

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

DA 942/2012 - Proposed Education Establishment (High School) on lots 433 and 499 DP 755266, 48 and 54 Carters Road, Lake Munmorah

DA No 942/2012

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SUMMARY

A staged development application has been received under Section 83B of the *Environmental Planning and Assessment Act* (EP&A Act) 1979 for an education establishment. The construction of the school is proposed in five (5) stages. The application has been examined having regard to the matters for consideration detailed in section 79C of the EP&A Act 1979 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Paynter Dixon Constructions Pty Limited
Owner	The Trustees of the Roman Catholic Church for the Diocese of Broken Bay Rajeshni Raj Phillips (The Trustees have since purchased this property since lodgement)
Application No	942/2012
Description of Land	Lots 433 and 499 in DP 755266, 48 and 54 Carters Road Lake Munmorah
Proposed Development	Education Establishment
Site Area	8.166 hectares (Lot 433 = 4.083 ha and Lot 499 = 4.082)
Zoning	7(b) Scenic Protection
Existing Use	Rural residential dwelling houses and associated outbuildings
Employment Generation	10 staff (Stage 1); 35 staff upon completion of Stage 5
Estimated Value	\$18,097,563

RECOMMENDATION

- 1** *That the Joint Regional Planning Panel grant consent to DA/942/2012, subject to the conditions contained in Appendix A.*
- 2** *That those who made written submissions be advised of Council's decision.*
- 3** *That a copy of the determination be forwarded to the NSW Office of Water, NSW Rural Fire Service, Mine Subsidence Board, NSW Roads and Maritime Services and Ausgrid for information.*

Referral to Hunter and Central Coast Joint Regional Planning Panel

The proposal is referred to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Part 4 of State Environmental Planning Policy (SEPP) (State and Regional Development) 2011 and Schedule 4A, Section 6 of the EP&A Act, 1979, given the development is for an education establishment and has a capital investment value (CIV) of over \$5 million.

INTRODUCTION

Site and Locality

The subject site comprises two parcels of land, being Lot 433 and Lot 499 in DP 755266, known as No 48 and 54 Carters Road, Lake Munmorah. The site is rectangular in shape and has an area of 8.166 hectares with a frontage of approximately 258.46 metres to Carters Road. Lots 433 and 499 each contain single storey dwelling-houses and associated outbuildings, which are proposed to be demolished. All structures on lot 499 will be demolished as part of Stage 1.

Lake Munmorah Public High School is located immediately to the south east of the site, a 45 metre easement extends into the north western boundary of the site and runs along the fire trail which is directly adjacent to this boundary, and two (2) dwelling houses on rural residential allotments adjoin the subject site on the south and south western boundaries. Development on the eastern side of Carters Road is predominately single detached dwelling houses on rural allotments, with St Brendan's Catholic Primary School located diagonally opposite the site which adjoins an electricity substation. Other development on Carters Road includes Lake Munmorah Primary School, located on the western corner of Carters Road and the Pacific Highway, and an Early Childhood Learning Centre which is located on the site containing St Brendan's Catholic Primary School.



Figure 1: Aerial photograph of subject site

The site has a high point which is setback within the site approximately 100 metres from Carters Road, running parallel to the roadway in a north-south direction. From this ridgeline the site contains a fall to Carters Road, but predominantly falls southwest to the rear of the site to the existing dams.

On lot 433, the site generally falls from the middle of the site, where the two (2) metal sheds are located, to the northern corner of the site to Carters Road (ranging from RL 16.85m to 14.27m Australian Height Datum (AHD)), and from the sheds to the rear of the site (south-western corner) to the existing dam (from RL 16.85m to 9.64m AHD).

Lot 499 has a fall from the dwelling houses and shed towards Carters Road, with the lowest point in this direction being in the northern corner of the site. This portion of the site ranges from RL 15.78m to 11.39m AHD. The site also falls from the dwelling-houses and sheds to the north-western corner of the site and ranges from RL 15.78m to RL 6.90m AHD.

The site is identified as being bushfire prone land with the south, west and eastern boundaries forming part of the buffer zone. The site is bounded by the State Environmental Planning Policy (SEPP) 71 Coastal Protection zone however this zone does not extend into the property.

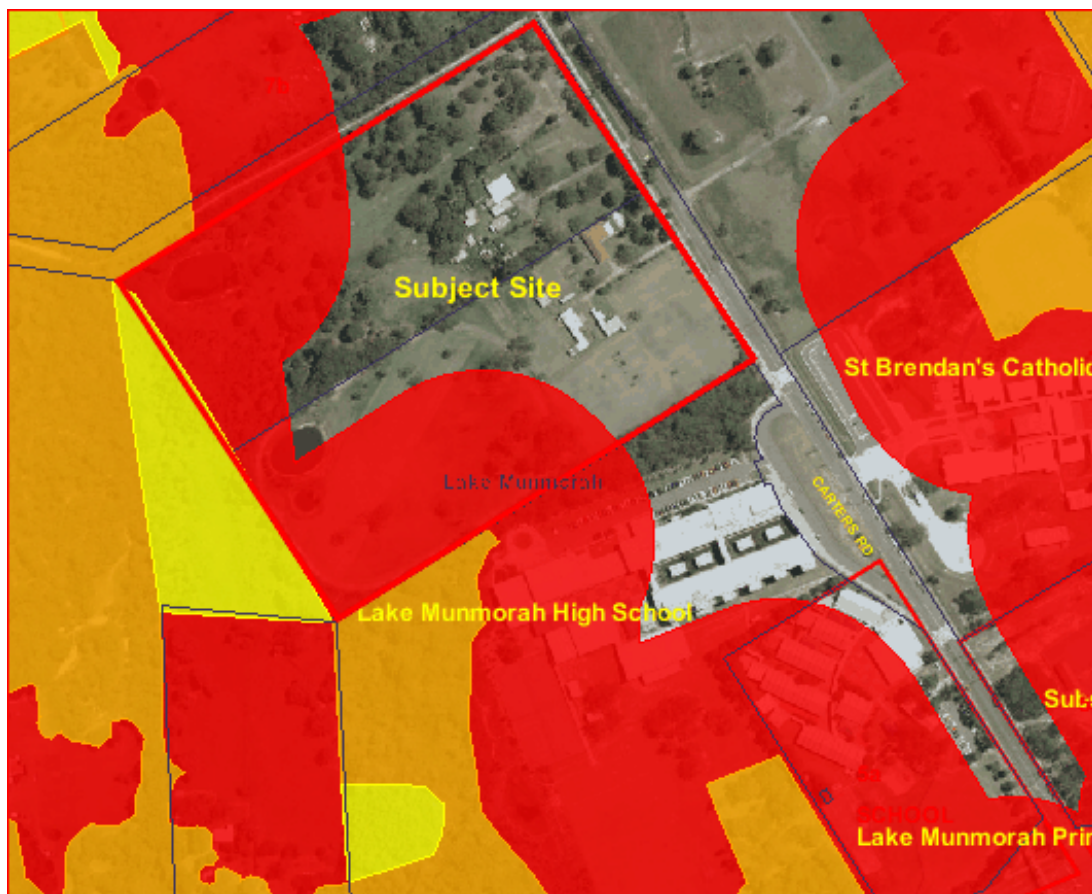


Figure 2: Subject site affected by Bushfire buffer zone (in red)

Lot 499 contains a significant number of trees across the subject site with concentrated dense native vegetation at the rear of the site on the western boundary. This vegetation forms part of an Endangered Ecological Community (EEC) and contains surrounding riparian vegetation. The existing dam located in the western corner of lot 499 will be retained, along with the surrounding EEC and riparian vegetation.

Lot 433 contains scattered trees and vegetation across the site with most of the vegetation being located on the southern boundary in the middle of the site. The existing two dams in the western corner of lot 433 will be used as sediment retention basins during construction and will be filled in at the final stage of works.

Vehicular access to the site is from Carters Road. The site is located approximately 390 metres from the intersection of the Pacific Highway and Carters Road/Elizabeth Bay Drive. As discussed above, Carters Road contains three (3) other schools which all utilise this road for their access.

Project Description

The applicant has lodged a staged development application in accordance with Section 83B of the EP&A Act. This development application seeks consent for the demolition of existing dwelling-houses and ancillary outbuildings, the approval of the concept proposal and Stage 1 of the proposed education establishment. The proposed development will provide an opportunity to co-locate primary and secondary Catholic schools in Carters Road.

Concept proposal

The concept proposal (masterplan) proposes the construction of an education establishment, to be used as a high school, in five stages, allowing for the progressive addition of school buildings around a core focal point, identified as the 'town square', over time.

Stage 1 = Red Stage 2 =Blue Stage 3 =Green Stage 4 =Yellow Stage 5 =Brown

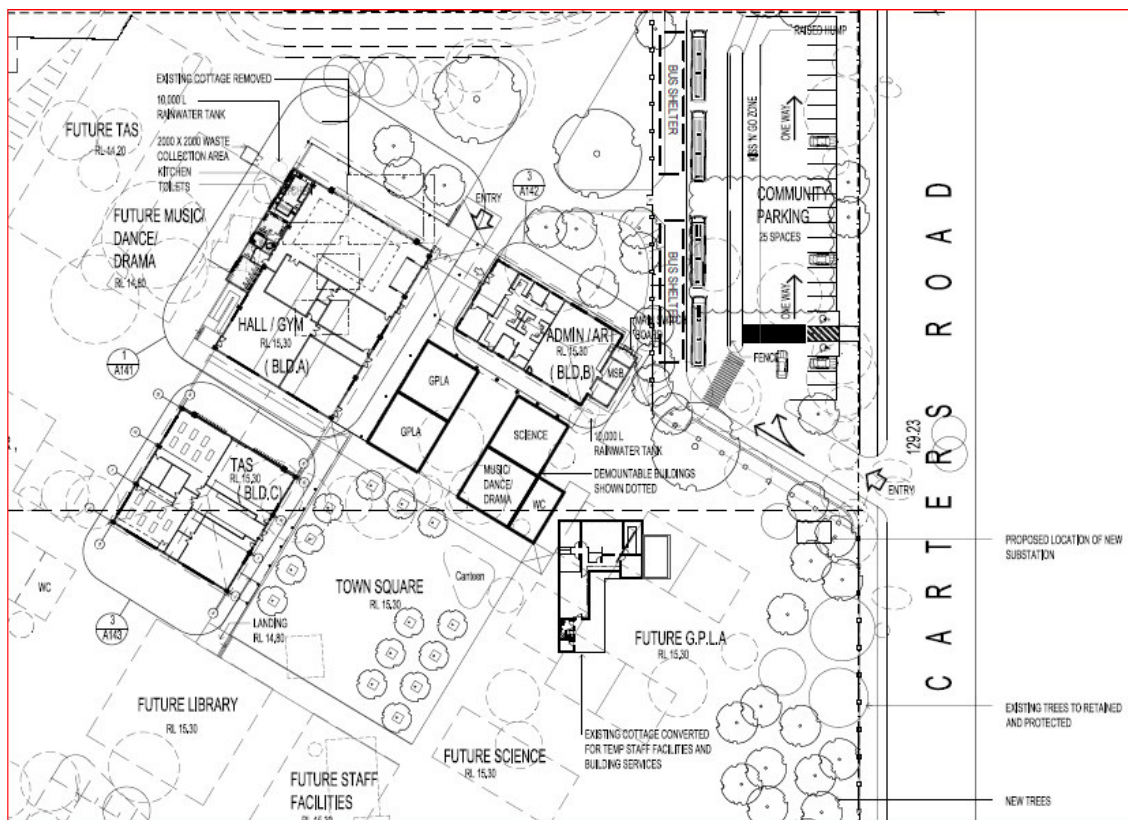
Once completed, the high school will comprise years 7-12 with 600 students and 35 staff. It will provide two playing fields, four basketball/netball courts, 31 community parking spaces, 71 staff/student parking spaces and four (4) bus drop –off spaces with a designated area for overflow parking.

The site master plan and staging plan are included in Appendix B.

Stage 1 Development

- Demolition of the existing buildings on lot 499;
- the erection of the administration and technical/applied studies (TAS) buildings and the hall/gymnasium;
- construction of the community parking area comprising 31 car parking spaces, 4 bus drop-off spaces and a “kiss-n-go” lane;
- the installation of 4 temporary demountable buildings;
- the establishment of the ‘town square’ which will incorporate a basketball/netball court
- Minor alterations and additions to the existing dwelling-house on lot 433.

The hall/gymnasium building will be a multi-purpose building, incorporating facilities such as toilets, canteen, library, classroom and a hall, to service the needs of the initial intake of 90 students and 10 staff. Staff facilities will be accommodated in the existing dwelling-house on lot 433 following some minor internal alterations and additions.



The Architectural plans and elevations are included in Appendix C.

Referrals

The development has been referred to the NSW Office of Water (NOW), the Mines Subsidence Board (MSB) and the NSW Rural Fire Service (RFS) as integrated development in accordance with Section 91 of the EP&A Act. The application was also referred to the Roads and Maritime Services (RMS) in accordance with Schedule 3 of SEPP (Infrastructure) 2007 –*Traffic Generating Development* as the proposal is for an education establishment with more than 50 students and Ausgrid as the proposed development involves development within the existing electricity easement.

Amended plans and additional information was received during the assessment process. This information was forwarded to each of the relevant agencies for comment.

The RFS granted a Bushfire Safety Authority (BSA) in accordance with Section 100B of the *Rural Fires Act 1997*. Their BSA remained unchanged upon assessment of the amended plans and additional information.

The MSB granted their concurrence to the proposed development subject to conditions. Their recommendation remained the same upon assessment of the amended plans.

General Terms of Approval (GTA's) for the development have been granted by NOW. The GTA's were granted for the amended proposal.

The RMS has advised that they have no objection to the proposal subject to a number of conditions. A copy of the correspondence from each authority is included in Appendix C.

The application was also referred to the NSW Police under Council's Crime Risk Protocol, and Ausgrid to enable them to make comment on the encroachment of the proposed development on the electricity easement. Comments from these agencies are discussed further in the report and included in Appendix E.

The issues raised in the referral process are discussed in the report and where relevant, reflected in the conditions of consent.

Summary

Key issues that were identified as part of the assessment of the subject application included:

- Traffic impact on Carters Road
- The removal of native vegetation on the western boundary in the area identified as future car parking area
- Encroachment of the perimeter road on the Vegetated Riparian Zone (VRZ) at the rear of the site
- Omission of key threatened migratory flora and fauna species in the flora and fauna assessment report
- The extent of filling and its impact on neighbouring properties by reducing the waterway area of the watercourse.

These issues have now been satisfactorily addressed and approval of the development is recommended, subject to the conditions included in Appendix A.

VARIATIONS TO POLICIES

There are no variations to any policies proposed.

HISTORY

The subject site comprises two allotments, Lot 499 in DP 755266 and Lot 433 in DP 755266. The following history applies to these properties.

The most recent approvals relating to Lot 433 in DP 755266 is dwelling additions in 1998 and approval of a shed in 1999.

Three recent approvals have been granted to Lot 499 in DP 755266 including a garage in 1992, additions to the dwelling in 2004 and the removal of two trees in 2008.

A pre-lodgement meeting was held on 14 August 2012 to discuss the proposed development. The minutes raised a number of issues which have been considered by the applicant in the submission of the staged development application.

PERMISSIBILITY

The site is zoned 7(b) Scenic Protection pursuant to Wyong Local Environmental Plan 1991 (WLEP 1991). The proposal is defined under WLEP 1991 as an 'education establishment', which is a permissible land use in the 7(b) zone subject to development consent.



Figure 4: Zone Extract

An education establishment means *a building or place used for education (such as teaching) and includes:*

- (a) *a school, and*
- (b) *a tertiary institution, being a university, college of advanced education, teachers' college, technical college or other tertiary college providing a formal education, and*
- (c) *an art gallery or museum, not used to sell the items it displays,*

whether or not it provides accommodation for staff and students and whether or not it is operated for the purpose of gain.

The proposed development is considered to meet the definition of an education establishment. Under Clause 10 of WLEP 1991, Council must not grant consent to the carrying out of development on land unless the proposed development is considered compatible with the objectives of the zone within which the development is proposed to be carried out. The objectives of the 7 (b) Scenic Protection zone are as follows:

The objective is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:

- (a) *prejudice the present scenic quality of the land within this zone, or*

- (b) *generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or*
- (c) *prejudice the viability of existing commercial centres, or*
- (d) *have an adverse impact on the region's water resources.*

It is considered that the proposed education establishment meets the objectives of the zone. The proposed development will maintain and subsequently enhance the key scenic qualities of the land which occur at the rear of the site, will not prejudice the viability of existing commercial centres, and will not have an adverse impact on the regions's water resources. The traffic assessment, prepared by TPK and Associates, has demonstrated that the proposal will not generate significant additional traffic that will impact unduly on the capacity and safety of the road network.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Major Development)
- State Environmental Planning Policy 55 –Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Wyong Environmental Plan 1991
- Draft Wyong Local Environmental Plan 2012
- Wyong Development Control Plan 2005
 - Chapter 14 Tree Management
 - Chapter 61 Parking and Access
 - Chapter 67 –Engineering Requirements for Development
 - Chapter 69 Controls for Site Waste Management
 - Chapter 70 Notification of Development Proposals
 - Chapter 99 Building Lines
- Wyong Shire Landscape Policy and Guidelines
- North Wyong Shire Structure Plan
- Central Coast Regional Strategy
- Section 94A Levy Development Contributions Plan

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has

included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Bushfire- The subject site contains bushfire prone land with a significant portion of the site categorised as 'Buffer' zone. The layout of the proposed development has allowed for an adequate inner and outer asset protection zone (APZ) which will provide adequate asset protection zones to the buildings. The RFS have assessed the application and consider the design of the development satisfactory subject to compliance with the terms of the Bushfire Safety Authority.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP& A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

(a)(i) the provisions of any environmental planning instrument

Section 83B Environmental Planning and Assessment Act 1979

Under Section 83B of the EP&A Act, a staged development application is defined as one *"that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications"*. It is important to note that under s83B(3) of the Act, if consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:

- (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or
- (b) the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

Under s83B(4), the terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3). In this instance, approval is recommended for the concept proposal and Stage 1 of the proposed development. The recommended conditions of consent will reflect this.

State Environmental Planning Policy (Major Development) 2005

The *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* commenced on 1 October 2011 and classes of regional development are now set out in Schedule 4A of the EP&A Act. Schedule 4A replaces the former classes of regional development set out in Part 3 of SEPP (Major Development). Savings and transitional provisions are set out in Schedule 6A Clause 15 of the EP&A Act, although do not specifically apply to the subject development application as development for the purpose of

an education facility with a CIV of more than \$5 million continues to be Regional Development under the new provisions. As such, the Hunter Central Coast Joint Regional Planning Panel will remain as the determining authority.

State Environmental Planning Policy (State and Regional Development) 2011

Part 4-Regional Development is applicable to the development as an education establishment with a CIV of more than \$5 million is listed within Schedule 4A of the EP&A Act.

State Environmental Planning Policy (Infrastructure) 2007

Under Clause 104 of SEPP Infrastructure, any development specified in Column 1 of the Table to Schedule 3 must be notified to the RMS. The consent authority must also take into consideration the following:

- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

Extensive consultation has occurred between Council, the RMS, the applicant and the consulting traffic engineer from TPK & Associates in relation to the potential impact of the proposed education establishment on the Pacific Highway and Carters Road/Elizabeth Bay Drive intersection, having particular regard for the addition of another education establishment utilising this road and intersection. The relevant traffic modelling and assessment has been undertaken and the RMS raises no objection to the proposal subject to the inclusion of their requirements in the conditions of consent.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. Specifically, subclause (1) states that:

A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Subclause (2) requires the consideration of a report by the consent authority for any change of use on any land specified in subclause (4) which identifies land for educational purposes. The report must specify the findings of a preliminary investigation of the land and should be carried out in accordance with the contaminated land planning guidelines.

Subclause (3) is not applicable to the subject development application as the Phase 1 Environmental Report, prepared by Consulting Earth Scientists, concluded the following:

...“CES conclude that the site in its present condition is likely to satisfy the relevant Site Assessment Criteria for a proposed Education Establishment Development subject to the recommendations of the Hazardous Materials Assessment (HMA) and Acid Sulfate Soil (ASS) Assessment Reports. We do not believe any further investigations such as soil sampling or testing for contamination is warranted at the site of the proposed redevelopment. Any disturbance of soils within the majority of the development area is unlikely to expose workers and site users to contamination. CES consider that should filled areas require excavation; suitable observation and, if required, testing and management of uncontrolled fill may be required during the redevelopment works. However, considering the age of the filled areas, as identified by aerial photography, it is considered unlikely that any excavation would require further management excluding observation. The potential asbestos contamination detected within the site buildings will need to be remediated and/or suitably managed to remove or suitably reduce the risk to workers and site users.”

Therefore, CES concur with the HMA recommendation that all asbestos should be removed by a WorkCover NSW licensed asbestos removalist.

Council is satisfied with the findings of the Phase 1 Environmental Desk Study Report prepared by Consulting Earth Scientists dated 26 October 2012. The appropriate demolition of buildings/structures can be conditioned accordingly.

Wyong Local Environmental Plan 1991

Clause 15 – Development of land containing acid sulphate soils

The LEP requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 3 and 5 on the Acid Sulphate Soils Planning Map. For class 3 land, any works 1 metre below ground level or works by which the watertable is likely to be lowered to any point beyond 1 metre below the natural ground surface, requires the submission of a preliminary assessment. A preliminary assessment report and investigation has been prepared as part of the application which confirmed that neither Actual Acid Sulphate Soils or Potential Acid Sulphate Soils were encountered on the site due to the depth of the proposed excavation.

Clause 19 – Development near lakes, rivers and creeks

A watercourse is identified as running through the rear of the site as such, Council must take the following into consideration:

- (a) *the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and*
- (b) *any effects of the development on water supply, and*

- (c) *whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and*
- (d) *whether the development incorporates best practice water sensitive urban design techniques.*

The proposal is considered acceptable in terms of the matters listed above. The proposal was referred to the NOW for their concurrence and GTA's have been issued for the proposed development.

Clause 28 – Tree Management

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

- (a) *such works are ancillary to or necessary to undertake a use permitted on the land, and*
- (b) *the Council has made an assessment of the importance of the vegetation in relation to:*
 - (i) *soil stability and prevention of land degradation, and*
 - (ii) *water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
 - (iii) *scenic or environmental amenity, and*
 - (iv) *vegetation systems and natural wildlife habitats.*

There are approximately 270 trees present on site. The following is a break down of the types of species found on site:

- 118 *Angophora costata* (Smooth-barked Apple)
- 58 *Eucalyptus haemastoma* (Scribbly Gum)
- 42 *Corymbia gummifera* (Red Bloodwood)
- 21 *Melaleuca quinquenervia* (Broad-leaved paperbark)
- 10 *Eucalyptus resinifera* (Red Mahogany)
- The remaining 21 are a variety of exotic and native trees, mostly around the existing dwelling houses and Carters Road frontage.

Whilst the design of the proposed development was undertaken having regard to tree retention, the nature of the development has necessitated extensive re-grading for buildings, car parks and playing fields which will result in the removal of 194 of the existing trees on site with the remaining 76 trees to be retained. The tree removal is ancillary to the proposed construction of the education establishment and is therefore permissible with development consent.

It is unlikely that the removal of these trees will have a significant impact on soil stability, water quality or scenic or environmental amenity and the removal of the trees is unlikely to impact on vegetation systems and natural wildlife habitats. As such, consent is able to be granted for the removal of the trees, should the application be supported.

Clause 29 - Services

This clause requires all new development to have adequate water supply and facilities for the removal or disposal of sewage and drainage. The developer will be required to locate the existing 150mm water main that terminates outside the adjacent high school and extend this main as a 200mm water main up to their development, and along the full extent of their frontage. Development Servicing Plan (DSP) No 10 -Lake Munmorah shows a future duplication of the existing 150mm main from the highway, connecting to a new 200mm main

that will link into the existing main at Scaysbrook Avenue. Council will undertake the 150mm duplication and extension of the 200mm main at a later date.

As the construction of the 200mm water main is nominated in DSP 10, the Developer will be credited \$192.33/m of 200mm water main constructed, subject to a Works in Kind agreement, and this will offset the water contributions payable for the current and future stages of the development.

Council Sewage Pump Station (SPS) MP10 has capacity to accept the load from the proposed development. This is Council's preferred point of connection. There are existing private pump stations and private rising mains connecting the adjacent school sites to the sewerage network connected to SPS MP10.

The applicant has proposed to construct a private pump station and rising main line from the site to traverse under Carters Road connecting to the existing private pump station (PPS12) within St Brendan's Catholic Primary School. This approach is considered acceptable, as St Brendan's and the proposed education establishment are owned by the same property owner-The Trustees of the Roman Catholic Church.

The applicant will be required to provide calculations to demonstrate that the existing private pump station (PPS 12) within St Brendan's Catholic Primary School has sufficient capacity to accept the combined flows from the new High School.

(a)(ii) the provisions of any draft environmental planning instrument

Draft Wyong Local Environmental Plan 2012

The Draft Wyong Local Environmental Plan (WLEP) 2012 was considered by Council at its meeting of 8 May 2013. At this meeting, the Council resolved, in part:

- "599/13 That Council resolve to submit draft Wyong Local Environmental Plan 2012, as amended in accordance with the matters raised in this report and within Enclosures 1 and 2, and also include the additional amendments set out in Annexure 3 now attached, to the Director-General of the Department of Planning and Infrastructure, in accordance with Section 68 of the Environmental Planning and Assessment Act 1979.*
- 600/13 That Council request the Director-General of the Department of Planning and Infrastructure to submit a report under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 recommending that the Minister for Planning and Infrastructure make the draft Wyong Local Environmental Plan 2012. "*

The current zoning of the subject site is proposed to be converted to E3 (Environmental Management) under the Draft WLEP with an education establishment being a prohibited land use in the zone. Despite the fact the proposed use would be prohibited under WLEP 2012, the merits of the proposal, which is currently permissible under WLEP 1991, are considered satisfactory and warrant approval under the current LEP.

(a)(iii) any development control plans

Wyong Development Control Plan 2005

Chapter 14 –Tree Management

Under clause 2.4 of Chapter 14, a description of existing trees and vegetation is required to be shown on a site plan and should include species type and details of height, canopy spread, trunk diameter etc and provide information on landscape treatments for the proposed development. The application has included an Arboricultural Impact Assessment Report, Tree Assessment Schedule, Landscape plan and Tree Protection and Removal Plan. These documents were reviewed by Council's Arborist and Landscape Design Assessment Officer and considered satisfactory.

Chapter 99 –Building Lines

There are no specific building lines mandated under Chapter 99 for education establishments proposed in a rural residential zone. Notwithstanding this, the proposed development has provided adequate setbacks from the buildings to the adjoining property boundaries. These setbacks are as follows:

- 15 metre setback from Carters Road;
- 30 metre setback from Lake Munmorah High School to the south east;
- 136 metre setback from the rear property boundary;
- 45 metre setback from the northern boundary which is adjacent to the existing fire trail and electricity easement.

Chapter 69 – Waste Management

A Waste Management Plan for the construction and ongoing use of stage 1 of the development has been submitted in accordance with Chapter 69 and considered satisfactory. A waste management plan will be submitted for subsequent stages lodged under separate development applications.

Chapter 67 – Engineering Requirements for Development

Should consent be granted, all necessary civil works would need to be undertaken in accordance with Council's DCP 2005 Chapter 67. Compliance with relevant standards can be addressed through conditions of consent.

Chapter 61-Parking and Access

Upon completion of all five (5) stages, there will be a total of 35 staff and 600 students (approximately 100 students of driving age). Table 1 contained within Clause 3.2 of Chapter 61 outlines the 'Parking Requirements for Specific Land Uses'. Table 1 (below) refers to the car parking rates that apply to an education establishment and identifies the parking rates being provided by the development.

Parking requirements per Chapter 61	Required	Proposed	Complies?
1 space per 1.5 staff plus	23 spaces	The development will provide a total of 105 spaces.	Yes
1 space per 100 students for visitors	6 spaces		
Minimum of 2 spaces for disabled students to be provided on site	2 disabled spaces	4 spaces	Yes
In addition, for High Schools / Education establishments, 1 space per 8 senior/adult students for student parking	13 spaces	Incorporated in the 105 spaces provided on site.	Yes
Bus standing areas, parent drop-off and set-down are to be provided subject to a Transport Management Plan based on anticipated mode split		Full bus bay provided	Yes
Adequate 'Kiss and Ride' facility is to be provided at all education establishments and is to be addressed in the TMP		Extensive off-street "kiss and ride" lanes provided.	Yes
Provision of an easily accessible overflow carpark for special occasions on site (1 space per 5 students)		Overflow parking for 69 vehicles has been provided.	Yes
<i>Service Requirements:</i> 1 space per 2,000m ² GFA		The car parking area located adjacent to the Administration building, incorporating the Bus lanes and Kiss & Ride lane, are expected to provide adequate carparking for delivery vehicles which are expected to service the development	Yes

		during school hours but after peak periods.	
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Table 1: Parking rates for the proposed education establishment

Stage 1 of the proposal involves the initial intake of 90 students and 10 staff. A bus and parking zone, adjacent to Carters Road, comprising 31 car spaces, four (4) bus drop off spaces and a 'kiss-n-go' lane will be constructed as part of Stage 1. The number of car parking spaces being provided in stage 1 is considered satisfactory having regard for staff and student numbers.

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There are no planning agreements applicable to the application.

(a)(iv) any matters prescribed by the Regulations

The Regulations require consideration of the following:

- The Government Coastal Policy, being *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*; and
- In the case of a development application for the demolition of a building, the provisions of AS 2601.

As included in the Regulations, Wyong Local Government Area is only affected by the seaward part of the Government Coastal Policy, being the area extending 3 nautical miles seaward from the open coast high water mark. As such, it is not applicable to the proposed development.

The development proposes demolition of two existing dwelling houses and ancillary outbuildings. Demolition can be addressed through conditions of consent.

(a)(v) any coastal zone management plan

Section 79C(1)(a)(v) of the EP&A Act requires consideration of any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979). The Wyong Coastal Management Plan (CMP) has been publically exhibited and adopted by Council, although has not been gazetted. In accordance with the CMP, the site is not affected by coastal hazards.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

The proposed education establishment is consistent with the existing character and amenity of Carters Road and is compatible with the education establishments which currently exist along Carters Road. The scale, form, density and design of the development is considered satisfactory for the locality and will provide additional schooling choice for residents of the Central Coast.

The access, transport and traffic management measures.

Roads, Access and Traffic (External)

The NSW Roads and Maritime Services (RMS) have provided comments in relation to the development and the impacts on the existing signalised intersection with the Pacific Highway. The existing lane configuration in Carters Road on the approach to the Pacific Highway/Carters Road intersection will be altered to provide a 120m left only lane and a combined right/through lane. This will require minor modification to the traffic control signal operation and pavement marking providing improved road safety and traffic flow during staggered peak school periods.

On-street parking will be removed on the northern side of Carters Road on the approach to the Pacific Highway/Carters Road intersection from the intersection to the western driveway access of the recently constructed off-street car park provided by Ausgrid. That is, all on-street parking is to be removed between the eastern pedestrian crossing and the Pacific Highway. This lane shall be marked as a left only lane and “No Stopping” signs erected.

Carters Road is currently classified as a Category C road and has been identified for upgrade to a Category B with anticipated future development.

The scale of the development will require the provision of road upgrade works along Carters Road to a standard acceptable to Council. Kerb and gutter and half road construction is to be provided along the western side of Carters Road for the full length of the subject site (i.e. approximately 260 metres). The design of the kerb and gutter is to compliment the existing 2.5 metre wide shared path.

A recommended condition of consent is the provision of a plan showing all regulatory signage and linemarking including provision for the extension of the existing school zone and flashing lights for the development on public road. This plan will be required to be submitted and approved by Council and the Local Traffic Committee.

Roads, Access and Traffic (Internal)

A bus and parking zone off Carters Road is proposed to be established during Stage 1 works to meet the needs of staff and visitors as well as a “kiss-n-ride” lane. A plan showing all regulatory signage and linemarking is recommended to be submitted and approved by Council and the Local Traffic Committee. The plan is to include suitable swept paths of the largest vehicle expected to use the facility.

The private internal access road to the events/overflow parking area along the southern boundary is to be an all-weather access standard in accordance with Council’s DCP 2005 Chapter 67 - “Civil Works Design Guidelines”. All internal roads shall comply with section 4.2.7 of “Planning for Bush Fire Protection 2006”.

Carparking

A bus and parking zone off Carters Road is proposed to be established during Stage 1 to meet the initial needs of staff and visitors as well as a “kiss & ride” lane.

A separate off-street car park and “kiss-n-ride” will be created at the northern end of the site as part of stage 3 to meet increased parking demand as development progresses. Ausgrid have provided comments in regard to the positioning of the carpark within their 45 metre wide electricity easement. Specific requirements have been imposed by Ausgrid for the design and construction of the carpark.

An event/overflow parking area will also be provided along the southern boundary to accommodate additional parking spaces for special events. The proposed stage whereby this carpark will be constructed has not been nominated on the plans however, it is anticipated that this will be determined with subsequent development applications for the development as it is not a requirement for Stage 1.

The impact on the public domain (recreation, public open space, pedestrian links).

The proposed development will be providing pedestrian links to the other existing schools in Carters Road. Furthermore, if the school facilities, such as the gymnasium/hall, are made available to the public for other uses outside school hours, then this will increase public recreational opportunities in the locality.

The impact on utilities supply.

The development can be serviced for water and sewer, subject to the extension and upgrade of the existing water main in Carters Road and the provision of a private pump station and private rising main which will connect to Council's Sewage Pump Station MP10.

The effect on heritage significance.

An Aboriginal Heritage Impact Assessment dated 25 November 2012, was prepared by Abel Archaeology. This assessment involved input from four Aboriginal parties who participated in site assessment/inspection, review and finalisation of the assessment. These groups were the Awabakal Descendents Traditional Owners Aboriginal Corporation (ADTOAC), the Awabakal Traditional Owners Aboriginal Corporation (ATOAC), the Darkinjung Local Aboriginal Land Council (DLALC) and the Guringai Tribal Link Aboriginal Corporation (GTLAC). Potential for the existence of cultural/ archaeological material was identified by the Aboriginal groups in the vicinity of, and beneath, the farm buildings that currently exist across the eastern half of both lots 433 and 499, as such the four Aboriginal groups wish to monitor ground disturbance at these locations at the time of demolition and at the time of initial vegetation removal/clear-and-grade earthworks.

The following recommendations were made in the assessment:

- *"All Aboriginal groups wish to monitor ground disturbance on both lots at the time of demolition and initial vegetation removal/clear-and-grade earthworks. 30 days notice is to be given to each group prior to the commencement of these works.*
- *All topsoil removed during initial vegetation removal/clear-and-grade earthworks is to be kept within the confines of the development footprint and not taken off-site, due to the potential for archaeological/cultural material to be contained within the spoil.*
- *If archaeological/cultural materials are disturbed, application must be made to the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) before earthworks can restart.*
- *Cultural heritage awareness training shall be incorporated into the induction process for all staff involved on-site, including contractors and sub-contractors."*

The above recommendations have been included in a recommended condition of consent.

There are no known European heritage items on or within the vicinity of the subject site.

Any effect on other land resources.

The site is not known to contain any valuable land resources.

Any impact on the conservation of water.***Stormwater Management***

Road drainage infrastructure will be required to convey road surface water to the existing low point draining towards the northern boundary on the western side of Carters Road. The existing 375mm diameter pipe and outlet under Carters Road is to be upgraded in conjunction with the required road works. Piped discharges from the proposed staff and community car parks are to be directly connected to stormwater pits provided as part of the road drainage infrastructure.

Flow Conveyance DRAINS

A review of the submitted DRAINS file has adequately demonstrated that flows discharging to Carters Road can be attenuated to at least pre-developed flow rates prior to discharge to the public road system, without the need of providing on-site detention measures. All roof water from buildings is proposed to be collected and piped to the existing dam at the rear of the site where it will be treated prior to discharging to the downstream watercourse.

For Stage 1 drainage works the proposed Gross Pollutant Trap (GPT) Ecosol in-line GPT system is to be installed and the discharge point is to be to the existing dam at the rear of the property. A detailed Stormwater Management Plan is recommended as a condition of consent and will be required to be generally in accordance with the revised plans prepared by Demlakian Engineering.

Wetland Hydrology/Water Balance

A review of the water balance model submitted adequately demonstrates that the proposed strategy generally mimics the pre-development conditions and will not significantly alter wetland hydrology.

There have been a number of assumptions made in regard to initial dam and rainwater tank storage, initial infiltration losses from paved and unpaved surfaces and reuse volumes which are considered reasonable. The detention/retention and re-use scheme adopted will closely preserve/mimic existing wetland hydrology.

Water Quality/MUSIC

A review of the applicants MUSIC model demonstrates that the adopted treatment train (i.e. Rainwater tanks/Bio-retention) effectively reduces pollutants to within acceptable limits prior to discharge downstream.

Any effect on the conservation of soils or acid sulphate soils.

The preliminary assessment report and investigation that has been prepared as part of the application confirmed that neither Actual Acid Sulphate Soils or Potential Acid Sulphate Soils were encountered on the site to the depth of the proposed excavation.

Any effect on quality of air and microclimate conditions.

The proposed Education Establishment is not expected to have a detrimental impact on the existing air quality or microclimatic conditions.

Any effect on the flora and fauna.

The existing dam located in the western corner of No. 54 will be retained, along with the surrounding EEC and riparian vegetation. The existing two dams in the western corner of No. 48 will be used as sediment retention basins during construction and filled in at the final stage of works (according to the Sediment and Erosion Control Plan). According to the Bulk Earthworks Plan, the dams will be drained prior to construction to confirm levels. The Flora and Fauna Report also recommends that the dams be drained prior to being in-filled, to enable the rescue and relocation of fauna such as turtles and frogs.

A number of trees, including hollow-bearing trees and stags, will be removed. Those proposed for removal and retention are shown within the Arboricultural report.

Approval for the clearing of native vegetation associated with the proposed development may be required under the *Native Vegetation Act 2003* (NSW) due to the site's non-urban zoning. As this requirement is not integrated with the development assessment process, Council has advised the applicant to contact the Hunter-Central Rivers Catchment Management Authority for further information.

The proposed development is within 40m of waterfront land. As such, the proposal was referred to NOW who have issued GTA's. The plans and Arboricultural report were subsequently updated to incorporate a 10 m wide Vegetated Riparian Zone adjoining the EEC in accordance with the GTA's issued by NOW.

The letter from Ausgrid provides consent to the proposed development within and nearby their transmission easement subject to a number of conditions. One of the conditions includes:

"The planting of trees and shrubs is allowed within the easement area providing they are of a species which will not grow to a height exceeding 4 metres and do not restrict access along the easement".

The updated Stage 1 Landscape Planting Plan shows seven proposed tree plantings within the transmission easement (where the northern carpark is proposed) comprised of three species which can exceed 4 m in height and the updated Landscape Master Plan shows an additional 20+ proposed trees (species unknown) within the transmission easement for future stages. Having regard for Ausgrid's requirements, the *Stage 1 Landscape Planting Plan L1-SD-02 Rev B* (Arterra Design Pty Ltd, 29 April 2013) has been amended so that species *Jacaranda mimosifolia*, *Eucalyptus haemastoma* and *Waterhousia floribunda* 'Green Avenue' are replaced with *Banksia spinulosa* and *Leptospermum laevigatum*.

In addition to the retention and protection of the EEC and vegetated riparian corridor, the proposal includes the planting of a number of suitable native species (including Keystone species) in greater numbers than those proposed for removal. As such, Council is satisfied with the biodiversity outcomes/offsets for this proposal.

The provision of waste facilities.

A waste management plan was submitted with the application and considered satisfactory having regard for waste minimisation during the demolition and construction stage and the ongoing management of waste for Stage 1 of the development.

Whether the development will be energy efficient.

The design of the development will need to comply with Part J of the Building Code of Australia in relation to energy efficiency.

Whether the development will cause noise and vibration.

Noise and vibration will occur during construction of the proposed development however, the ongoing use of the site as an education establishment will be commensurate with the noise associated with the other three schools in Carters Road.

An Operational Noise Emission Assessment was prepared by Acoustic Dynamics (dated 30 October 2012). This assessment advised that the impact of the proposed education establishment upon the surrounding environment would be minimal. Council's Environmental Protection Officer has concurred with these findings.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Flooding

A Flood Assessment Report prepared by consultants Mott MacDonald has been undertaken in response to concerns that filling may have an affect on the natural flow regime of the watercourse causing localised flooding of neighbouring upstream properties.

A review of the model, calculations and overall methodology employed by the consultant revealed that it is unlikely that the development and associated filling activities will have any significant impact on the adjacent watercourse. An appropriate method of analysis has been undertaken demonstrating that the proposed extent of filling will have negligible affect on any potential flooding as a result of the proposed activity.

Bushfire

As the proposed development of an education establishment is identified as a Special Fire Protection Purpose (SFPP), a Bushfire Hazard Assessment was submitted and referred to the NSW Rural Fire Service (RFS) for the purposes of integrated development. The RFS has provided advice and have recommended conditions relating to water and utilities supply, access, the implementation of an evacuation and emergency management plan, design and construction requirements and landscaping maintenance.

Subsidence

The proposed development is located in a mine subsidence district. The Mine Subsidence Board (MSB) have found the proposal to be satisfactory and have granted a conditional approval.

Any risks from technological hazards.

Lot 499 (northern most lot) is burdened by a 45 metre wide electricity easement, owned by Ausgrid, which is located on the northern boundary. The development proposes stage 3 car parking and a small portion of stage 1 car parking within the easement, with the nearest

building to the easement being the TAS building, to be developed as part of future stage 5, located on the easement boundary.

Due to the proximity of the proposed education establishment to the existing overhead electricity network assets and the proposed works within the easement, Council referred the proposed development to Ausgrid for comment. Concern was raised by Ausgrid in relation to the compatibility of the proposed education establishment with existing Ausgrid's infrastructure particularly in relation to risks of electrocution, fire risks, Electric and Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

The applicant engaged consultant Mott MacDonald, Electrical Engineers, and an Electrical Testing company to attend the site and take a number of EMF site readings at various points on the site, within the easement and off the site. Mott MacDonald concluded that the readings taken on site by the Electrical Testing Company were well below the safe Milligauss levels set by the National Health and Medical Research Council (NHMRC) and Australia Protection and Nuclear Safety Agency (APNSA).

The letter from Mott MacDonald dated 2 May 2013, and test report No. 23147, dated 22 April 2013, were referred to Ausgrid for their comment. Ausgrid carried out a study of the proposed development in relation to potential hazards as a result of induced and transferred voltages from the adjacent Ausgrid infrastructure under normal operating and fault conditions. Ausgrid has granted consent to the proposed development within and nearby Ausgrid's Transmission easement subject to the application of hazard mitigation.

Compliance with the report prepared by Ausgrid (NET 13-022-011) dated May 2013 and the additional requirements stated in their letter dated 13 May 2013, have been recommended as a condition of consent. The test report and correspondence from Ausgrid has been included in Appendix E.

Whether the development provides safety, security and crime prevention.

The applicant has submitted a Crime Prevention Report, prepared by Harris Crime Prevention Services, which focussed on:

- ensuring compliance with state planning instruments, Section 79C of the EP&A Act 1979 and the principles of Crime Prevention Through Environmental Design (CPTED);
- assessing the local and neighbouring environments in terms of anti-social behaviour, criminal activity or potential crime risks and their likely impact on educational and community participation goals of the developer and associated stakeholders;
- identifying vulnerable aspects of design requiring specific security input aimed at reducing the likelihood of crime and preventing opportunities to commit crime on any part of the proposed campus;
- affirming appropriate *security design* strategies, and/or recommending possible security design inclusions into design development, documentation, likely to enhance the project's security objectives.

The application was referred to the NSW Police Tuggerah Lakes Local Area Command (TLLAC) for comment. The result of the Safer By Design Crime Risk Evaluation identified the development as having an overall crime risk rating of MODERATE and TLLAC advised that

the proposed education establishment did have the potential to introduce new (potential) victims, crime opportunities and offenders to the development site and its surroundings.

The response from TLLAC raised no objections to the proposed development and agreed that it would compliment the existing uses within Lake Munmorah. The response also incorporated a number of recommendations in relation to surveillance, lighting, territorial reinforcement, environmental maintenance, space/activity management and access control. Specific recommendations that could be included as conditions of consent, should consent be granted, include:

- The provision of surveillance equipment in the administration and TAS buildings, the Hall/gym and carparks that is vandal resistant.
- The provision of a monitored intruder alarm system.
- Lighting should comply with ASNZ 1158 and be designed as overhead or down light luminaires that allows 15 metre facial recognition test.
- Directional signage is to be provided around the school.
- The development of a maintenance policy which includes rapid removal of graffiti, rapid repair of vandalism, maintenance of landscaping and fencing and the removal of rubbish and the like from school grounds.
- Secured garbage storage area.

Any social impact in the locality.

There is a significant benefit to the community with the development of an additional education establishment that will provide additional choice for secondary schooling opportunities for Central Coast children.

Any economic impact in the locality.

The proposed development is unlikely to have an economic impact in the locality.

Any impact of site design and internal design.

The design of the development was amended during the assessment process to relocate the future car parking area (event parking) from the northern boundary, within the electricity easement, to the southern boundary where there was minimal vegetation. This was to provide for the retention of significant vegetation within the easement.

The plans and arboricultural report were also updated to incorporate a 10m wide Vegetated Riparian Zone adjoining the EEC in accordance with the GTA's issued by NOW.

It is considered that the site and internal design is satisfactory having regard for the site constraints which currently exist on the subject land and the use of the site for the purposes of an education establishment.

Any impacts of construction activities (construction site management, protection measures).

All construction access will be from Carters Road and a traffic management plan will be required to demonstrate how construction traffic would be managed to minimise delays and

interference with the road network, particularly the Pacific Highway. Conditions have been recommended in relation to the provision of construction site management.

Any cumulative impacts.

Concern was raised by the community, Council, RMS and NSW Police relating to the cumulative impact of four schools along Carters Road having regard for traffic and safety in particular. The traffic impacts can be managed in a manner to mitigate potential congestion and safety concerns. Mitigating measures include provision of pedestrian facilities, additional lengthening of left hand turning lane, off-street drop off/collection bus and vehicular facilities and staggered starting and finishing times.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality/ Whether the site attributes are conducive to development.

The design of the proposed development has satisfactorily addressed potential site constraints including the watercourse and EEC at the rear of the site, bushfire hazard, vehicular access from the Pacific Highway and on Carters Road, and the proximity of the site to Ausgrid's electricity network assets. The site is located within an area that has three existing schools and is considered to provide additional schooling choice for residents of the Central Coast. Overall, the site is considered suitable for the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with two (2) submissions received objecting to the proposal and seven (7) submissions received in support of the proposal. The issues raised in the submissions have been 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 submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D003230371	Access to and from Carters Road is a major concern.	The proposal has been reviewed by RMS and Council Transport Engineers and Development Engineer and found to be satisfactory having regard for the Traffic Assessment prepared by TPK & Associates and the recommended conditions of consent for new signage and upgrade works along Carters Road.

Doc. No	Summary of Issues	Response
D03199153	<p>No consideration of solar aspect, landscape overviews or opportunity for a noble architectural statement. Passive solar orientation must be a primary element to the design of all new buildings especially those of public function.</p> <p>LM Catholic High will have above ground power lines along its whole northern boundary. It is ironic that existing schools have benefited from public concern in this regard while this new school (unforeseen at the time) should have to deal with a situation that was indeed foreseen as a risk to the wider community.</p> <p>On any given school day there are presently more than two thousand people in and out of Carters Road at the Pacific Highway. In four years this new school will add, with increases at the existing schools, perhaps another thousand people. For the most elemental safety precautions, there must be another access into Carters Road. This is easily achievable from Kangaroo Avenue, Lake Munmorah, via the fire trail into Carters Road.</p> <p>Security. Why there is never a resident caretaker at schools is an ongoing mystery. The millions of dollars spent on vandalism to schools could be largely saved were there vigilant presence permanently on site.</p> <p>It would be nice, as a gesture of urban civility, if the Town Square were a circle, atop the highest point of the property, perhaps with an elevated area to reveals the rather wonderful view.</p> <p>As a once-zealous runner, I'd like to suggest the Emergency vehicle gravel road be extended in function to form a running track, possibly connecting with the existing footpath/cycleway on Carters Road.</p>	<p>It is considered that there is adequate separation between the proposed buildings to receive adequate solar access to the buildings, 'town square' and surrounding open space.</p> <p>Tests have been carried out in relation to the existing electricity network assets and the EMF readings were found to be satisfactory. Ausgrid have granted their consent to the construction of the development within the existing electricity easement and in close proximity to the lines. A recommended condition of consent is compliance with Ausgrid requirements.</p> <p>The proposal has been reviewed by RMS and Council Transport Engineers and Development Engineer and found to be satisfactory having regard for the Traffic Assessment prepared by TPK & Associates, safety issues associated with the co-location of 4 schools and the recommended conditions of consent for new signage and upgrade works along Carters Road.</p> <p>The traffic assessment included traffic counts at the intersection of the Pacific Highway and Carters Road. There was no requirement to explore alternative access arrangements given the proposed access from the Pacific Highway was considered satisfactory.</p> <p>Whilst it is acknowledged that the presence of a resident school caretaker would reduce the risk of crime, this is a decision that the developer would have to consider.</p> <p>The location of the 'town square' is considered satisfactory having regard for its functionality.</p> <p>This is an option available to the school and could be implemented at a later date if they wish.</p>

Doc. No	Summary of Issues	Response
D03207581 D03208552 D03211204 D03209047 D03210509 D03206931 D03208018	<p>Definite need for another Catholic High School.</p> <p>The proposed plans blend in with other functional buildings in the street without detracting from the scenic, rural aspect of the surrounding properties.</p> <p>Opportunity for resource sharing in the future and adds to the “educational precinct” that already works so well in Carters Road.</p> <p>The proposal seeks to meet and exceed the needs of the area in terms of parking, vehicle movement and emergency access. This proposal has incorporated and addressed many of the concerns that the community have put forward.</p> <p>Additional activity in the area means that at any one time there is increased likelihood of staff being present across any of the school sites out of school hours. This can only limit the prospect of anti-social behaviour such as vandalism.</p> <p>The proximity of the school to the Catholic feeder primary school enhances the educational prospects for the students making such a transition. The reduced stress, lower travelling times and familiar environment can only enhance the student’s social and educational outcomes for the future.</p> <p>The school design is environmentally friendly.</p> <p>The school has attempted to provide generous off street parking.</p> <p>An Education Facility for our children is a must and important to the growth and well being of the community.</p> <p>I have been driving my children to and from school in Carters Road for the last 5 years. As the current Schools in Carters Road all have different start and finish times I have never had a problem with traffic congestion. As the</p>	<p>Noted.</p> <p>Agreed.</p> <p>Noted.</p> <p>Agreed.</p> <p>Noted.</p> <p>Noted.</p> <p>The proposed design is considered satisfactory.</p> <p>Agreed.</p> <p>Noted.</p> <p>Noted.</p>

Any submission from public authorities.*NSW Office of Water*

The application was referred to the NSW Office of Water (NOW) for their concurrence. General Terms of Approval were issued on 4 April 2013. A copy of the GTA's issued by the NOW are included in Appendix D

NSW Roads and Maritime Services

The RMS has confirmed that they have no current proposals affecting or requiring any part the property. The RMS also confirmed that their concurrence is required for works, structures, and disturbances to, in, on, under or over classified roads under section 138 of the Roads Act 1993 and recommended a number of conditions of consent which have been incorporated into the draft conditions. A copy of RMS comments are included in Appendix D.

NSW Rural Fire Service

The application was referred to the NSW RFS who issued a Bushfire Safety Authority (BSA) on 10 December 2012. The amended plans were reviewed by the RFS who advised, via letter dated 27 March 2013, that there was no change to the previously issued BSA. A copy of the BSA is included in Appendix D.

Mine Subsidence Board

The proposal was referred to the Mine Subsidence Board as the proposal is within a Mine Subsidence District. The MSB granted their approval to Stage 1 on 5 March 2013. A copy of their conditions are included in Appendix D.

Ausgrid

The proposal was referred to Ausgrid for comment as the proposal involves works within the existing electricity easement and is within close proximity to the existing electricity assets network. Ausgrid have granted their consent to the proposed works within the electricity easement and have provided recommendations should development consent be granted. A copy of this information is provided in Appendix E.

THE PUBLIC INTEREST (s79C(1)(e)):***Any Federal, State and Local Government interests and community interests.****North Wyong Structure Plan*

Under the North Wyong Structure Plan, the site is identified as proposed residential area within Development Precinct 16 and has not been identified for any other use. The proposal is therefore not consistent with the North Wyong Structure Plan being for an education establishment and no residential development. However, the proposal will be co-located with three other schools and it is considered that the use of the site for the purposes of an education establishment will be complimentary to existing land use and better suited to Carters Road than additional residential development. The subject site comprises two rural residential allotments which will not prejudice the supply of other residentially zoned land in the precinct. The proposed development is providing an opportunity to co-locate primary and secondary catholic schools in Carters Road and will offer greater choice of educational opportunities within the northern part of the Wyong Local Government Area.

Central Coast Regional Strategy

The Central Coast Regional Strategy 2008, identifies Lake Munmorah as a village centre which has small to medium sized concentrations of retail, health and other services integrated with medium density residential living. One of the key opportunities identified for the region in section 5 *Economy and employment* is “*growth in education services, with a corresponding increase in the associated employment sector. New schools, vocational education and higher education infrastructure will be required to support a growing population with increased participation in education and skills training*”. The proposed education establishment will be co-located with existing education establishments and will eventually provide employment for 35 staff and secondary school education opportunities for 600 Central Coast students.

OTHER MATTERS FOR CONSIDERATION

Section 94 Contributions

Section 94A Contributions are applicable to the development and have been levied accordingly.

Water and Sewer Contributions

The proposal falls within Development Servicing Plan (DSP) No.10 Lake Munmorah Area and the contribution charges for water supply and sewerage will be applicable and included within the Section 306 notice of requirements issued under the Water Management Act 2000.

CONCLUSION

The proposed development of an education establishment, in five stages, is considered to be compatible with the other three education establishments along Carters Road and will contribute to the provision of additional secondary Catholic education in the locality. The development is considered to be consistent with Council's LEP and other DCP requirements. No significant issues are raised in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*, as such, the proposed education establishment is recommended for approval.