

20 January 2014

**DOC 14/26045**

Northern Joint Regional Planning Panel  
GPO Box 39  
Sydney NSW 2001.

*Via Email: Dean.Hosking@planning.nsw.gov.au*

**Attention: Mr Gary West (Chair)**

Dear Sir,

**RE: Development Application - DA 2013/0491  
Educational Establishment (Lake Cathie Public School)  
Lot: 1232 DP1142133 Rainbow Beach Drive, Bonny Hills  
Your Reference – 2013NTH017**

Thank you for the opportunity to provide a submission to the Northern Joint Regional Planning Panel (NJRPP) regarding JRPP No. 2013NTH017 DA scheduled for Thursday 23 January, 2014.

This submission is regarding DA 2013/0491, and relates to proposed conditions of consent as outlined in Port Macquarie Hastings Council JRPP Report dated 10 January, 2014.

NSW Department of Education and Communities (DEC) does not agree with draft condition (16) (A200) which requires a legal right of public access via a temporary access road through the school grounds to the area of land adjoining the site to the south for purposes of providing access to future district sporting fields.

The NJRPP are requested to consider DEC's position on this condition and request that the NJRPP delete this condition. Attached for the NJRPP consideration are details supporting DEC's position.

Please contact the undersigned should you require any further information or clarification.

Yours sincerely,



**JIM KATEHOS**  
Program Manager, Major Capital Works  
Department of Education & Communities

CC. *Tony McCabe* *Director, Planning & Delivery, Department of Education & Communities*  
*David Holt* *Regional Projects Co-Ordinator, NSW Public Works*

**Draft Condition No (16) (A200) - Temporary Access Road Legal Right of Public Access:**

*(16) (A200) In providing consistency with the provisions of the Rainbow Beach Central Corridor Planning Agreement between Port Macquarie Hastings Council and St Vincent's Foundation Pty Limited (clause 15 and Schedule 2, Figure 3) the proposed temporary access road shall incorporate a legal right of public access to the area of land adjoining the site to the south for purposes of providing access to the planned district sporting field. The right of way is to be in place prior to occupation of the school.*

*Plans detailing the proposed temporary access road, servicing the school and adjacent sporting fields, are to be submitted and approved as part of the Roads Act application (Section 138) and prior to commencement of construction.*

**Department of Education and Communities (DEC) Submission:**

The temporary access road was proposed by DEC to enable access to the school property ahead of the construction of the proposed overall subdivision development including the Ocean Drive / Houston Road intersection and the new connector road to the permanent school front. The surrounding subdivision development is being managed by Council under a separate Development Application (DA 2013/0358) which incorporates the Planning Agreement for the proposed Rainbow Beach Central Corridor with St Vincent's Foundation Pty Limited (SVF).

The temporary access road is located directly off Ocean Drive. Note that no other roads have been or are planned to be constructed within the surrounding subdivision in time for the opening of the school in early 2015 (there is no other means of access available to DEC to the proposed school site).

DEC are proposing to fully fund the proposed temporary access to enable the school to open and meet community needs and expectations in early 2015, well ahead of the current subdivision construction program (not yet confirmed however up to 5-10 years away). Once the proposed Ocean Drive / Houston Road intersection and the new connector road are constructed, DEC will abandon the temporary access road and interlink with the new connector road.

The proposed location of the temporary access road and its proximity to internal school facilities is shown on the attached site layout plan - refer Attachment 3, Drawing LC\_ARC\_AD\_00\_002 Overall Ground Floor Plan.

DEC objects to Council's draft condition 16 (A200) as follows:

1. Access to District Sporting Fields is part of the Rainbow Beach Central Corridor Planning Agreement between Council & SVF.
  - a. Under Part 3 of this agreement, SVF is to:
    - i. Establish and dedicate the sporting fields (south of the proposed school site) to Council;
    - ii. Construct and dedicate to Council a (permanent) access road to the sporting fields using one of the three options identified in Schedule 2

Figure 3 of the agreement (refer Attachment 1 – extract from Rainbow Beach Central Corridor Planning Agreement)

- iii. Each of these three access road options (refer Attachment 1) highlights 2 access roads: one from Ocean Drive and one to the right of the sporting fields (along the eastern boundary running north south); as such the proposed condition 16 (A200) is not consistent with the provisions of the Agreement as it does not take into account the additional north south access road as required under the agreement.
  - b. DEC is the provider of public educational infrastructure.
  - c. Access to the sporting fields is a contractual arrangement between Council and SVF, and should remain as such, rather than imposing an obligation onto DEC and the proposed Lake Cathie Public School.
  - d. This draft condition is seeking to impose an obligation/requirement onto DEC to the detriment of DEC from a cost, operational and liability position, with benefit to SVF only.
2. Unacceptable impact on DEC's School Security, Work Health & Safety Obligations including Child Protection
- a. DEC invests significant funds for the purpose of providing security fencing to schools to minimise out of school hours vandalism and damage. To open the gates to the school grounds for general public access regardless of whether it is 24/7 or time restricted introduces an uncontrollable and unacceptable situation.
  - b. Council have suggested DEC internally fence the temporary road from the school. Given the close proximity of the temporary access road to the school classrooms and facilities, there is increased likelihood of disruption impacts that this will create due to such proximity. Further, additional fencing as proposed imposes further additional costs which will not represent value for money to the state and taxpayers.
  - c. Allowing general public access will result in potential lesson disruptions due to increased noise as a result of the proximity of the temporary road to the classrooms and free play areas. Note it is not possible to move the road away from the classrooms as the road has been located to comply with the 39 metre bush fire set back from the wildlife corridor to the south east of the site.
  - d. The primary purpose of the temporary access road is to provide safe and secure drop off for primary school children aged between 5 and 12. This would be compromised if it were to be opened up for general access:
    - i. Allowing general public access to an internal school private road will be in breach of DEC's Child Protection obligations.
    - ii. General public access to an internal school road creates additional workload on stretched teaching and support staff who will be

required to manage the operation of the road and school users versus general public users (parent and bus pick up and drop off, bus traffic with sports and school excursions, school functions, community use of school grounds, etc.)

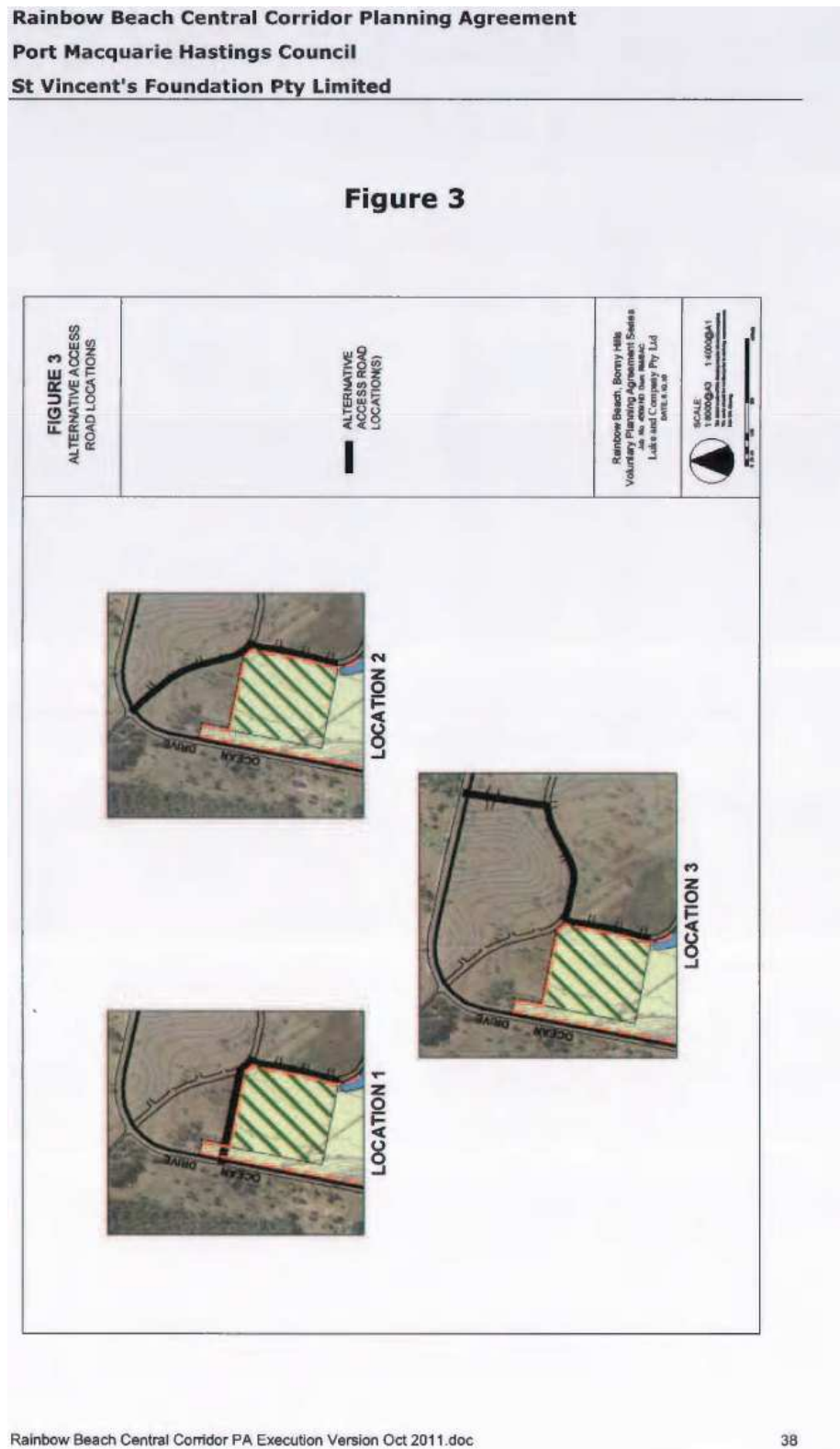
- iii. Allowing a general public access road has the potential to allow all forms of traffic through the school site. Construction vehicles and trucks could then use this as a form of access to the subdivision development which has yet to have works commence. This is an unacceptable distraction and imposition for the school to accommodate/manage.
- iv. Allowing general public access to the temporary school access road creates further problems in terms of liability, insurance and maintenance/repair responsibilities and the management of those responsibilities.

There are far more practical alternatives as articulated in the Rainbow Beach Central Corridor Planning Agreement. Refer Attachment 1 showing alternatives considered in the Rainbow Beach Central Corridor Planning Agreement and Attachment 2 showing the extent of the proposed subdivision development in relation to the proposed school site and sporting fields.

**Recommendation:**

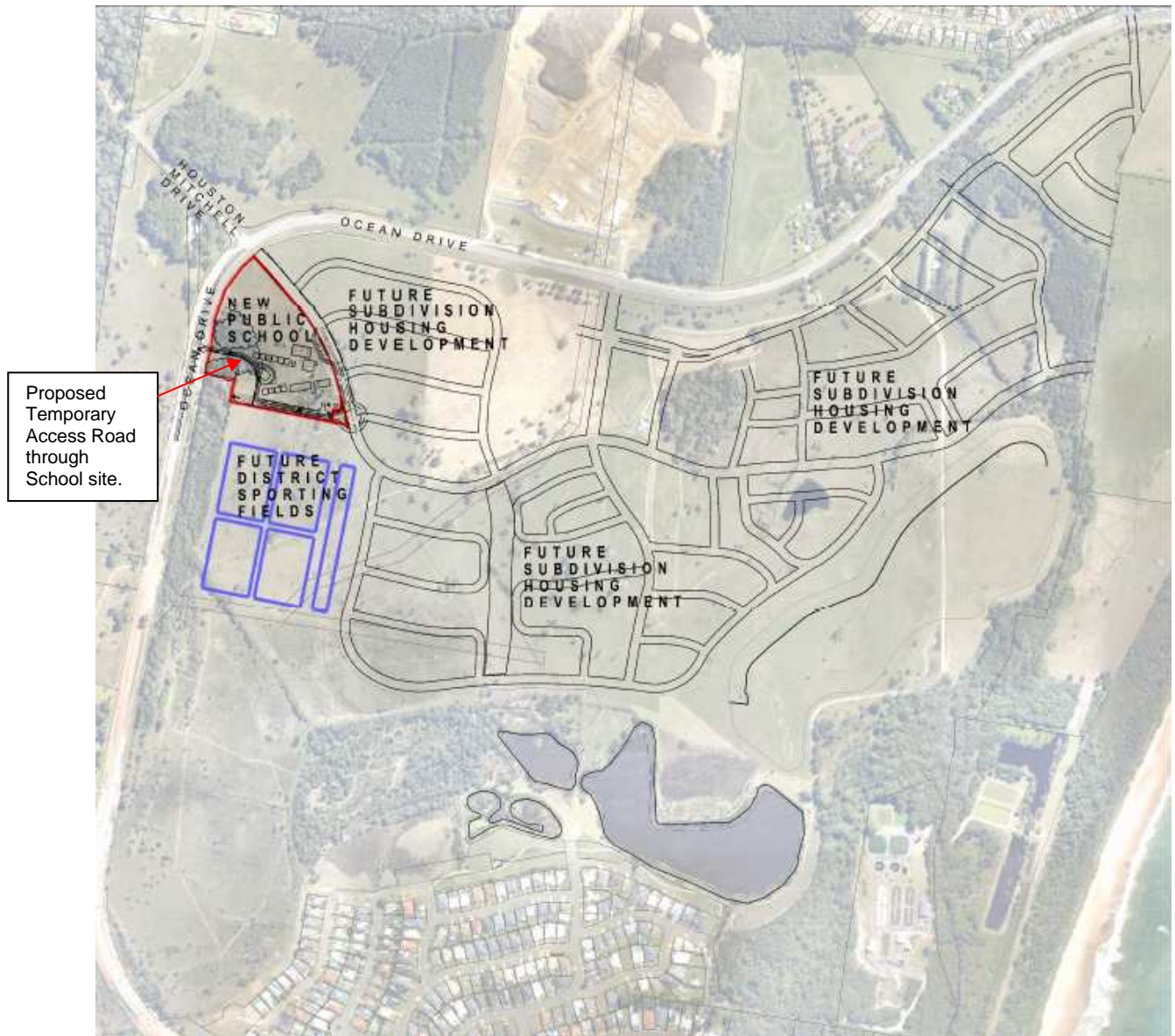
It is recommended that the NJRPP deletes Condition 16 (A200).

Extract from Rainbow Beach Central Corridor Planning Agreement showing alternative access road locations – refer page 38 Figure 3.



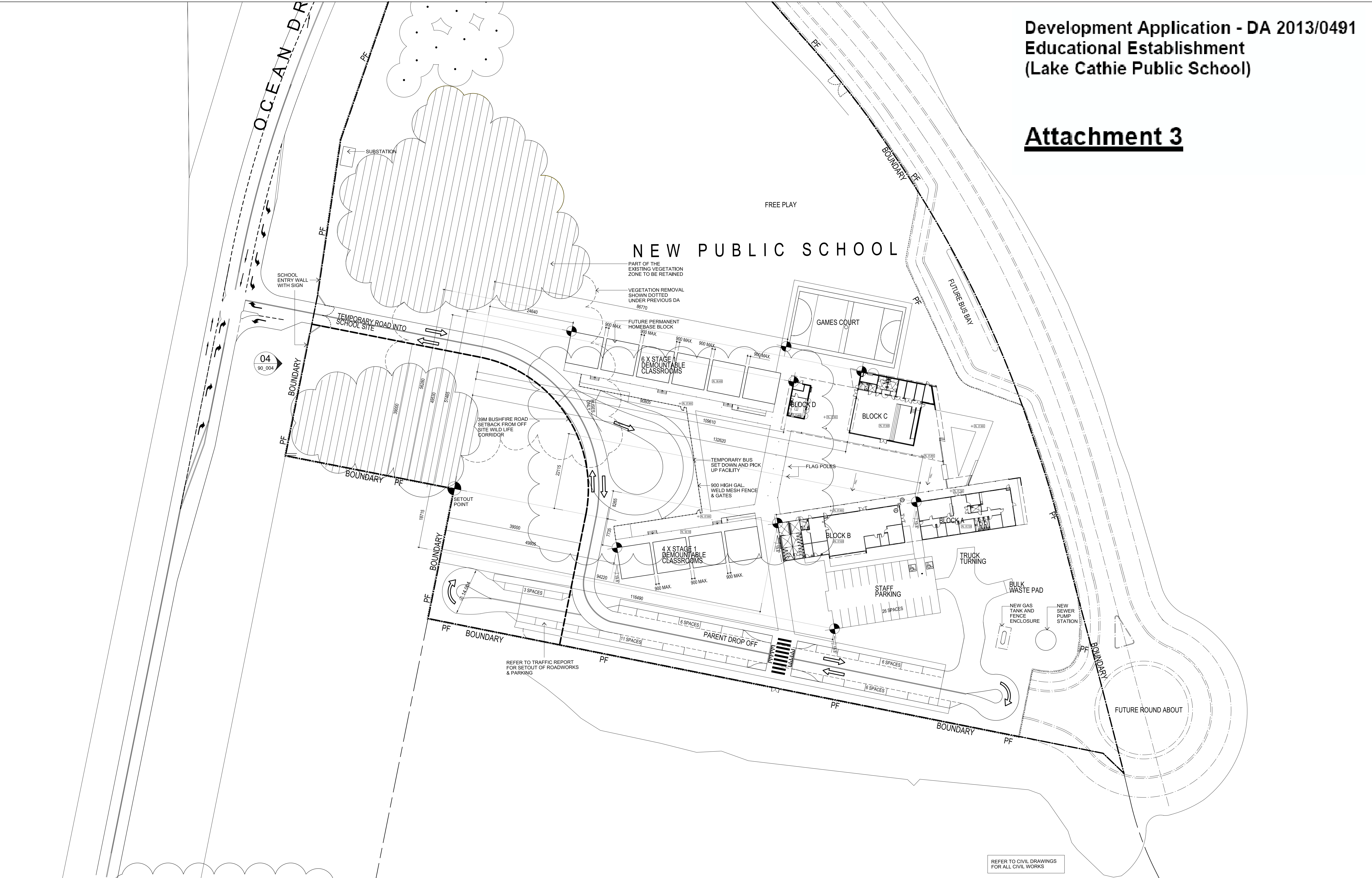


Extent of proposed subdivision development in relation to the proposed School site and future district sporting fields.





Attachment 3



1 The Government Architect's Office, a division of the Department of Services, Technology & Administration (the Department) shall not be liable or responsible for any loss or damage arising out of the conversion of any electronic document, data or program to any other format or medium, or arising out of any modification or changes that occur in the handling or use of the electronic document, data or program.

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| LEGEND  |                           |
|---------|---------------------------|
| AC      | ASPHALTIC CONCRETE        |
| BOL     | BOLLARD                   |
| CD      | CONCRETE FLOOR            |
| CFS     | CEILING FIBRE CEMENT      |
| CPA     | WATERPROOF FIBRE CEMENT   |
| CPB     | PLASTERBOARD CEILING      |
| DP      | DOWNPIPE                  |
| FCT     | FIXED GLAZING             |
| FCT 1.2 | FLOOR TILES TYPE 1.2      |
| FW      | FLOOR WASTE               |
| FW 1.2  | RESILIENT FINISH TYPE 1.2 |
| LMA     | METAL LOUVRES             |
| OB      | OBSCURE GLAZING           |

|           |                             |
|-----------|-----------------------------|
| PC1.2.3.4 | CONCRETE PAVING TYPE 1.2    |
| RF1.2     | RESILIENT FINISH TYPE 1.2   |
| RRC       | METAL RIDGE CAPPING         |
| RSM       | ROOF SHEETING TYPE 1.2      |
| RWG       | ROOF FLASHING               |
| SG        | STEEL COLUMN                |
| SFC       | OPC SPLIT LINING            |
| SKC       | SKIRTING TYPE 1.2           |
| SKT1.2    | TILE SKIRTING               |
| TF        | TIMBER FLOORING             |
| WBC1.2    | CONCRETE BLOCKWORK TYPE 1.2 |
| WCAP      | COMPOSITE ALUMINIUM PANEL   |
| WCR       | RENDERED BLOCKWORK          |
| WCT 1.2   | WALL TILES TYPE 1.2         |
| WFC       | COMPRESSED FIBRE CEMENT     |
| WFS       | WALL FIBRE CEMENT           |
| WPB       | PLASTERBOARD WALL           |

|       |   |
|-------|---|
| WP1.2 | FIRE RESISTANT ACOUSTIC WALL PANEL TYPE 1.2 |
| WP2.2 | PINBOARD TYPE 1.2                           |
| WPS   | OPAQUE WALL CLADDING                        |
| WTF   | TIMBER BATTENS                              |

| REVISION | ISS      | DATE  | COMMENT |
|----------|----------|---|---------|
| A        | 28.11.13 | TENDER ISSUE  |         |
| -        | 03.12.13 | DENOMINABLES RELOCATED WALKWAY REVISED TO SUIT                            |         |
| B        | 04.12.13 | TENDER RE-ISSUE   |         |
| -        | 18.12.13 | CONTOUR LEVELS SWITCHED OFF. ANNOTATION ADDED                             |         |
| C        | 18.12.13 | TENDER RE-ISSUE   |         |
| D        | 20.01.14 | CHANGES FOR ADDENDUM 2-ADDED STAIRS, EXTENDED FENCE, RELOCATED FLAG POLES |         |

| ARCHITECTS IN ASSOCIATION   | ARCHITECTURAL   |
|---|---|
| PERUMAL PEDAVOLI ARCHITECTS<br>T 9291 0000 F 9291 0088                              | GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8315 F 9372 8389                      |
| STRUCTURAL<br>GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8209 F 9372 8232              | LANDSCAPE<br>GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8428 F 9372 8444         |
| ELECTRICAL & MECHANICAL<br>GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8111 F 9372 8164 | QUANTITY SURVEYOR<br>GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8415 F 9372 8444 |
| HYDRAULIC<br>GOVERNMENT ARCHITECT'S OFFICE<br>T 9372 8202 F 9372 8277               | PROJECT MANAGEMENT<br>PROJECT MANAGEMENT GROUP<br>T 9372 8558 F 9372 8566     |



**Public Works**  
Government Architect's Office



**DEPARTMENT OF EDUCATION AND COMMUNITIES**



**DEPARTMENT OF FINANCE AND SERVICES**

**LAKE CATHIE PUBLIC SCHOOL**  
LOT 1232 DP 1142133  
OCEAN DRIVE BONNY HILLS

**OVERALL GROUND FLOOR PLAN**

CONTRACT NUMBER  
**1301482**

SHEET NO  
**LC\_ARC\_AD\_00\_002**

|            |       |          |     |           |            |         |     |          |     |          |   |
|------------|-------|----------|-----|-----------|------------|---------|-----|----------|-----|----------|---|
| PLAN RM NO | 1:500 | DESIGNED | GAO | PLOT DATE | 20/01/2014 | DRAFTED | PPA | VERIFIED | GAO | REVISION | D |
|------------|-------|----------|-----|-----------|------------|---------|-----|----------|-----|----------|---|