gum-Ironbark exists on the site.

The proposal involves the erection of an educational establishment (Hunter River Community School) to the north-west of the site. The Hunter River Community School is an education facility for students with special needs and is being relocated from its existing location at 44 George Street, East Maitland. The upgrade of the school is proposed as currently the students are accommodated in facilities that are well below the Schools Facilities Standards requirements. The new complete will include 10 classrooms with ancillary facilities such as a therapy pool, multi-purpose space, library and various outdoor play and learning areas.

The application was publicly exhibited for a period of 14 days from 15 October 2012 to 29 October 2012 and during the period eleven (11) submissions were received objecting to the proposal. The key issues raised in the submissions included traffic, road safety, car parking, impacts to flora & fauna, noise, construction works, loss of playground area, impact on property values, landscaping, privacy, building design, lack of consultation, crime and need for the development. The issues raised are addressed in the body of this report. It is considered that the issues are not sufficient to warrant refusal of the application.

The application is submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination as the capital investment value of the proposal is over \$5 million and the proposal has been lodged by or on behalf of the Crown (State of NSW), therefore triggering the regional development provisions set out in Schedule 4A of the Environmental Planning and Assessment Act 1979.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions of consent.

OFFICER'S RECOMMENDATION

THAT DA 12-2840 for an educational establishment at Lot 430 DP747856, 13 Melaleuca Drive, Metford, be approved subject to the conditions of consent set out in the attached schedule.

INTRODUCTION

This report provides a detailed overview of the development proposal involving the construction of an 'educational establishment' (Hunter River Community School) on Lot 430, DP747856, 13 Melaleuca Drive, Metford and provides a comprehensive planning assessment of the development against the major heads consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel on the basis that the estimated value of the project (\$6.62 million) exceeds the \$5 million threshold for developments lodged by or on behalf of the Crown (State of NSW) under Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND / SITE DESCRIPTION

The site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011. The site is mapped as containing Lower Hunter Spotted Gum Ironbark, however, is not impacted by any other environmental constraints. The land is situated off Melaleuca Drive and has an area of approximately 3.126 hectares. Part of the site to the immediate south and east of the proposed development area is occupied by the existing Metford Public School, which has frontage to both Melaleuca Drive and Schanck Drive. The area of the proposed educational establishment to the north-western portion of the site is approximately 0.4 hectares. This part of the site is currently only used by the Metford Public School for its chicken pen and is generally restricted for use by students. The site is generally surrounded by residential development, with a public reserve being located immediately to the east. An aerial map and zoning/locality map have been included as Attachment 1 to this report. The site is also shown in Figure 1.

The existing Hunter River Community School is located at 44 George Street, East Maitland and consists of a variety of demountable buildings, accommodating a total of 8 classrooms and ancillary uses. There are 48 existing pupils who attend the school, 24 full time staff and approximately 4 specialists who visit the school throughout a typical day at different times.

The school is an educational facility for students with special needs. It provides an environment in which positive learning enhances self-esteem and personal growth through quality education programs. A wide range of opportunities for students to participate in sport, arts and crafts, music and community based activities ensures an appropriate balance to curriculum. Classes are provided from Kindergarten through to Year 12. The official start and finish times of the Hunter Valley Community School are 9.00am to 2.50pm, though teachers typically arrive at the school between 7.30am to 8.30 am and exit the school between 3.30pm to 4.00pm.



Figure 1 – Aerial Image of Subject Site

PROPOSAL

The proposal involves the construction of an educational establishment (Hunter River Community School) to the north-west of the subject site, which currently accommodates the Metford Public School. The Hunter River Community School is an education facility for students with special needs and is being relocated from its existing location at 44 George Street, East Maitland. The upgrade of the school is proposed as currently the students are accommodated in facilities that are well below the Schools Facilities Standards requirements. The new complex will incorporate:

- 6 new buildings, including 10 classrooms, learning areas, hydrotherapy pool and admin/staff rooms.
- A new access driveway from Melaleuca Drive and associated car parking area.
- New playgrounds and assembly areas (both under cover and open).
- An agricultural plot.
- Associated paths and landscaping
- An extension to the existing car park facility and construction of a garage at Metford Public School.

The relocation of the school to the proposed site will afford the students and staff a much improved education environment and will enable a gradual increase in student numbers over the next 5 years to approximately 60. It should be acknowledged that there will be no increase in staff numbers.

The development will be constructed in a single phase and is expected to be complete by late 2013.

Application plans showing the development proposal in more detail are provided as Attachment 2 to this report.

PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan (LEP) 2011. The proposed development is defined under the LEP as an 'educational establishment' (school) and is permissible with consent in the R1 General Residential zone. The proposal is considered to be consistent with the zone objectives, as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Regional Environmental Plan

There are no regional environmental plans that are relevant to this proposal.

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

This policy sets out the functions of regional panels in determining applications for regional development. Part 4 of the policy specifically applies to regional development and outlines the functions of Council's and regional panels with respect to the receipt, assessment and determination of development applications. The provisions of the policy have adopted in the processing of the subject application.

State Environmental Planning Policy 'Infrastructure (2007)'

The development is subject to the provisions of SEPP Infrastructure 2007 as it is classified under Clause 104 of the SEPP as a 'traffic generating development' due to its definition of an educational establishment that has more than 50 students. The provisions of the SEPP require the application to be referred to the Roads & Maritime Services (RMS) for comment. The RMS has reviewed the application and have no objections to or requirements for the proposed development and considered there would be minimal impact on the classified road network.

Clause 28 of the SEPP states that the development may be carried out with consent from Council. Clause 32 of the SEPP states that Council (the consent authority) must

take into consideration all relevant standards in the following State government publications:

- (a) *School Facilities Standards—Landscape Standard— Version 22 (March 2002)*,
- (b) *School Facilities Standards—Design Standard— (Version 1/09/2006)*,
- (c) *School Facilities Standards—Specification Standard—(Version 01/11/2008)*.

Statements have been provided by the applicant in the submitted documentation that the proposal meets the requirements of the schools facilities standards. These standards have been taken into consideration and the proposal does not vary from any of the requirements stipulated in the policies, therefore the proposal is in accordance with the SEPP.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There is no exhibited draft environmental planning instrument relevant to the application.

Section 79C(1)(a)(iii) any development control plan

The following sections of the Maitland Development Control Plan are relevant to the proposal:

Part A – Administration

A.4 – Community Participation

The application was notified for a period of 14 days from 15 October 2012 to 29 October 2012. Council received eleven (11) submissions in response to the application and the issues raised are considered under Section 79C(1)(d) in this report.

Part B – Environmental Guidelines

B.6 – Waste Not – Site Waste Minimisation and Management.

This DCP chapter acknowledges that waste management and minimisation at both the building construction stage and for ongoing operations is a major issue for the building industry and seeks to encourage resource efficiency. It also seeks to assist in planning for sustainable waste management through this process.

The works will be constructed under a NSW Procurement GC21 Construction Contract, which incorporates the requirements of the NSW Government Waste and Management Policies. This will include measures to recycle and store waste in an environmentally acceptable manner during the construction phase in addition to monitoring which involves bi-monthly progress reports addressing waste management.

The applicant has provided detail on the proposed operational waste management procedures for the facility. The development will contract private companies to collect the waste to be generated by the facility. Provision is to be made for separation and collection of recyclable materials and food scraps/organic waste.

Part C – Design Guidelines

C.1 – Accessible Living

The DCP is designed to increase awareness and provide guidelines for access and mobility. The design demonstrates an ability to comply with accessibility criteria for car parking, footpaths and entry into the buildings. Conditions have been recommended to ensure compliance with the relevant standards for access and mobility (included within the Building Code of Australia), which will be provided at the Construction Certificate stage.

C.11 – Vehicular Access & Parking

The proposed use is defined as an educational establishment under the plan and as such, requires the provision of car parking spaces at a rate of 1 space for every employee or staff member, plus 1 space for every 30 students over 17 years for High Schools. With a total of 24 full time staff members, a minimum of 24 additional car parking spaces are required for the site. A total of 25 additional car parking spaces, including 1 appropriately located accessible parking bay have been provided, therefore the proposed development meets the requirements of the chapter. The plan acknowledges that parking requirements for each school site may vary and that in general a detailed traffic and parking study should be submitted with the application.

A Traffic Impact Assessment was prepared by Better Transport Solutions for the proposal that concluded that the 25 additional spaces (including an accessible drop off bay near the entry of the complex) provided for the school were satisfactory, particularly considering the small number of students at the school and the even smaller number of those students aged over 17. In addition, generally, students with special needs will not drive themselves to school.

It is acknowledged that the car parking spaces have been split into different locations, with 14 of the spaces being provided in the new car park area immediately to the west of the new school and 10 spaces being located adjoining the existing car park for the Metford Public School. One accessible space is located near the entry to the complex. This is considered satisfactory given the schools are on the same site and both car parks are within close walking distance. Staff at both schools will have access to all car parks. Further to this, provision has been made for a future extension of the Metford School car park so the south of the site to accommodate an additional 10 car parking spaces if required.

The DCP section also requires provision to be made for drop off / pick up of students. In this regard, a one way internal driveway is proposed for vehicles to entering the site, drive into a designated pick up/ set down area and exit the site in a forward direction. A separate entry point is provided for vehicles accessing the staff car park.

The car parking areas are softened by landscaping, which will provide shade for vehicles, as well as visual relief to break up the hard-surface of the car park from Melaleuca Drive.

All other provisions outlined in this section of the DCP have been adequately addressed including line marking and visibility. Impacts associated with the surrounding road network are addressed in Section 79C(1)(b) of this report.

Maitland Section 94A Levy Contributions Plan 2006

This application falls within the category of Public Sector Development, i.e. development that is carried out with an underlying philosophy of community service (school). The Development Contributions Guidelines 2009 published by the Department of Planning state that it is best practice to exempt these developments from the imposition of paying development contributions, as the material public benefit that is derived from the development exceeds any demand that it may create on existing infrastructure. Whilst the Maitland Section 94A Levy Contributions Plan is silent on the issue of exemptions, taking into consideration the Department of Planning's guidelines and that the development is a not for profit organisation, it is reasonable in this circumstance that the development be exempt from the imposition of a Section 94A contribution.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development will have no significant impact on the natural or built environment. The development is to occur on an allotment that is currently used for the purposes of an educational establishment. The development will have no significant impacts on flora or fauna communities. Given the implementation of conditions of consent, the proposal is considered suitable with respect to flora/fauna, traffic, social/economic impact, safety and security, utilities, waste, landscaping, noise and privacy. It shall maintain the integrity of the streetscape and as such no adverse impacts in the existing locality are anticipated.

Flora & Fauna

A Flora & Fauna assessment was undertaken for the proposal by Wildthing Environmental Consultants (dated 21 September 2012). Further to this supporting correspondence was provided by Wildthing Environmental Consultants (dated 14 November 2012).

It is anticipated that the proposal will require the removal of most of the trees from the development area on the site. The development area contains a relatively isolated stand of immature native trees with a very sparse/almost non-existent understorey. The surrounding school grounds consist of managed grass with scattered native trees and gardens. The tree species on site are representative of the Endangered Ecological Community (EEC) Lower Hunter Spotted Gum-Ironbark

Forest, however, its regenerating character is evident in the low species diversity in the lower vegetative strata.

The Lower Hunter Spotted Gum-Ironbark Forest EEC has been assessed in a Seven-Part Test. This assessment identified that there were no tree hollows existing on the site. Furthermore, the site has not been designated 'critical habitat' under Part 3 of the *Threatened Species Conservation Act 1995*. No threatened flora or fauna species or populations were recorded within the site during survey work. Furthermore, no secondary indications of fauna presence such as scats or scratches on trees were recorded. Due to the past clearance of the habitat on site, the available habitat resources were considered marginal.

The site has been identified to provide a potential transitory foraging resource in the form of flowering canopy species for Microchiropteran and Megachiropteran bats, however, the presence of superior habitat to the east and north of the site mitigates impacts. The bats are unlikely to be roosting on the site as this generally requires tree hollows and loose bark or caves, which are not existing on the site.

A diurnal bird survey was conducted during fieldwork on site. The bird species noted were generally common to suburban environments. The recorded presence of the highly territorial *Manorina melanocephala* (Noisy Miner) would reduce the suitability of the site for less urbanised species. The lack of habitat for prey species such as small mammals and passerines would reduce the likelihood of diurnal and nocturnal birds of prey hunting on site. No birds nests were noted on the site. In terms of nocturnal bird surveys the lack of prey species for birds such as owls would reduce the likelihood of such species utilising the site.

Foraging and shelter habitat for native fauna species on the ground was also severely depleted and fencing surrounding the school site precludes medium-sized terrestrial native mammal species from accessing the site, even on a transitory basis. It is acknowledged that the close proximity of residential development (with domestic cats and dogs) would further preclude native fauna species from occurring on the site. This exposes native species to predation risk, which is therefore unlikely to form a habitat resource with minimal shelter.

Generally, the removal of the trees from the site may result in the removal/modification of a small amount of foraging habitat for a number of native and threatened fauna species which may be present in the locality. However given the relative youth of the vegetation community and the lack of habitat features such as tree hollows, as well as the superior habitat to the north, the removal of the trees is unlikely to have any significant impacts upon existing habitat.

The flora and fauna assessment concludes that any use of the site by threatened fauna species would be transitory at best and the habitat present in the Spotted-Gum Ironbark community on the site is unlikely to be significant to any populations or individuals of threatened flora or fauna species in the locality. The site has a degraded character, the trees are relatively immature and are located in an established residential area. In this regard, no significant areas of habitat will be removed, modified, fragmented or isolated as a result of the proposal. The ecologist recommended that in order to mitigate the loss of the vegetation on the site, species consistent with Lower Hunter Spotted Gum-Ironbark Forest should be used in the future landscaping of the site and that the removal of trees should be avoided where possible. These recommendations have been incorporated as conditions of consent.

An additional condition has also been incorporated requiring inspections to be undertaken of the site by an ecologist during the week prior to the commencement of tree works to determine if there are any threatened species present. The ecologist will be required to provide relevant recommendations prior to proceeding with clearance and be present during any tree removal if threatened species are found during the observations.

Traffic and Access

Better Transport Solutions prepared a Traffic Impact Assessment for the proposed development to establish impacts on the existing road network. The assessment identified the greatest potential for traffic impacts from the development would be during peak hours on weekdays when school starts and finishes. Traffic counts were undertaken of the existing traffic volumes during these times, which indicated peak flows on both Melaleuca and Chelmsford Drive are currently well under the maximum capacity for each of the roads.

Given the RTA Guide to Traffic Generating Developments does not provide trip rates for educational facilities, trip generation was calculated based on the current Hunter River Community School. The majority of students of the school are transported to and from school under the provisions of the Student Assisted Travel Scheme, which is available to students with disabilities. Private contractors transport students to and from school by mini buses, station wagons and vans, which carry between 3 and 8 students. Additionally, sedan type cars are used to transport single students. Approximately 10 parents currently transport their children to school by private vehicle. The surveys of the existing school identified peak hour traffic generation of a total 56 vehicle trips per hour in the AM and 38 vehicles in the PM. The proposed development plans to increase the student population by 25% from 48 to 60, increasing the anticipated trip generation to 70 trips in the AM peak hour and 48 trips in the PM peak hour. This is however an overestimate given staff numbers will not increase as a result of the increase in students.

The traffic assessment concluded the surrounding road network has sufficient spare capacity to accommodate the expected peak hour trips generated by the proposal and that it would have negligible impact on the existing road network. It further stated that no mitigation measures were necessary.

Access to the school is proposed from a driveway on Melaleuca Drive. A one way internal driveway is proposed for the development with vehicles entering the site, driving to the designated drop off/pick up area and exiting the site in a forward direction. A separate entry point is provided for vehicles accessing the staff car park. This strategy distributes traffic over a number of points and improves the overall functionality of the local road network. It also assist students with physical limitations to embark and disembark vehicles. The largest vehicle expected to access the subject site is a garbage truck and the driveway access is satisfactory to accommodate this vehicle type.

It is acknowledged that on 4 October 2012, the Local Traffic Committee adopted a recommendation for a 'Kiss and Ride' zone on Melaleuca Drive, Metford adjacent to Metford Public School. This will operate during school starting and finishing times, will accommodate up to 4 vehicles and will reduce requirements for car parking.

Public transport is available to the site. Metford Railway Station is located approximately 500 metres walking distance from the school and Hunter Valley Buses also operate regular bus services to the area. Pedestrian facilities also service the existing school, including footpaths and a school crossing on Melaleuca Drive. It is however noted that the proposed school is very unlikely to rely on public transport and pedestrian access, as students will be dropped off and collected by private vehicles from the front entry due to their special needs. This also applies to the surrounding cycleway network. It is however acknowledged that staff may wish to use the surrounding cycleway network and in this regard, low traffic volumes on Melaleuca Drive (50km/h or 40km/h school zones) should allow cyclists to share the road network with the local traffic. The sight lines at the proposed development exit point are considered acceptable.

Lastly, it has been advised that in order to further minimise the impact of the development, it is proposed to stagger its starting and finishing time with the adjoining Metford Public School. This will be arranged prior to occupation of the development.

Social and Economic impact

The development shall make a positive economic and social contribution to the community by offering additional employment opportunities during the construction phase and improved education facilities to existing and future special needs students.

Safety and Security

Due to the special needs of the students, the perimeter of the school will be secured with fencing for safety. Whilst the perimeter of the Metford School site is already fenced, the new school will require additional fencing to provide some delineation between the two schools and for added safety of the Hunter River Community School students. A 2100mm high palisade type fence will be provided to the perimeter of the Hunter River Community School site at suitable locations as indicated on the DA drawings (provided as Attachment 2 to this report). Additional internal fencing (1200mm high) will be provided for segregation of student zones within the central courtyard of the school. The site planning and layout of the proposed development is such that the buildings surround a shared central courtyard which enables casual observation of students, staff and visitors as they move through the school.

Building Design

The development consists of a series of single storey buildings appropriately separated and articulated, so as to integrate with the type and scale of existing surrounding school and residential buildings. The buildings generally comprise slab on ground construction, with a combination of steel and light weight framing, brick veneer construction, and a material palette consisting of masonry, metal roofing, rendered masonry, and light weight cladding.

Open Space

Various all weather play & learning areas are incorporated in the design. The development will share the existing Metford Public School open playing field, which

is located in the north-east corner of the site. Lunch and recess times will be staggered between the schools, to enable students to use the open playing field at alternative and mutually agreed times.

Solar Access

The development has been designed to maximise natural light into all habitable spaces within the school. It should however be acknowledged that due to the special needs for students, all circulation areas, and the majority of play areas, are roofed to provide shade and allow all weather use. With respect to adjoining properties, given the development consists of single storey construction, is located on the southern side of the adjoining residential development and has generous setbacks from the neighbouring properties, it is not anticipated there will be no overshadowing to adjoining properties. Shadow diagrams have been provided demonstrating there will not be any impacts.

Setbacks

The street setback of the new school is sympathetic to the existing Metford Public School. The new buildings are setback a minimum of 12.01 metres from Melaleuca Drive. Furthermore, the buildings are setback a minimum of 6 metres from the northern boundary adjoining existing residential development, which is satisfactory.

Utilities

The site is serviced by town water, sewer, electricity, gas and telecommunications. A Section 50 Compliance Certificate will be required from Hunter Water Corporation prior to issue of a construction certificate.

Waste Management

Waste will be generated as part of the operations for the site and this will be managed through the provision of skip bins on the site, which will be collected by a private contractor once a week. Provision has also been made for recyclable waste to be collected by a private recycling contractor. Food scraps and organic waste will be disposed of in the composting/worm farm or chicken coop on the site.

Landscaping

The landscaping treatments proposed are considered to be appropriate and compliment the design of the buildings. A landscape plan was prepared by Terras Landscape Architects. Landscaping around the perimeter of the new development (including native trees and screening shrubs) will be provided which will provide complimentary visual screening of the school, particularly from Melaleuca Drive and neighbouring properties. The northern boundary contains a 3 metres wide stormwater easement and the proposed buildings shall be setback a further 3 to 5 metres from there (6 to 8 metres from adjoining residential property boundaries), allowing for the provision of strategically positioned screen planting. The car park will be bounded by native trees and screening shrubs to soften the impact of the development when viewed from Melaleuca Drive.

The landscape objectives aim to provide outdoor open spaces accessible to children of varying physical and intellectual abilities. Garden beds & planting within the

central playground areas of the school is limited, due to safety issues unique to the students needs. Play equipment and softfall has been provided in central fenced areas. Fencing shall be of open palisade style to maintain openness and enable casual surveillance of the play areas. Along with a number of facilities including swings, trampoline, bocce court, bicycle area and small sensory garden, a new agricultural zone is proposed for the south-western portion of the development area as shall be utilised by students from both schools.

The installation of the car park requires the relocation of some existing play equipment and sand pits near Block G and adjacent to the existing primary school COLA. An open play area for more able-bodied students is proposed eastward of the new building extent, on part of the existing oval. This turfed area shall be bordered by new canopy tree plantings and will be separated from the existing primary school by a 1200mm high palisade fence. Overall, the landscape strategy is considered satisfactory.

Noise

The noise generated by the existing school is likely to be similar to that generated by the existing Metford Public School. Potential noise sources during the operational phase will include children/staff in outdoor areas, traffic and the school bell. The buildings on the site are separated from adjoining residential development by a minimum of 6 to 8 metres (from the proposed buildings to the rear boundaries of the residential lots to the north). To alleviate any perceived acoustic issues, the school buildings have been generally orientated to open to the central courtyard, with the buildings themselves providing an acoustic barrier to the adjoining neighbours. Breakout areas are enclosed with mesh screening, however, will only be occupied from time to time and monitored by teaching staff to ensure minimal disruption to adjoining residents. The proposed hours of operation for the school of between 9.00am and 2.50pm are considered reasonable in terms of minimising noise impact on the surrounding area. It is further considered that the school will only have up to 60 students, who are dropped off / picked up from school in small vehicles that are likely to have insignificant impacts to the surrounding area with respect to noise. The access is located straight off Melaleuca Drive into the site and there are no driveway or car parking areas located in close proximity to residential properties.

Given the school is a 'special school' for disabled children, including children with Autism and Cerebral Palsy for example, the normal loud and far reaching school 'bell' that can be heard in school playgrounds is not appropriate and will not be used for the Hunter River Community School. The school 'bell' will be a low noise musical chime system. This is significantly less noisy than other bell types as it does not need to carry beyond the internal courtyard and classroom areas of the new School. The lower noise level is also more appropriate for the needs of the Autistic children. The enclosed and secure nature of a 'special school' also means that the musical chime will only be rung twice during any school day. No chimes are sounded at the start or end of any school day.

The construction works also have the potential to create adverse impacts. Construction noise levels will vary throughout individual days and throughout the length of the overall works. The proposed construction hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 5.00pm on Saturdays are considered reasonable in terms of minimising noise impact on the surrounding area. Noise associated with construction works shall be short term in nature. Any exceedances are considered to

have a negligible impact on the surrounding area given that they will be for a limited duration and that they must be weighted against the long term social benefit of the project. In order to minimise the potential impacts and maintain the amenity of the surrounding areas, conditions have been incorporated to limit the hours of operation whilst the works are being undertaken.

A condition of consent has been recommended to ensure that noise is kept within acceptable limits in accordance with the provisions of the *Protection of the Environment and Operations Act 1997*. In this regard, it is considered that there will be no significant noise impacts to surrounding residential properties.

Privacy

The layout of the proposed school building in relation to its surrounds is such that visual privacy to and from neighbouring properties has been maintained. The school buildings are generally oriented to open to a central courtyard. The facades of the buildings that adjoin neighbours have generous setbacks (minimum 6 metres from adjoining property boundaries), and window and door openings have been minimised. Breakout student spaces are screened for visual privacy and security purposes, and landscape planting has been incorporated in the setback areas to create further screening and privacy.

Stormwater Management

A Stormwater Management Plan was prepared by Northrop Consulting Engineers for the development. On-site detention has been provided in accordance with Council's Manual of Engineering Standards. Runoff from the roofs and hardstand areas will be diverted into an existing retention tank for re-use in the toilet facilities or conveyed by pipes and surface inlet pits to a new underground detention tank. The additional runoff from the new car park extension at the Metford Public School will be collected by surface inlet pits and conveyed into the existing drainage system at the school. The proposed stormwater measures will suitably mitigate and manage stormwater impacts both within and external to the site.

Erosion and Sediment Control

Erosion and sediment controls will be implemented during the construction phase in accordance with Council's Manual of Engineering Standards.

Section 79C(1)(c) the suitability of the site for the development

The proposal is for a new educational establishment (Hunter River Community School), to be located within the grounds of the existing Metford Public School. The surrounding locality comprises residential development and a public reserve directly to the east of the site. The use of the site as a school has been established for some time and the proposed development is not expected to create any significant additional demand on the provision of public amenities or services. Studies have demonstrated there will be no significant impacts to flora and fauna communities or on the surrounding traffic network. Furthermore, buffer distances of over 6 metres are proposed between the buildings and the boundaries of adjoining residential development, reducing the potential for landuse conflict. In this regard, the proposal can be readily accommodated into the locality without significant adverse impacts and is suitable for the site.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified for a period of 14 days from 15 October 2012 to 29 October 2012 in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulations 2000 and the Community Participation section of the Maitland Development Control Plan. During this period, eleven (11) submissions were received. The issues raised in the submissions are addressed as follows:

Issue 1: Traffic, Road Safety & Car Parking:

- We already have a problem with traffic and parked cars when school starts and finishes. I can hardly come out of my driveway because of parked cars, especially at the start and finish of school days. The new units next door have already increased parking in the street. It is not a good idea to block the roads up more with buses and cars. The proposed car park is only for teachers and no facility for the buses to turn around to back out, which is dangerous, particularly for footpath users.*
- Road safety of all children, with the addition of more buses to Melaleuca Drive and loss of parking for houses in the area are of concern. Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.*
- With all the schools in the area, the traffic around Metford will be very congested, especially on Melaleuca Drive. There will be taxis and buses pulling out and taking away parking spaces on Melaleuca Drive from the existing parents picking up their kids in the morning and afternoon.*

Comment

1. An additional 25 car parking spaces have been provided on the site. With only 24 full time staff members being employed by the school, this meets the requirements of Council's car parking policy. The majority of students are transported to and from school by private contractors with mini buses, station wagons and vans that carry between 3 and 8 students. Additionally, sedan type cars are used to transport single students. Approximately 10 parents also currently transport their children to school by private vehicle. None of these vehicles are stored on site. No large buses will access the development to drop off / pick up students. The largest vehicle expected to access the subject site is a garbage truck. A one way internal driveway is proposed for the development with vehicles entering the site, driving to the designated drop off/pick up area and exiting the site in a forward direction. A separate entry point is provided for vehicles accessing the staff car park to minimise conflicts. In this regard, the proposal is not anticipated to significantly increase parking demand or congestion in the surrounding street network. Melaleuca Drive is a local road that provides a single lane of travel and a parking lane in each direction. In the vicinity of the subject site it has a carriageway width of approximately 11 metres, which is sufficient to accommodate the parking of vehicles on the street. A Traffic Impact Assessment was undertaken by Better Transport Solutions for the proposal that concluded the development will have negligible impact on the adjoining road network and that both Chelmsford Drive and Melaleuca Drive have sufficient spare capacity to accommodate the expected peak hour trips generated by the school.

Issue 2: Value of Houses:

The development will devalue houses in the area.

Comment

2. Schools are an accepted landuse within an urban residential environment and there are many hundreds of schools which co-exist in residential communities across Australia without there being any significant evidence that property values are impacted. Council is required to consider likely impacts of a proposal and not perceived impacts which may be a component in determining a properties value. The property values may be adversely impacted if there are significant amenity impacts, however, there are no significant additional impacts anticipated to the amenity of the surrounding area in this instance.

Issue 3: Loss of Playground Area

Loss of Play Area for existing students of Metford Public School is concerning, there isn't a lot left. With the high risk of childhood obesity these days, less playground for the students of Metford Public School would be detrimental to their health.

Comment

3. The proposed development is required to meet the *School Facilities – Landscape Standard – Version 22 (March 2002)* with respect to the provision of outdoor play areas. The proposal complies with these standards and therefore it is considered the remaining open space on the site adequately services the Metford Public School.

Issue 4: Noise

- *Added noise to the area is of concern.*
- *The school bell will be loud and is close to our house.*
- *We are shift workers that drive for our work and this will limit our ability to sleep during the day causing fatigue.*

Comment

4. The noise generated by the proposed school is likely to be similar to that generated by the existing Metford Public School. Council records indicate that no noise complaints have been received from surrounding neighbours with respect to the operation of the existing school. Given the development is located over 6 metres from surrounding residential properties and has been designed so that building openings are orientated to a central courtyard facing away from adjoining properties, the buildings generally provide an acoustic barrier to the adjoining neighbours. Breakout areas will only be used from time to time and will be monitored by teaching staff to ensure there are no impacts to neighbours. Further to this, the proposed hours of operation for the school of between 9.00am and 2.50pm are considered reasonable in terms of minimising noise impact on the surrounding area. With respect to the school bell, given the school is a 'special school' for disabled children, the normal loud and far reaching school 'bell' that can be heard in school playgrounds is not appropriate and will not be used for the Hunter River Community School.

The school 'bell' will be a low noise musical chime system that is significantly less noisy than other bell types as it does not need to carry beyond the internal courtyard and classroom areas of the new School. The enclosed and secure nature of a 'special school' also means that the musical chime will only be rung twice during any school day. A condition of consent has been recommended to ensure that noise is kept within acceptable limits in accordance with the provisions of the *Protection of the Environment and Operations Act 1997*. In this regard, it is considered that there will be no significant noise impacts to surrounding residential properties.

Issue 5: Construction Works

I have concerns about the environmental impacts from dust and noise during construction works. Traffic during construction will be a huge problem and impact our residence and pupils. This is a fact because when the flat were built next door there were major traffic problems.

Comment

5. Construction noise levels will vary throughout individual days and throughout the length of the overall works. The proposed construction hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 5.00pm on Saturdays reflect current legislative and industry standards and are considered reasonable in terms of minimising noise impact on the surrounding area. Noise and traffic associated with construction works shall be short term in nature. Any exceedances are considered to have a negligible impact on the surrounding area given that they will be for a limited duration and that they must be weighted against the long term social benefit of the project. In order to minimise the potential impacts and maintain the amenity of the surrounding areas, conditions have been incorporated to limit the hours of operation whilst the works are being undertaken. Furthermore, conditions of consent have been incorporated to ensure the property is protected against soil erosion, such that sediment is not carried from the construction site by the action of wind or "vehicle tracking" to minimise the incidence of dust. Should surrounding residents experience issues during the construction phase, requests can be made to the certification authority to investigate and if required mitigate the issue.

Issue 6: Flora & Fauna

- *Loss of trees, which will all be cut down to accommodate the new school and loss of habitat for the wildlife that live on the site of the school is of concern.*
- *There are many different species of birds, lizards and gum trees in that area of bush.*
- *I would like an independent study done of the treed area at the school, as we were told by the Department of Education that they had appointed a company to do this and that there was no evidence of wildlife in the area. This is not a fact. There are all sorts of wildlife that live in the trees and vegetation in the area, including birds, various breeds of lizards and we have spotted the occasional Koala.*

Comment

6. A flora and fauna assessment was undertaken for the proposal by Wildthing Environmental Consultants, which included a 7 Part Test for Lower Hunter Spotted Gum-Ironbark Forest. Additional information was also received from Wildthing Environmental Consultants (dated 14 November 2012). The results of the assessment undertaken by the ecologist found that the development of the site, including the removal of existing vegetation would not significantly impact on any endangered flora or fauna. The vegetation largely consists of immature vegetation with a sparse understorey. No threatened flora or fauna species were identified during survey work, including koalas. The vegetation was considered to provide a small amount of foraging habitat for a number of native and threatened fauna species (megachiropteran bats) which may be present in the locality, however, given the relative youth of the vegetation community, the lack of habitat features such as tree hollows and the existing vegetation in the surrounding areas, the removal of the trees is unlikely to have any significant impact on their populations.

Issue 7: Landscaping

They told us at a meeting that they were on a budget and if they had to skimp, they would skimp on the size of the replacement trees, which isn't much good to us if it takes 10 years for them to make an appearance overtop of our back fence. That's if they get looked after and survive.

Comment

7. A landscape plan was submitted with the application which includes landscaping in the setback areas adjoining the existing residential properties to the north of the site. A condition of consent has been incorporated to ensure these landscaped areas are maintained in accordance with the landscape plan.

Issue 8: Crime

The development will result in an increased risk of crime in the area.

Comment

8. The proposed development is an educational establishment for children with special needs that will generally be accessed by students, teachers and parents. The perimeter of the school will be secured with fencing for safety and additional lighting will be provided throughout the school. In this regard, it is not anticipated the proposal will increase the incidence of crime in the area.

Issue 9: Privacy

- *We are concerned with the distance of the development to the boundary. We have concerns for our privacy. We were informed there would be no building in that area and it would remain natural habitat. My wife suffers from severe migraines and the development will impact her health and quality of life.*
- *It will no longer be private or scenic in our yard, in fact it will be very intrusive. We will be looking at a huge industrial roof and every tree will be cut down.*
- *The development is close to our boundary and students will be able to see straight into our backyard and house.*

- *We were told by the education department that there would be a 6 metre buffer from the school boundary fence. This is not a fact, after inspection of the pegs that have been placed in the ground it is more like a 3 metre buffer from our boundary fence.*

Comment

9. The development plans (provided as Attachment 2 to this report) demonstrated that setbacks between the boundaries of the existing residences to the north and the buildings varies between 6 to 8 metres. The area between the buildings and the neighbouring properties will not be used by students and will be landscaped with a variety of trees and shrubs to provide screening of the development. The buildings have been orientated with openings facing away from adjoining residential properties to minimise impacts on neighbours. The buildings are of single storey in nature and existing colourbond / timber paling fences on the boundaries adequately maintain privacy between residential properties and the school. The proposal will be required to be pegged out by a suitably qualified surveyor prior to construction works commencing, with the buildings being located as shown on the approved development plans.

Issue 10: Building Design

I was shocked to see the size of the building and how far down the fence line it is going for only 52 students.

Comment

10. The proposal is a school for children with intellectual or physical disabilities, including for example, children with Autism and Cerebral Palsy. The school will accommodate up to 60 students. The size of the school is reflective of the special needs of these students, who require environments that enhance positive learning experiences and provide a wide range of opportunities for students to participate in sport, arts and crafts, music and community based activities. The additional accessible facilities required for a school of this nature increase its size compared to other conventional educational establishments such as primary schools and high schools.

Issue 11: Need for Development

The last thing Metford needs is another school. We have a public school, private school, a preschool, a daycare and a Tafe.

Comment

11. The proposal involves the erection of a special needs school known as the Hunter River Community School. The school is an education facility for students with special needs and is being relocated from its existing location at 44 George Street, East Maitland. The upgrade of the school is proposed as currently the students are accommodated in facilities that are well below the Schools Facilities Standards requirements. The school will cater for the needs of children with intellectual and physically disabilities in the area, which are

currently not catered for by educational establishments such as public/private schools, preschools, daycare or the Tafe.

Issue 12: Consultation

We feel that this application by the Department of Education has been very underhanded and sneaky. We were not informed of meetings or discussions with the school and education department. I have since been informed that it was requested by the Parents and Citizens Association of the Metford Public School that the residents of Metford be made aware of the submissions and applications to Council.

Comment

12. Although community consultation is encouraged, there is no legislative requirement for the proponent to consult directly with the community regarding the proposal. The local community has the opportunity to provide their input regarding the proposal through the public exhibition process that is undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979*. Council will consider any issues raised by the community in the assessment of the application.

Submissions from Public Authorities

Roads & Maritime Services

The development was referred to the Roads & Maritime Services (RMS) under the provisions of State Environmental Planning Policy Infrastructure 2007. The RMS's primary interests are in the road network, traffic and broader transport issues. The RMS responded on 13 November 2012 and advised they have no objections to or requirements for the proposed development and considered there would be minimal impact on the classified road network. Local traffic matters, including provision of adequate access to public transport and opportunities for pedestrians and cyclists are considered in Section 79C(1)(b) of this report.

Section 79C(1)(e) the public interest

The proposed development is consistent with the existing use of the site and is suitably located. It has been designed to a high standard and its impacts appropriately managed. The development will improve the provision of educational facilities for children with special needs and is therefore considered appropriate in terms of the broad public interest.

CONCLUSION


The proposal will have a positive social and economic impact for the community and provides improved educational facilities for a growing residential population. The application complies with the requirements of the relevant State Environmental Planning Policies and the relevant chapters of the Maitland Development Control Plan. An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

Signed (Assessing Officer)


Cindy Dickson
Senior Town Planner


Date: 29.11.12

Reviewed (Supervising Officer)


Stephen Punch
Principal Planner

Date: 29.11.12

Reviewed (Supervising Officer)


David Simm
Manager
Development and Environment

Date: 29.11.12

Authorised for submission to JRPP


for Bernie Montmore
Group Manager
Planning, Environment & Lifestyle

Date: 29.11.12

Schedule of Agreed Conditions DA 12-2840

In accordance with Clause 80 of the Environmental Planning and Assessment Act 1979, these conditions of consent have been approved by the applicant, NSW Public Works.

Reason for Conditions

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions of this consent or as shown in red colour on the plans:

Plan Ref. N°	Sheet N°	Rev N°	Revision Date	Prepared by: (consultant)
Project No. 9597	DA000, DA001, DA002, A003, DA004, DA007, DA008, DA009 & DA010	A	28.9.12	EJE Architecture
Job No. 9597.5	01, 02, 03 & 04	B	28.9.12	Terras Landscape Architects

CERTIFICATES

2. Prior to occupation of the buildings/facilities, the subject of this consent, all conditions of development consent shall be complied with.
3. Prior to commencement of works, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development, shall be obtained.

LANDSCAPING

4. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

AMENITY

5. The use and occupation of the premises including all plant and equipment installed therein, shall not give rise to any offensive noise as defined under the Protection of the Environment Operations Act, 1997.

FLORA & FAUNA

6. During the week prior to the commencement of tree works, an inspection shall be undertaken by a suitably qualified and experienced ecologist to determine whether there is presence of any threatened species at the subject land. The ecologist shall provide written records of any observations during the inspection and any recommendations to Council. If threatened species are located on site, an ecologist is required to be present during the tree removal.
7. Removal of trees shall be avoided where possible.
8. Species consistent with the Lower Hunter Spotted Gum Ironbark Forest shall be used in future landscaping.

CARPARKING

9. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 25 spaces.
10. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
11. All parking bays shall be delineated with line-marking and/or signposting.

VEHICLE ACCESS

12. Prior to commencement of construction of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee.
13. Prior to occupation of the development the driveway layout and profile, from the road pavement to the vehicle parking area shall be constructed as "heavy duty", in accordance with an engineer's design or Council's standard drawings SD007, SD008, SD009, SD010 & SD012 in the *Manual of Engineering Standards* (also with reference to Council's information document "*Footway Crossings – Driveways*").

14. The one-way access road and pick-up/set down bay for students shall be sign posted and pavement marked in accordance with the relevant Australian Standards.
15. A GIVE WAY and NO ENTRY sign shall be installed at the end of the one-way access road where it meets the combined access driveway to give priority to vehicles entering the school grounds.
16. Damage to existing footway and/or kerb and gutter along the frontage of the property, arising from construction activity on the site, shall be reinstated in accordance with Council's standards.

ROAD SAFETY

17. The School Zone on Melaleuca Drive shall be extended to the north to just past Bottlebrush Close including the relocation of the school zone signs, new "40" zone pavement markings and dragons teeth to incorporate the new school entry into the extended school zone.

STORMWATER DRAINAGE

18. Prior to occupation of the development, a stormwater drainage system providing:
 - i) On-Site Detention (OSD) of stormwater, and
 - ii) an emergency overland flow path for major storm events,
 - iii) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,
 - iv) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties),
 - v) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system,

shall be constructed in accordance with a design prepared by a suitably qualified person and Council's Manual of Engineering Standards.

The design shall be based on the stamped *concept* plan number **NL120355 C03DA Rev A** dated **27.09.12** and as amended in red with the exception that a minimum amount of **100** cubic metres of detention and a permissible site discharge of **60** Litres per second is to be provided for the development.

EROSION CONTROLS

19. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

BUILDING CONSTRUCTION

20. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
21. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
22. The applicant shall submit to Council, "Notice of Commencement" at least two days prior to the commencement of construction works.
23. Hours of Work:

Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

SERVICES & EQUIPMENT

24. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
25. At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).Such statements shall be prepared in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
26. A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
27. A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

ACCESS & EGRESS

- 24** Access for disabled persons must be provided in accordance with DP1, DP2, and DP8 of the Building Code of Australia. Compliance with Part D3 of the Building Code of Australia satisfies this requirement. All elements are to meet the requirements of Australian Standard AS1428.1 "Design for Access & Mobility".

SITE CONSIDERATIONS

- 28.** All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.

- 29.** All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.

- 30.** If the work:

i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

ii) involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- 31.** A sign must be erected in a prominent position on the work:

(i) stating that unauthorised entry to work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

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

This condition does not apply to:

- (i) building work carried out inside an existing building, or
 - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
32. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
33. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
34. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
35. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ADVICES

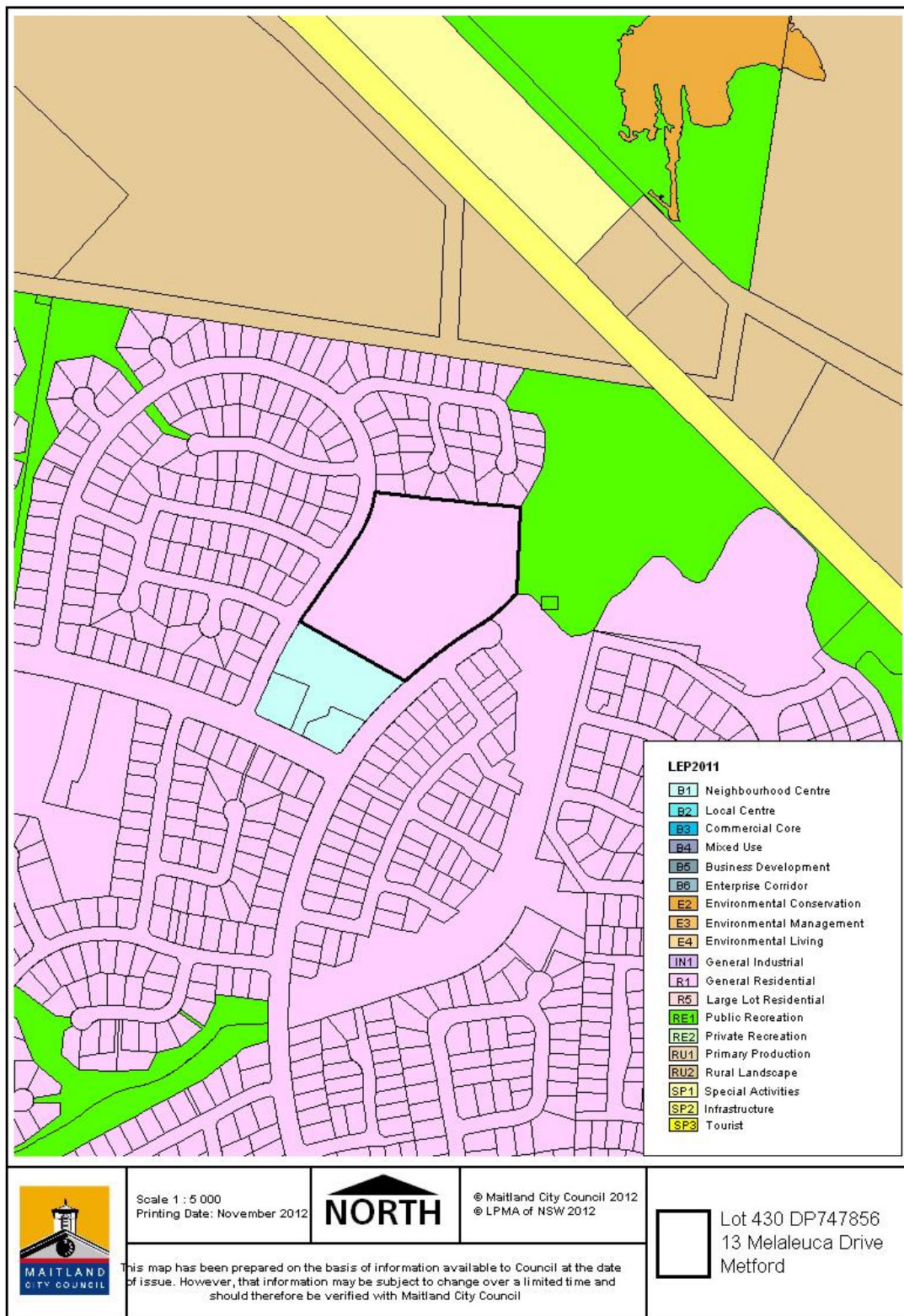
- A You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations** (POEO) Act and may incur infringement fines.
- B You are advised that any **damage to the public road infrastructure** caused by the approved works must be repaired in accordance with Council's standards. You are advised to record any existing road infrastructure damage in the vicinity of the property prior to commencement of construction. Where necessary repairs are carried out by Council, the responsible person shall be held liable for the cost of those repairs.
- C You are advised that there are design matters in relation to the **drainage concept plan** that warrant further attention prior to commencement of works (refer to approved plan amended in red).
- D You are advised that for the **driveway works** on the footway verge, inspection by Council is required (eg formwork & reinforcement). Where any **footpath** exist, the path must remain undisturbed. See Council's "*Application To Construct Private*

Works On Footway"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.

- E** You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- F** You are advised that compliance with the requirements of the **Disability Discrimination Act**, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- G** You are advised that a "kiss and drop" zone has been approved for installation on Melaleuca Drive on the eastern kerb side and immediately south of the proposed combined access driveway for a distance of 24m. I.e. an estimated four (4) car zone.

ATTACHMENT 1: AERIAL MAP AND ZONING PLAN





HUNTER RIVER COMMUNITY SCHOOL
MELALEUCA DRIVE METFORD N S W 2323

30







CHD	CHD	CHD
CHD	CHD	CHD

REVISIONS	DATE	BY
1	10/10/10	XXX

PROJECT MANAGEMENT S.E. ANDERSON P: 610 698 6428 F: 610 698 6954 E: andersons@earthlink.net	ARCHITECTURAL S.E. ANDERSON P: 610 698 6428 F: 610 698 6954 E: andersons@earthlink.net	ELECTRICAL DAVID TRUZZI P: 610 640 1777 F: 610 640 1777 E: truzyd@earthlink.net	STRUCTURAL DAVID TRUZZI P: 610 640 1777 F: 610 640 1777 E: truzyd@earthlink.net
LANDSCAPE TIMOTHY ANDERSON P: 610 698 6428 F: 610 698 6954 E: andersons@earthlink.net	MECHANICAL DAVID TRUZZI P: 610 640 1777 F: 610 640 1777 E: truzyd@earthlink.net	HYDRAULIC DAVID TRUZZI P: 610 640 1777 F: 610 640 1777 E: truzyd@earthlink.net	
QUANTITY SURVEYOR DAVID TRUZZI P: 610 640 1777 F: 610 640 1777 E: truzyd@earthlink.net			



Public Works
Project Management



Education &
Communities

CLIENT: NSW GOVERNMENT
PUBLIC WORKS

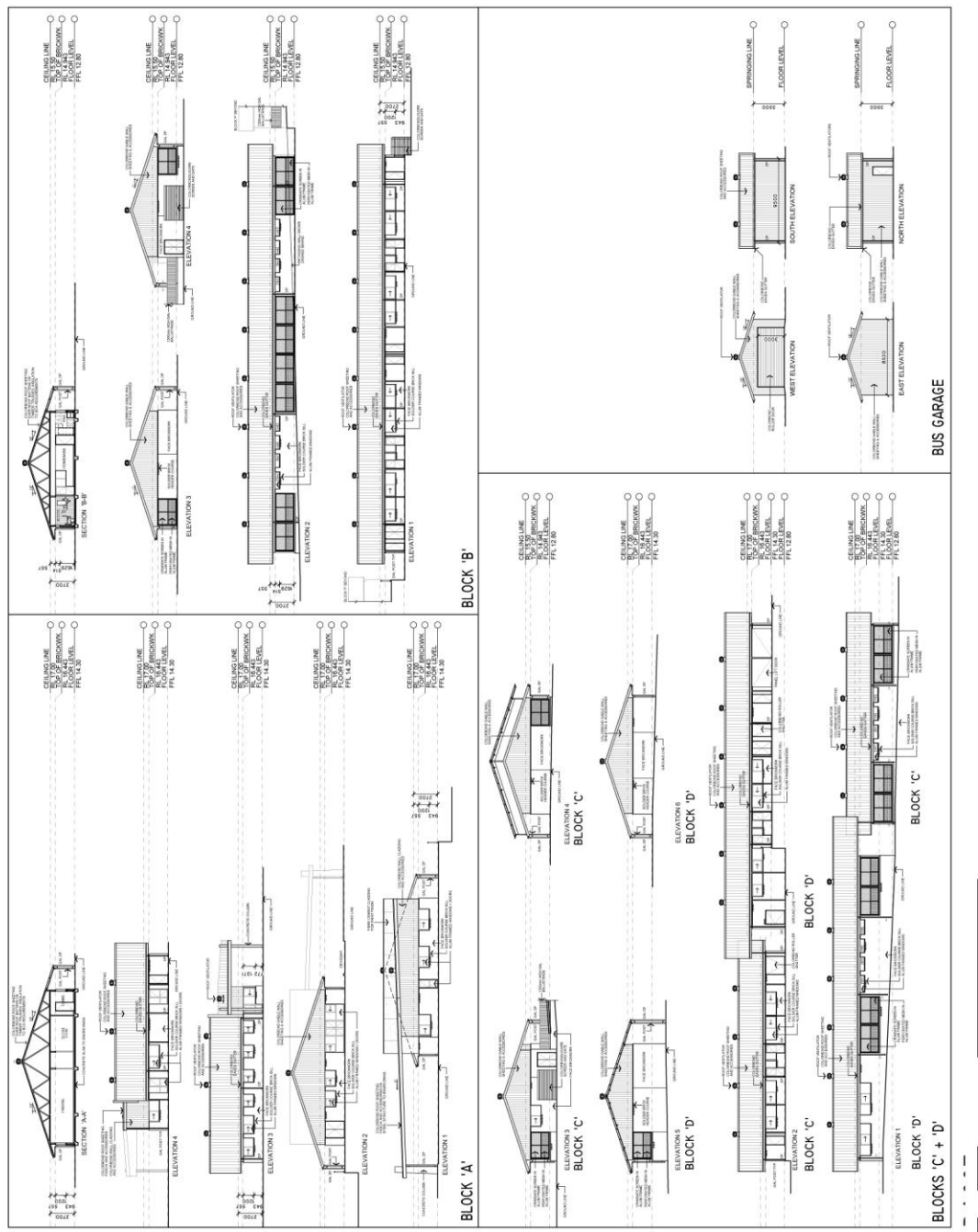
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METFORD, NSW 2323

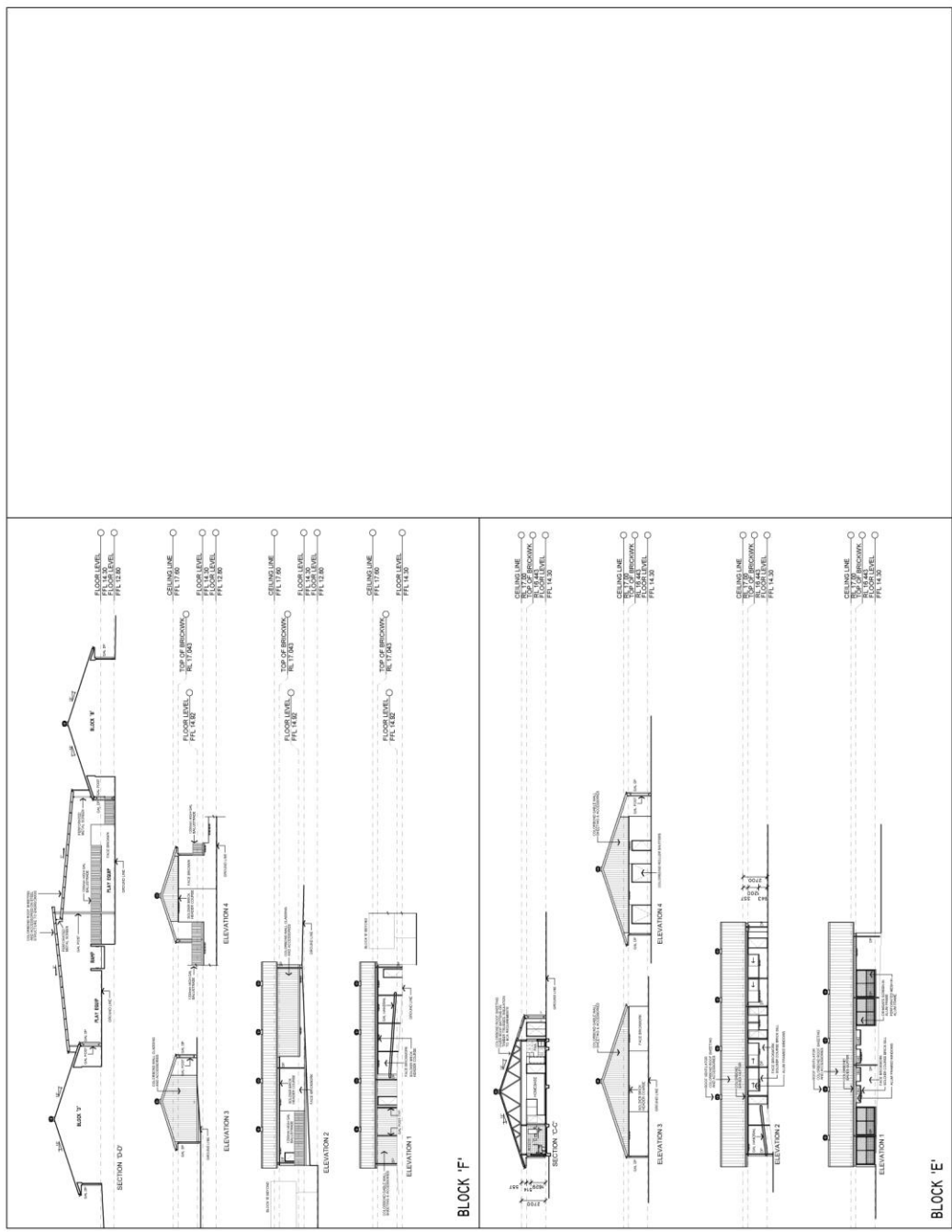
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ELEVATIONS**

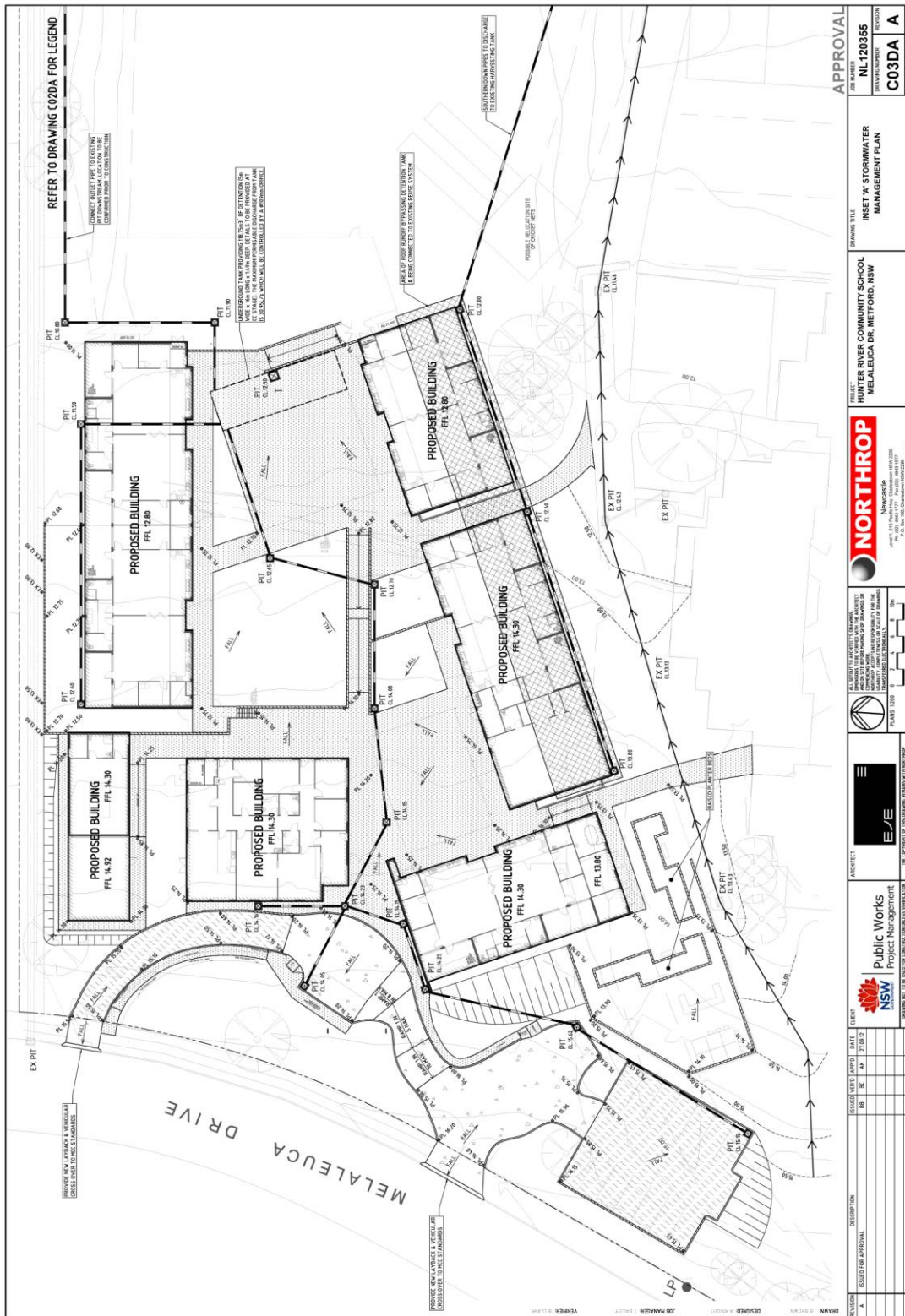
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LIST IN ON SITE PRIOR TO THE SHIPMENT OF MATERIALS ON THE COMPLETION OF WORKSHOP DRAWING. IF IN DOUBT ASK. REPORT ALL ERRORS AND DIMENSIONS



E+R architecture

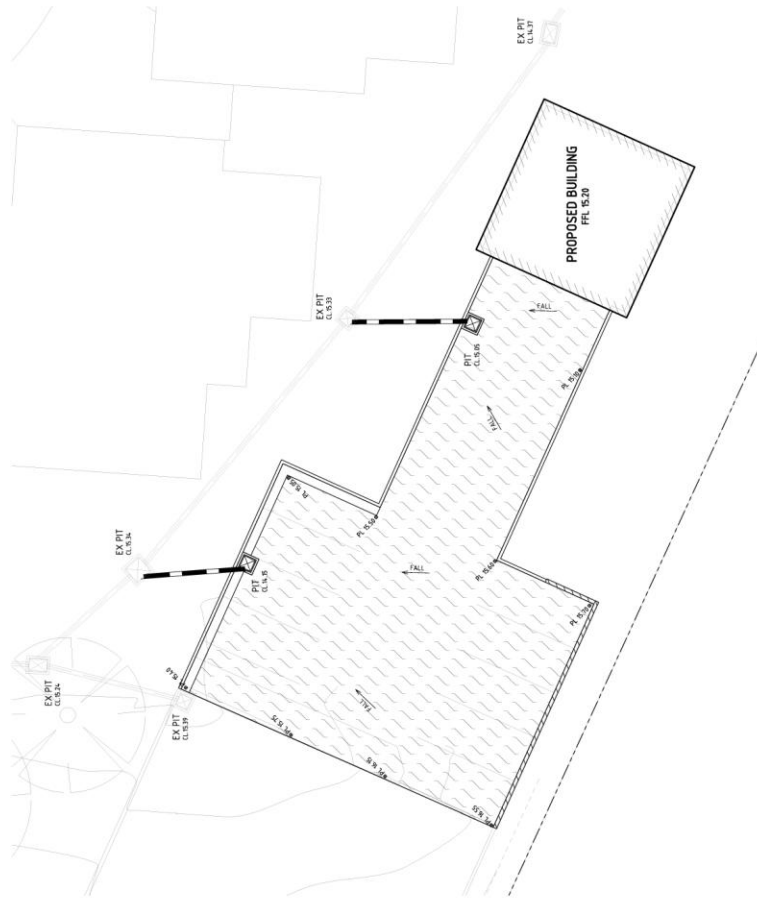






REVISIONS A ISSUED FOR APPROVAL		PROJECT HUNTER RIVER COMMUNITY SCHOOL MELALEUCA DR, METFORD, NSW	DRAWING TITLE INSET 'A' STORMWATER MANAGEMENT PLAN	PROJECT NUMBER NL120355	DRAWING NUMBER C03DA	SCALE A
PUBLIC WORKS PROJECT MANAGEMENT NSW		ARCHITECT EYE	NORTHROP Newcastle 117 North St, Newcastle NSW 2260 Ph: 08 9291 1171 Fax: 08 9291 1172 Email: northrop@northrop.com.au	APPROVAL APPROVED BY THE LOCAL GOVERNMENT APPROVED BY THE LOCAL GOVERNMENT APPROVED BY THE LOCAL GOVERNMENT		

REFER TO DRAWING C02DA FOR LEGEND



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ATTACHMENT 3: SUBMISSIONS TO PROPOSED DEVELOPMENT

Madeline Tull

From: JOHANNA MCDONALD <jmac1@tadaust.org.au>
Sent: Thursday, 18 October 2012 1:40 PM
To: Internet
Subject: letter

To the General Manager
P.O.Box 220

To whom it may concern.

My name is Mc Donald living on no2 Eucalyptus cr. Metford.
I referring to your proposal to built an other school. I am against the proposal. The reason I like to ask you if you are familiar with the area.
I live right on the corner of Melaleuca and Eucalyptus.

At the moment we have already the problem with the traffic and parked cars when the school start and end, plus all the parking from the new build units.

I myself can hardly come out my drive way because of the parked cars, special at those times.

So to my opinion it is not a good idea to block the roads more up with buses and cars

I think my views has to be taken in consideration

The proposed carpark is only for teachers and no facility for the buses to turn around to back out. That would bring more danger to the area. Also for the footpath users. Plus it would take the value of the houses too.

Yours Faithfully Mr and Mrs Mc Donald.

My email address is jmac1@tadaust.org.au.

Waiting for an reply from your department.

Click [here](#) to report this email as spam.

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the
Metford Public School.

RECD	19 OCT 2012	MCC
FILE No.		
REFER		

NAME: Ken Pohl

ADDRESS: 18 Melaleuca Drive Metford

PHONE: _____

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Loss of value in local residential area.

Increased risk of crime in the area.

Yours sincerely

K Pohl

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

DOC No. _____

DATE

19 OCT 2012

MCC

FILE No. _____

REFER _____

NAME:

G. & E. YEOMANS

ADDRESS:

19 MELALEUCA DRIVE METFORD.

PHONE:

49331874

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Distance from the boundary -
Concerns about screening for our privacy - we
we were informed there would be no building in that
area it would remain natural habitat.
My wife suffers from severe migrains that will impede
on her health & quality of life.
Concerns about environmental impact from dust
& noise during construction
Traffic during construction will be a huge problem and
impact on residence & pupils - just because
when flats were built major traffic problems
Yours sincerely
Geoff Yeomans.

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

DOC No. _____

REC'D 26 OCT 2012 MCC

FILE No. _____

REFER _____

NAME: Heather Fitzgibbon

ADDRESS: 5 Stradbroke Ave Metford

PHONE: 4933 7175

I/We Object for the following reasons. (Please tick)

- ☐ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely

Heather Fitzgibbon

DOC No.	
REC'D	24 OCT 2012 MCC
FILE No.	
REFER	

WARREN, DANET BARR
 10 TOONA CLOSE
 METFORD N.S.W
 2323
 49345419

DEAR CINDY

I WISH TO EXPRESS MY CONCERNS OF THE PROPOSED PLANS FOR THE HUNTER RIVER SCHOOL FOR SPECIAL CHILDREN, AT LOT 430 DP 747856 MELALEUCA DRIVE METFORD. WE RECEIVED NOTICE FROM COUNCIL ON THIS AS OUR PROPERTY BACKS ONTO THAT LAND.

I WAS SHOCKED TO SEE THE SIZE OF THE BUILDING AND HOW FAR DOWN THE FENCE LINE IT IS GOING, FOR ONLY 52 STUDENTS. IT WILL NO LONGER BE PRIVATE OR SCENTIC IN OUR YARD IN FACT VERY INTRUSIVE. WE WILL BE LOOKING AT A HUGE INDUSTRIAL ROOF, AND EVERY TREE WILL BE CUT DOWN. THERE ARE MANY DIFFERENT SPECIES OF BIRDS, LIZARDS AND GUM TREES IN THAT AREA OF BUSH. THEY TOLD US AT A MEETING THAT THEY WERE ON A BUDGET AND IF THEY HAD TO SKIMP, THEY WOULD SKIMP ON THE SIZE OF THE REPLACEMENT TREES, WHICH ISNT MUCH GOOD TO US IF IT TAKES 10 YEARS FOR THEM TO MAKE AN APPEARANCE OVERTOP OF OUR BACK FENCE. THATS IF THEY GET LOOKED AFTER AND SURVIVE.

THE OTHER THING I NOTICED ON THE PLANS IS THAT THERE DOESNT SEEM TO BE A LOT OF PLAYGROUND AREA LEFT FOR THE EXISTING PUBLIC SCHOOL CHILDREN.

MY OTHER CONCERN IS THE SCHOOL BELL BEING TO CLOSE TO OUR HOUSE, IT WILL BE TO LOUD.

ALSO THE LAST THING METFORD NEEDS IS ANOTHER SCHOOL. WE HAVE A PUBLIC SCHOOL, A PRIVATE SCHOOL, A PRESCHOOL, A DAYCARE AND A TAFE. THE TRAFFIC AROUND HERE IS VERY CONGESTED, ESPECIALLY ON MELALUCA DRIVE. THERE WILL BE TAXIS AND BUSES PULLING OUT AND TAKING AWAY PARKING SPACES ON MELALUCA DRIVE FROM THE EXISTING PARENTS PICKING UP THERE KIDS IN THE MORNING AND AFTERNOON.

THESE ARE OUR CONCERNS AND WE HOPE IT DOESN'T GET APPROVED
 YOURS FAITHFULLY

D Barr W. Barr

22-10-12

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

NAME: Sharon Smith

ADDRESS: ISAACS ST METFORD

PHONE:

DOC No. _____

REC'D 26 OCT 2012 MCC

FILE No. _____

REFER _____

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely

Sharon Smith

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

DOC No. _____

REC'D 26 OCT 2012 MCC

FILE No. _____

REFER _____

NAME:

Olivia Barr

ADDRESS:

10 Toona Close Metford.

PHONE:

49345419

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
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- ☐ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely

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Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

DC No.	
REC'D	26 OCT 2012 MCC
FILE No.	
REFER	

NAME: maddison Giggins

ADDRESS: 10 Toona close Metford

PHONE: 49345419

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
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- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely .

M. Giggins

Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School.

DOC No.	
RECD	26 OCT 2012 MCC
FILE No.	
REFER	

NAME: LINDA DUNCOMBE

ADDRESS: 3 WILLOW DR METFORD


PHONE: 49341281

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely



Concerned Residents of Metford **AGAINST** the Relocation of the
Hunter Community School to the grounds of the

Metford Public School

DOC No.	
REC'D	26 OCT 2012 MCC
FILE No.	
REFER	

NAME: S. Ballard

ADDRESS: unit 2/112 chelmsford dr metford

PHONE: 0423716035

I/We Object for the following reasons. (Please tick)

- ☒ Loss of Play area for the existing students of Metford Public School
- ☒ Road Safety of all children, with the addition of more buses, to Melaleuca Drive
- ☒ Loss of Parking for houses in the area.
- ☒ Added noise to the area
- ☒ Melaleuca Drive is not wide enough to accommodate extra cars and the addition of buses.
- ☒ Loss of Trees, Which will ALL be cut down to accommodate new school.
- ☒ Loss of habitat for the wildlife that live in the treed area of the Metford Public School.

I also have the following concerns:

Yours sincerely

S. Ballard

19th October 2012

Tracey & Lincoln Robertson
9 Toona Place
METFORD NSW 2323

DOC No.	
REC'D	29 OCT 2012 MCC
FILE No.	
REFER	

Ph. 02 49347759
or 0428 303010

Attn: Cindy Dickson
Maitland City Council

Re: Relocation of Hunter River Community School to the grounds of Metford Public School.

Dear Cindy

Our property neighbours the Metford Public School and we are writing to you to express our concerns regarding the relocation of the Hunter River Community School to the grounds of the Metford Public School.

We are concerned for the following reasons.

1. The valuation of our property will decrease considerably
2. We will have no privacy as the Hunter River Community School will be very close to our boundary fence and students will be able to see straight into our backyard and house.
3. We were told by the education department that there would be a 6 metre buffer from the school boundary fence. This is not a fact, after inspection of the pegs that have been placed in the ground it is more like a 3 metre buffer from OUR boundary fence.
4. Noise levels will increase considerably, and as we are shift workers that drive for our work this will limit our ability to sleep during the day causing fatigue.
5. The loss of trees, and from information given to me all of the trees in the area will be removed.
6. The loss of habitat for the wildlife that live in the treed area.
7. The loss of playground for the existing students of Metford Public School, and with the high risk of childhood obesity these days, less playground for the students of Metford public school would be detrimental to their health.
8. The increase of traffic on Melaleuca Drive, which is already dangerous at school start and finish times.
9. Loss of parking for the houses in the area.
10. Road safety of all children, with the addition of more buses to Melaleuca Drive.

We also feel that this application by the Department of Education has been very underhanded and sneaky. We were not informed of meetings or discussions with the school and the Education Department. I have since been informed that it was requested by the Parents and Citizens Association of the Metford Public School that the residents of Metford be made aware of the submissions and applications to council.

I would like to see an independent environmental study done on the treed area at the Metford Public School as we were told by the department of Education that they had appointed a company to do this and that there was no evidence of wildlife in the area. This is not a fact. There are all sorts of wildlife that live in the trees and vegetation in the area at the Metford Public School, including birds, various breeds of lizards and we have spotted the occasional Koala.

I cannot express enough how concerned we are about this and I look forward to hearing from you soon regarding this very important matter.

Kind regards

per *Tracey Robertson*

Tracey & Lincoln Robertson

ATTACHMENT 4: RMS CORRESPONDENCE



Transport
Roads & Maritime
Services

13 November 2012

SF2012/042078/1
CR2012/010333
MD

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

DOC No.	
REC'D	14 NOV 2012 MCC
FILE No.	
REFER	

Attention: Ms Cindy Dickson

**NEW ENGLAND HIGHWAY (HW9): PROPOSED EDUCATIONAL ESTABLISHMENT, LOT 430
DP747856, 13 MELALEUCA DRIVE, METFORD (DA-12-2840)**

Dear Ms Dickson,

I refer to your letter dated 11 October 2012, received on 22 October 2012 (your reference: DA-12-2840), regarding the subject development application forwarded to Roads and Maritime Services for consideration.

RMS Responsibilities

RMS' primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

In accordance with *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the application meets the requirements under *Clause 104* and *Schedule 3 Column 2* for referral to Roads and Maritime Services (RMS).

In accordance with the *Roads Act 1993*, RMS has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Melaleuca Drive is an unclassified local road. The New England Highway (HW9) and Raymond Terrace Road (MR104) are the nearest classified roads. Council is the roads authority for the New England Highway, Raymond Terrace Road and Melaleuca Drive, and all other public roads in the area.

RMS Response and Requirements

RMS has no objections to or requirements for the proposed development as it is considered there will be minimal impact on the classified road network.

Roads & Maritime Services

59 Darby Street, Newcastle NSW 2300 | Locked Bag 30 Newcastle NSW 2300 DX7813 Newcastle
T 02 4324 0240 | F 02 4324 0342 | E RTA_Contact_Centre@rta.nsw.gov.au

www.rmservices.nsw.gov.au | 13 22 13

Advice to Council

The following matters should be addressed by Council in determining this development application:

- Section 117 (2) direction 3.4 (*Integrating Land Use Development and Transport*) under the *Environmental Planning and Assessment Act 1979*, should be taken into account in relation to the provision of adequate access to public transport and opportunities for pedestrians and cyclists connections to existing facilities.

All matters relating to the local road network, car parking and traffic / pedestrian management in the immediate vicinity of the subject development are matters for Council's determination.

On Council's determination of this matter, it would be appreciated if a copy of the Notice of Determination is forwarded to RMS for record and / or action purposes.

Please contact me on 4924 0688 if you require further advice.

Yours sincerely,



Michael Dixon
A/Manager, Land Use Management
Hunter Region