

JOINT REGIONAL PLANNING PANEL

Hunter and Central Coast

JRPP No	2015HCC004
DA Number	DA/1/2015
Local Government Area	Lake Macquarie City Council
Proposed Development	Educational Facility – Master Plan
Street Address	Charlton Christian College 43 Fassifern Road, Fassifern (Lot 1 DP877105)
Applicant	Charlton Christian Education Foundation Ltd C/ - DFP Planning
Owner	Charlton Christian Education Foundation Ltd
Number of Submissions	Nil
Regional Development Criteria	General development that has a capital investment value of more than \$5 million
List all documents submitted with this report	Attachment A: Draft conditions of consent Attachment B: Plans of development (Masterplan) Attachment C: Agency Submissions
Recommendation	Approval subject to conditions
Report by	Andrew Leese, Senior Development Planner, Lake Macquarie City Council
Report Date	15 January 2016

Executive Summary

Key Dates: 06 January 2015 – Lodgement
29 January to 19 February 2015 - Notification
28 April 2015 – Request for Additional Information
16 October 2015 – Additional Information Provided
8 December 2015 – RFS Letter of Support Received

Notification Period: 29 January 2015 to 19 February 2015

Zoning: R2 Low Density Residential and E2 Environmental Conservation (All works and APZ are within R2 Low Density Residential zone.)

Approval Bodies: Mine Subsidence Board
Rural Fire Service

Referral Agencies: Roads and Maritime Services
NSW Police
Ausgrid
Hunter Water Corporation

CIV: \$5 million

Overview of Proposal

This application constitutes a master plan for the ongoing expansion/upgrade of an existing educational establishment. The application has been lodged under the provisions of S.83B of the *EP&A Act 1979*, that outlines DAs for concept proposals for development of sites, allowing consent to be issued to a '*staged development application*', "for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications." This master plan includes seven stages, as outlined by the applicant, that will each require a further DA to be lodged and considered. It is noted that each individual stage is likely to have a CIV below \$5 million, and therefore not require future consideration by the JRPP.

Location:

The site is located in western Lake Macquarie in the suburb of Fassifern, just south of the Fassifern Railway Station, as shown in Figure 1.



Figure 1: Aerial photograph of development site and surrounds

The development/existing school site has an area of 11 hectares and adjoins:

- the Main Northern Railway Line to the west;
- Fassifern Railway Station and associated car park to the north;
- R3 Medium Density Residential zoned land to the east; and
- R2 Low Density Residential zoned land to south.

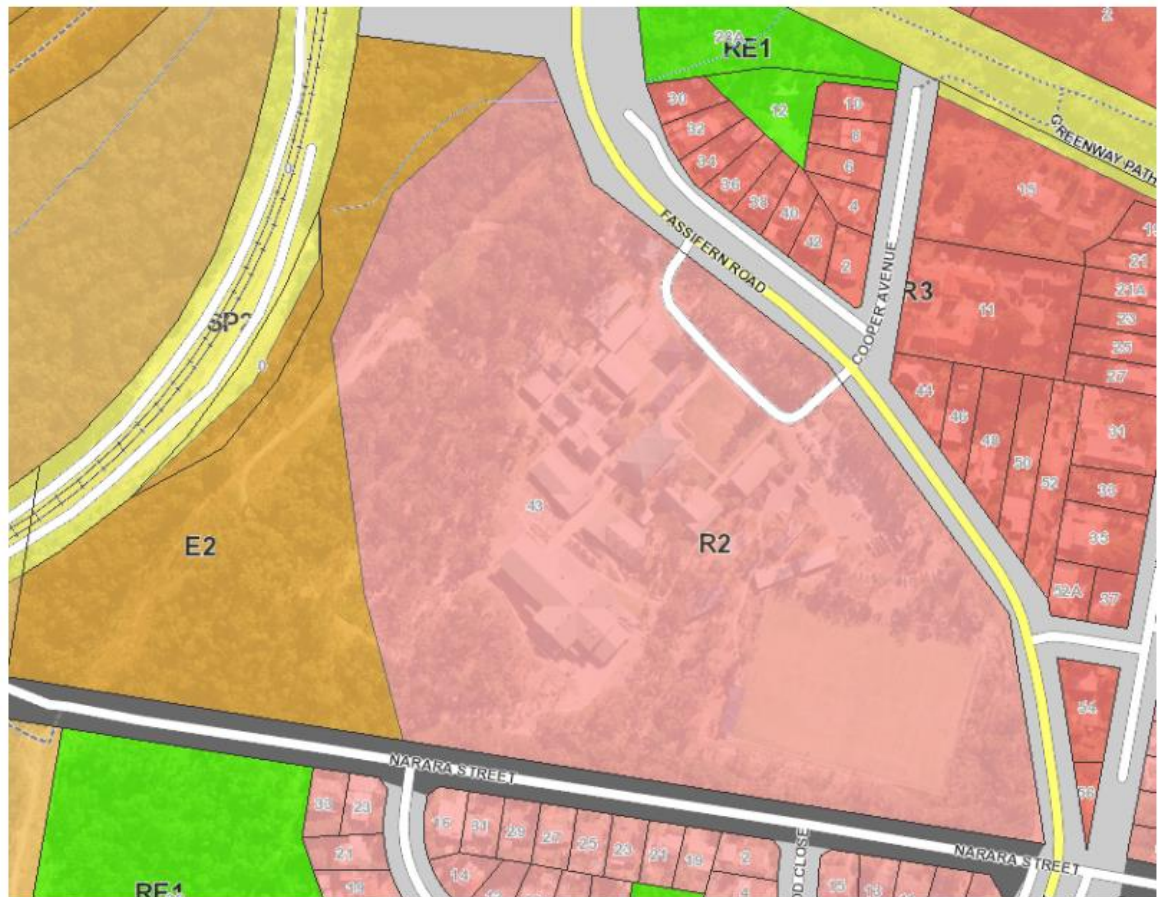


Figure 2: Zoning map of site and surrounds

The site consists of an existing K-12 educational facility, with associated pre-school. Presently located on the grounds are a car park, school oval, classrooms, administration building, hall, library, quadrangle and play areas. The existing building alignment is linear in form, focused around a quadrangle.

The built form constitutes a mix of low rise buildings and a number of larger scale buildings, such as the school hall and administration building. Many buildings take advantage of the site's slope to provide undercroft areas. Car parking is provided along the road frontage. A new car park is presently being constructed to the west of the existing school buildings, within the R2 Residential zoned area of the site.

The site comprises an area of native vegetation along the southern and western boundaries. Part of this area has been zoned E2 Environmental Conservation under the LM LEP 2014.

Vehicular and pedestrian access to the existing school is via Fassifern Road, which as a sub-regional route through this region of the City area. A single lane vehicle underpass is located just to the north of Tucker Close that leads traffic and pedestrians to Fassifern Rail Station. Given the historic listing of the underpass, (and associated decommissioned rail line to the Toronto foreshore), widening of this underpass is unlikely. NSW Roads & Maritime Service (RMS) have not objected to the proposal, noting a previously proposed eastern vehicle entry point the RMS did not support has been removed from this Masterplan application.

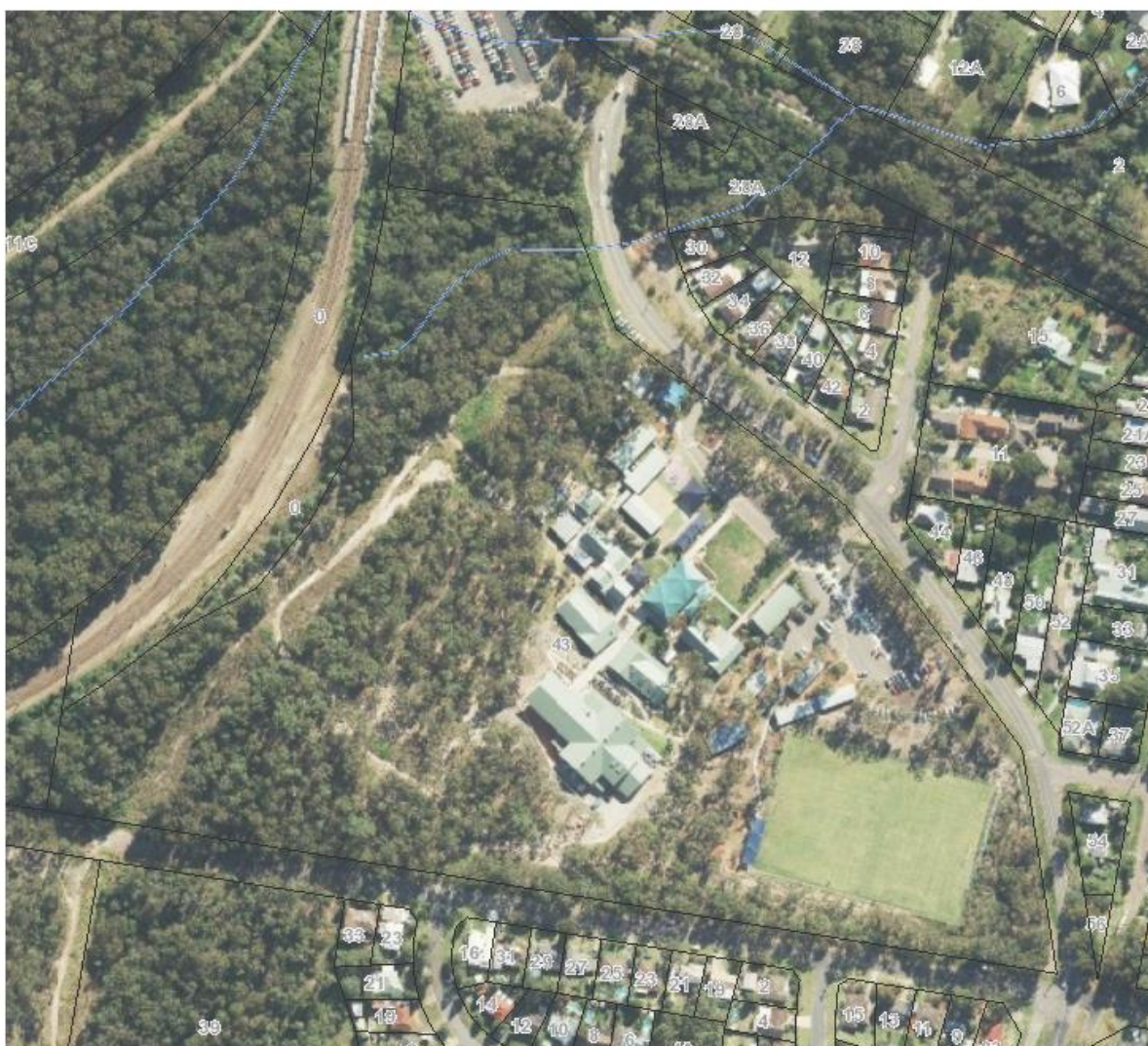


Figure 3: Footprint of existing School, (excluding approved western car park)

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History:

An 'Educational Establishment (New School)' was approved at this site under DA/741/1997 on 19 February 1998. This application approved a school masterplan, associated buildings and a student population of approximately 600 students.

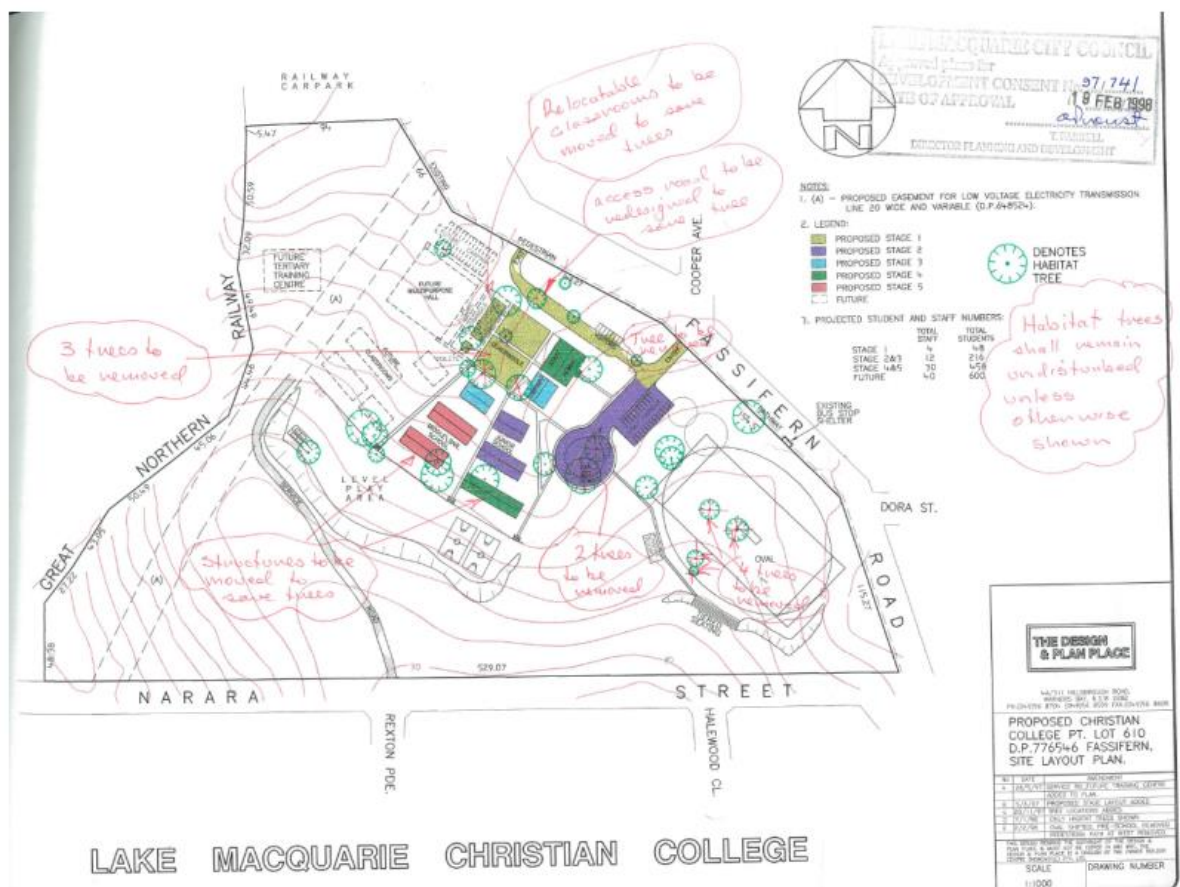


Figure 4: Copy of approved Masterplan DA/741/1997

There have been a number of modifications to DA/741/1997 since its approval in February 1998. The following list outlines these modifications:

Modification A was lodged 18/10/2002 and approved on 19/11/2002 for additional basement storage.

Modification B was for re-orientation of the sports oval. It was lodged on 3/12/2008 and approved on 25/5/2009.

Modification C was for a demountable administration building. It was lodged on 30/07/2009 and approved on 29/9/2009.

Modification D approved a new science lab and assembly building on 8 April 2010. The s.96 was lodged with Council on 30/7/2009.

Modification E approved a redesigned administration building, stormwater detention basin and car parking on 20 February 2014. The s.96 was lodged with Council on 5 April 2013.

Modification F approved a new car parking design. It was approved on 3 November 2014.

Modification G converted part of the existing (approved) staff building into a canteen. The s.96 was lodged 27/10/2015 and approved on 30/11/2015.

Given the ongoing modifications the applicant/school were advised by Council planning staff that a new master plan should be prepared. Around the same time, the site was rezoned from 10 Investigation zone under the LM LEP 2004, (where educational establishments were not permitted), to R2 Low Density Residential and E2 Environmental Conservation under the LM LEP 2014. This rezoning provides a clearer delineation as to which areas are more environmentally sensitive and areas that could be considered for further development.

Overview of Development:

The proposal is for a new master plan for the site. This will require further DAs to be lodged when individual buildings/components are to be constructed. The master plan proposal also seeks to increase the overall student number to 800 in the next decade, with a final student figure of 900 at the time of completion of the master plan.

The master plan proposal will introduce, in seven (7) planned stages:

1. Trade Training Centre/Library Extension
2. Middle General Learning Areas (GLAs) and PE court
3. Junior GLAs and Additional car parking (58 space extension to the existing eastern car parking area)
4. Pre-school
5. Senior GLAs and cricket nets
6. Specialist learning areas
7. Paved (play) area

Also proposed are covered walkways, ten (10) additional parking spaces to the western car park and APZs associated with bushfire protection

The existing car park, COLA, hall, music rooms, science classes and library will be retained.

The overall Capital Investment Value (CIV) of the development is \$5 million.

Figure 4 below provides details of the site layout with regard to the school's proposed masterplan.

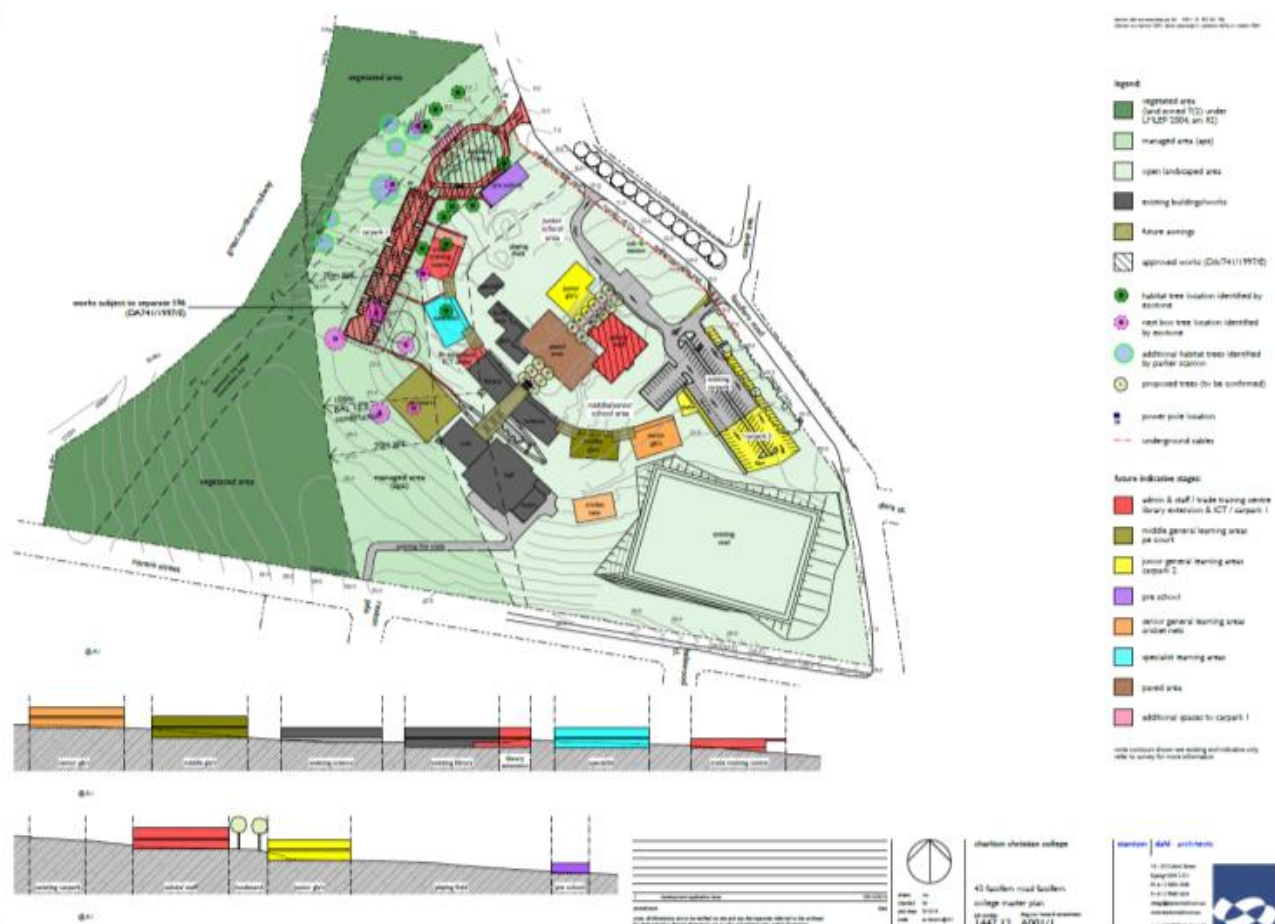


Figure 5: Proposed Master Plan

THE ASSESSMENT

This report provides an assessment of the justification presented in the application against all relevant State and Local planning legislation and policy.

SECTION 79C: POTENTIAL MATTERS FOR CONSIDERATION

79C(1)(a)(i) the provisions of any Environmental Planning Instrument (EPI)

SEPP 44 – Koala Habitat

Given the site is greater than 1 hectare and contains scribbly gum (*Eucalyptus signata*) this SEPP must be considered.

Surveys of the site since 1997 have not detected any evidence of koalas or koala activity. It is also generally accepted that koalas are not found east of the M1 within the LMCC area. Accordingly, the site does not constitute core koala habitat and this SEPP does not prevent the granting of a consent.

SEPP 71 – Coastal Protection

The site is located within the NSW Coastal Zone. As such, the CI 8 matters for consideration need to be considered:

(a) *the aims of this Policy set out in clause 2,*

Planning Comment: Assessing the application against the aims of the SEPP, the proposal will not have any adverse impacts on the coastal zone.

(b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

Planning Comment: NA as the site does not abut the coastal foreshore.

(c) *opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

Planning Comment: NA as the site does not abut the coastal foreshore.

(d) *the suitability of development given its type, location and design and its relationship with the surrounding area,*

Planning Comment: The development is located on a site developed as an educational facility. The proposed expansion will not have an adverse impact on the relationship with the surrounding area.

(e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

Planning Comment: NA as the site does not abut the coastal foreshore.

(f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

Planning Comment: The development will have no impact on the scenic quality of the NSW coast.

(g) *measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,*

Planning Comment: This matter has been considered by Council Officers and the proposal will not have any adverse impacts in relation to flora and fauna.

(h) *measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats*

Planning Comment: This matter has been considered by Council Officers and the proposal will not have any adverse impacts in relation to flora and fauna.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

Planning Comment: This matter has been considered by Council Officers and the proposal will not have any adverse impacts in relation to flora and fauna.

- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

Planning Comment: No impacts.

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities,*

Planning Comment: N/A

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

Planning Comment: No adverse impacts.

- (m) *likely impacts of development on the water quality of coastal waterbodies,*

Planning Comment: Given proper installation of stormwater quality control measures, the proposal will not have an adverse impacts on the water quality of the Lake.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*

Planning Comment: No adverse impacts.

- (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

Planning Comment: N/A

- (p) *only in cases in which a development application in relation to proposed development is determined:*

- (i) *the cumulative impacts of the proposed development on the environment, and*

- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

Planning Comment:

The cumulative impacts of the development will not have an adverse impact on the local environment, with the development avoiding areas zoned Environmental Conservation and a water management plan supported by Council's Development Engineer.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 'Determination of development application – other development' under Division 5 'Electricity transmission or distribution networks' requires before determination that the consent authority must give written notice to the electricity supply authority for the area inviting comments about potential safety risks. This is in relation to works that are immediately adjacent to an electricity substation or other related infrastructure. Powerlines run through the site.

The application was referred to Ausgrid for comment. A reply was received dated 12 March 2015 that did not oppose the development.

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

Part 2 – Permitted or Prohibited Development

What is the land zoned?	The land on which works are proposed is zoned - R2 Low Density Residential.
What is the proposal for?	Educational Establishment
Is this permissible within the zone?	Yes
Does it meet the objectives of the zone?	Yes

Each of the R2 zone's objectives are addressed below:

- *To provide for the housing needs of the community within a low density residential environment.*

Planning Comment: The development is located on land that has been operating as a school for over the last fifteen (15) years.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Planning Comment: Educational Facilities are permitted within the R2 Residential zone. The proposal, apart from new built structures, includes a 50% increase in student numbers (over an extended period of time). This will provide additional educational facilities for local residents, while having limited additional impacts in terms of associated traffic and noise levels.

- *To encourage development that is sympathetic to the scenic, aesthetic and cultural heritage qualities of the built and natural environment.*

Planning Comment: The proposed development complies with height controls, provides setbacks to residential properties and retains important trees so that the built impacts on the surrounding residentially zoned land are minimal.

Part 4- Principal Development Standards

4.3 Height of Buildings

The building form (cross sections) shown in the masterplan does not exceed two (2) storeys in height and are therefore not expected to exceed 8.5m, the height limit applicable to the site.

If further applications seek to exceed 8.5m in height, then consideration will need to be given to ensure that the specific building is appropriate for their location, and provides a high quality urban form.

4.4 Floor Space Ratio

Not applicable to LMCC.

Part 5 – Miscellaneous provisions

5.5 Development with the coastal zone

The site is located within the Coastal zone. The provisions of SEPP 71 have been considered above.

5.6 Architectural roof features

Presently there are no parts of the proposed buildings that will exceed the height limit, which is when consideration of roof features becomes applicable.

5.9 Preservation of trees or vegetation

The development site contains a number of native trees. Council's Arboist and Flora/Fauna Planner have considered this proposal in detail and their comments are discussed under LMCC DCP clauses 2.12 and 2.13 below.

5.10 Heritage conservation

The site is not heritage listed and future works will not have any impacts on the Northern Railway, which is heritage listed and is located west of the site.

Part 7 – Additional local provisions

7.1 Acid sulphate soils

The development site has been identified as "Class 5" within the Acid Sulphate Soils Map, where although no ASS are expected within the site, proposed works may have an effect on any ASS within the adjacent lots. However, it is considered that the proposed works are not likely to lower the water table by 1 metre, as such there will be no impact on adjacent ASS areas. More detail ASS assessment will be required for individual buildings where extensive excavation is proposed.

7.2 Earthworks

The area of soil surface exposure is greater than 2500m², however, no actual works are proposed with this Masterplan. A Soil & Water Management Plan (SWMP) etc will be required with DAs for individual stages.

7.3 Flood Planning

A small area in the north of the site, within the E2 Conservation zoned land is flood affected. There are no building works proposed in this area.

7.5 Terrestrial biodiversity

Council's Flora and Fauna Planner has made comments which are noted under DCP controls cl 2.12.

7.7 Development on sensitive Aboriginal landscape areas

The site is not located within a sensitive Aboriginal landscape area.

7.21 Essential Services

The site has available to it the required infrastructure necessary to support the development.

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

There are no draft EPIs applicable to this site.

(a)(iii) any development control plan

Development Control Plan 2014	
Part 1 – Introduction	
Section 1.15 – Development Notification Requirements	
Does the application require notification?	Yes
Have all adjoining and affected properties been properly notified?	Yes
Has the application being subject to an extended notification period under Cl. 1.15.5?	No

Part 3 – Development in Residential Zones

Section 2 – Context & Setting

2.1 Site Analysis

An adequate site analysis was lodged with the application.

2.2 Scenic Values

Under the Scenic Management Guidelines (SMG) the site is located within Scenic Management Zone 5, the setting which applies to Toronto (and Warners Bay) being identified as *lake surround - area of high settlement*. The existing character of the zone is generally a high level of detached residential development. Areas of development are almost contiguous with some larger areas of intervening vegetation, (mostly ridges or creeks), having an important role in providing green breaks.

The development sits below the local ridgeline and is not visible from a distance given the topography and trees retained on the site. The proposed new works will simply sit comfortably with the existing built form and generally be indiscernible to views from the locality.

Further to this consideration, the proposed works will not impact on any existing ridgelines, waterways, significant natural landscapes or land zoned for environmental conservation.

2.3 Geotechnical

The site has been identified as being within T4 and T5 zones on Council's Geotechnical Maps. Council's Development Engineer has noted that a geotechnical report prepared by Sanko & Valley Civilab Pty. Ltd. has been submitted and that is satisfactory for a masterplan.

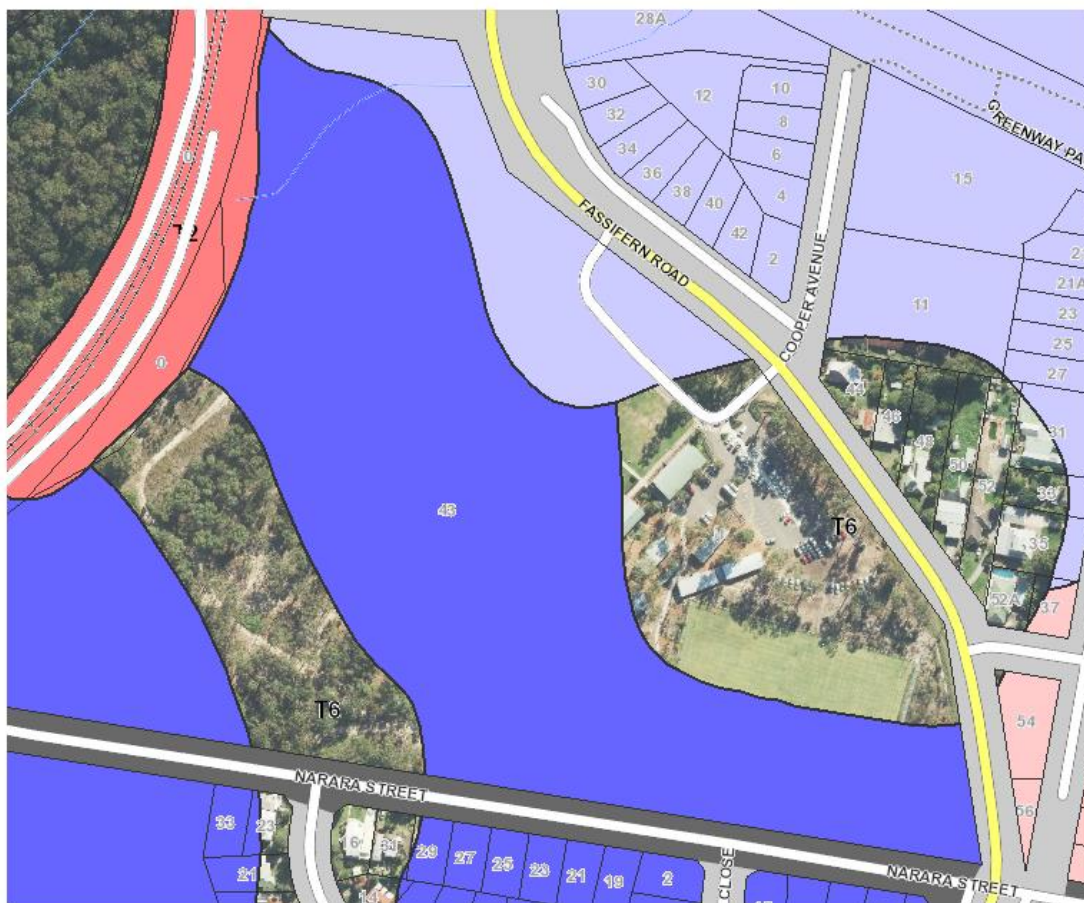


Figure 6: Geotechnical Zoning (Dark Blue T4)

2.4 Mine Subsidence

The Mine Subsidence Board indicated they could not offer an approval for a master plan type application as they only approve detailed design drawings to reduce the impacts of mine subsidence on the built form. In their written response to Council they noted the following:

Under Section 15 of the *Mine Subsidence Compensation Act*, the Mine Subsidence Board is unable to approve your application with the information supplied within the Master Plan, but we can advise of the Mine Subsidence Boards building requirements for the area.

Accordingly, MSB approval will be required for any specified development (e.g. new building) that results from an approval of the Masterplan DA.

2.5 Contaminated Land

A contamination report was prepared for the rezoning of the land and lodged with the application. The report identifies three points that contain “collections of discarded equipment and materials.” Council’s Environmental Management Staff have agreed with the conclusion of the consultant’s report that a targeted stage 2 detailed site investigation be undertaken and the disused equipment and materials be removed to address aesthetic impacts. These areas are located to the west of the existing building where car parking is proposed. A suitable condition has been proposed.

2.6 Acid Sulphate Soils

The development site has been identified as “Class 5” within the Acid Sulphate Soils Map (see Figure 13), where although no ASS are expected within the site, proposed works may have an effect on any ASS within the adjacent lots. However, it is considered that the proposed works are not likely to lower the water table by 1 metre, as such there will be no impact on adjacent ASS areas. The matter of ASS can be considered in more detail with the lodgement of DAS for future stages of the masterplan.



Figure 7: Acid Sulfate Soils

2.7 Stormwater Management

Council's Development Engineer has noted that

- A suitable Stormwater Management Plan by Parker Scanlon Surveyors incorporating detention, water harvesting, water quality facilities and site discharge index requirements in accordance with the Lake Macquarie DCP 2014 has been provided. The plan is considered adequate for DA purposes.

2.8 Catchment Flood Management

Council's Senior Sustainability Officer (Natural Disaster Management) was not referred the application as all works are well outside the flood affected area of the site.

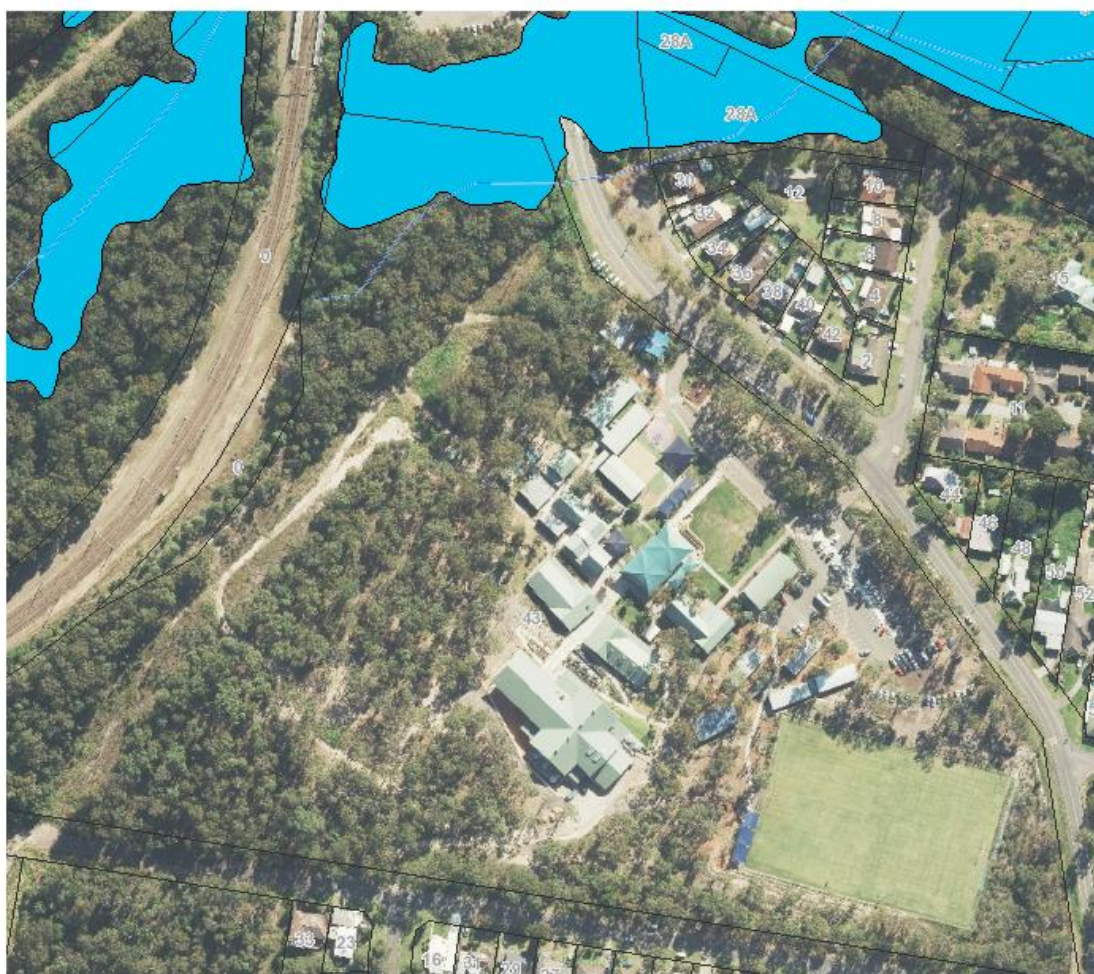


Figure 8: Flood Affected

2.9 Lake Flooding & Tidal Inundation

Council's Sea Level Rise Committee considered that application as areas of the site are affected by SLR. They noted in their referral response:

I refer to the subject application and advise that the minimum floor level.... shall be 2.36m AHD, unless otherwise specified by Council's Senior Sustainability Officer – Natural Disaster.

It is noted that the most western building, (the proposed child care), will have a ground floor level set at approx. RL7.

2.10 Natural Water Systems

Council's Development Engineer has noted that:

- The proposed development is located (within the vicinity of/adjacent to) a natural water course. The stormwater management plan prepared by Parker Scanlon Surveyors has incorporated measures which will eliminate or limit any likely adverse effects on the water body and/or ecosystem adjacent or downstream receiving waters. It is

therefore considered that the development as proposed will have no significant adverse impacts.

2.11 Bushfire

The site is located in a bushfire prone area. The application was referred to the RFS as schools are identified as 'Special Fire Protection Purposes' it constitutes Integrated Development. Comments supporting the proposal have been received and have been included in the proposed conditions of approval.

A copy of the RFS correspondence can be found in attachment C.

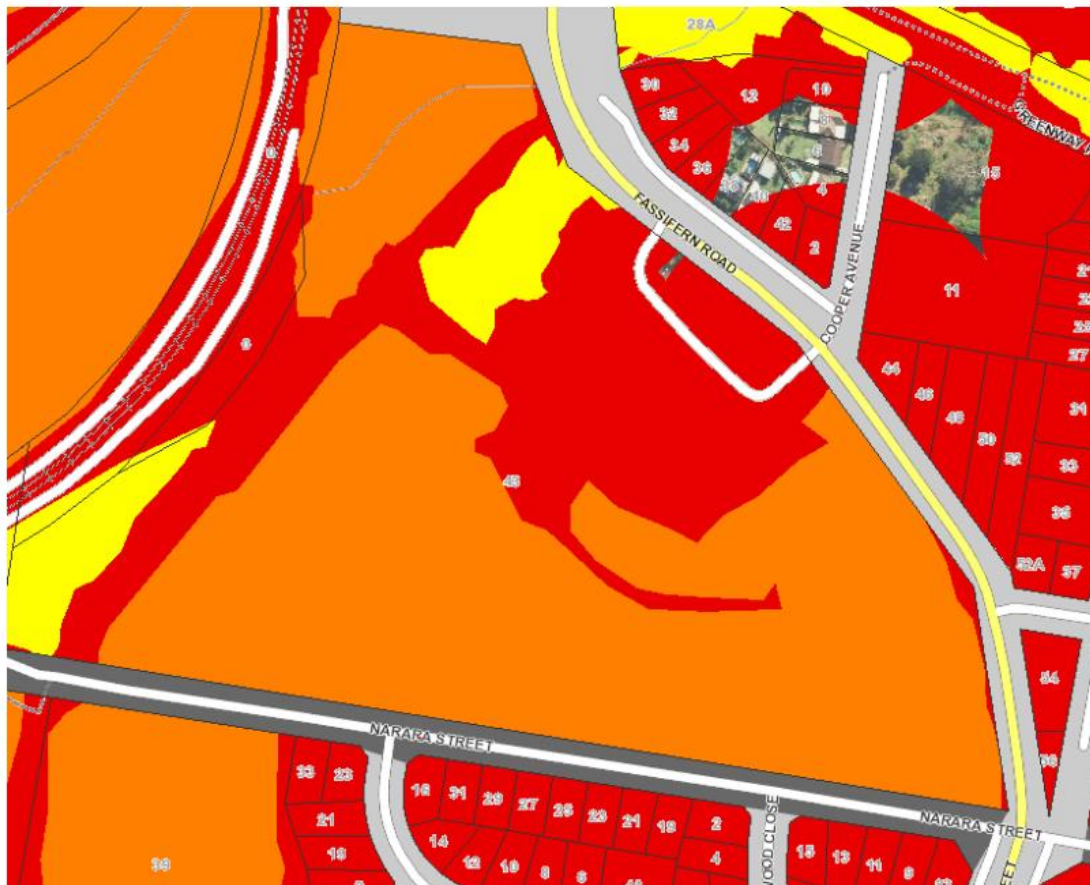


Figure 9: Bush Fire Hazard Map

2.12 Flora & Fauna

The site contains pockets of native vegetation along the western and southern boundaries.

The application was referred to Council's Flora and Fauna Planner for consideration. They concluded their comments as follows:

The application is otherwise generally compliant with ecological requirements in the LM LEP and DCP, and ecological SEPPs such as SEPP 44. The application provides an approximately 20 m vegetated buffer to the known location of the threatened *Tetratheca juncea*, in accordance with the Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines (2014). I agree with the assessments of significance

provided for threatened biota listed on the TSC Act that the application is unlikely to result in a significant impact and a species impact statement is not required. Conditions listed below will assist in mitigating ecological impacts of the application.

The two recommended conditions have been included in the draft conditions of consent.



Figure 10: Native Vegetation and Corridors Map

2.13 Preservation of Trees & Vegetation

As the development application proposes works that will impact on existing native trees, particularly in relation to the proposed and required APZs to the west of the existing school, the application was referred to Council's Arborist for consideration. They concluded that

1. Trees 3 and 9 are to be removed due to construction encroachment within their respective identified Tree Protection Zone (TPZ) setbacks. Consideration should be given to their retention as they form part of the grouping of trees located along the school frontage and provide a significant element of streetscape amenity to Fassifern Road.
2. Additional measures are required to protect tree 124.

Planning Comment

A condition requiring the retention of the two trees (Nos 3 & 9) subject to amendments in design that adheres to identified TPZ setbacks in Section 3.3 of Addendum to Arborist Report

is recommended. Additional measures to protect tree 124 are also recommended via condition.

2.14 European Heritage

To the west of the site is the Northern Railway, which is a listed item (RT-03 Great Northern Railway, being a listed heritage item under Schedule 4 of the LM LEP 2004. The proposed masterplan will have no impact on the heritage significance of the railway.

2.15 Aboriginal Heritage

The site is not located within a sensitive aboriginal area and works are within a R2 Residential zone. As such, there are no adverse impacts in terms of aboriginal heritage.



Figure 11: Heritage Items listed in the LM LEP 2004 (heritage items identified as brown) and Aboriginal Sensitive Landscape Mapping (green hatched)

2.16 Natural Heritage

No impacts on listed items of Natural Heritage.

1.17 Social Impact

Council's Social Planner made the following comments:

I refer to the subject application and note that there is an existing school currently operating on the site, and the proposed development (identified in the master plan) is within a zone that permits such development (R2). Therefore, I believe that the future works will not have any significant social impacts.

The most significant social impacts associated with the proposal will be with regards to increased traffic and noise. Therefore, in order to mitigate any negative impacts associated with increased traffic and noise, I recommend that appropriate measures are implemented to reduce these impacts to ensure that traffic and noise levels are within acceptable limits.

Planning Comment:

Acoustics and traffic are discussed further below at cl 3.13 and cl 3.19 respectively. It is also noted that the RMS did not object to the development.

2.18 Economic Impact

Overall the development is expected to have positive Economic benefits.

2.20 Utilities

The site is located within an area that has utilities available.

Section 3 – Development Design

3.1 Streetscape

The proposal is for a Master Plan, as such detailed designs are not available. The proposed built form is set back from the street, in line with the existing buildings on the site. Trees are retained to keep the existing streetscape similar to existing.

3.2 Street Setback

There are no specific setback controls for educational establishments. The standard for residential areas starts at 4m. The existing and proposed setback to the built form is 30+ metres. The area does not have a high density urban quality where building to or closer to the street would be encouraged and the car parking and planting within the front setback provides a physical and psychological distance to the school from neighbouring residential properties.

3.3 Side Setback

There are no specific setback controls for educational establishments. The existing and proposed setback to the built form is 50+ metres. This provides suitable separation of the use from neighbouring residential uses.

3.4 Rear Setback

There are no specific setback controls for educational establishments. The existing and proposed setback to the built form is 50+ metres. This provides suitable separation of the use from neighbouring residential uses.

3.5 Site Coverage

There are no specific site coverage controls for educational establishments. The standard for residential development starts at 50%. The site would not exceed 30% site coverage based a rough calculation.

3.6 Building Bulk

The proposed development envelopes do not exceed 2 storeys in height and with the proposed setback, the bulk of the buildings will not have an adverse bulk impact on the surrounding residential area, the streetscape or locality. The area does not have a high density urban quality where building to or closer to the street would be encouraged.

3.8 Roofs

No roof forms are shown in the building form/envelope plans. Further details will be provided with future applications.

3.9 Views

There are no view impacts to neighbouring residential properties.

3.10 Solar Access & Orientation

There are no solar access impacts to neighbouring residential properties. Adequate solar access is retained on site.

3.11 Energy Efficiency & Generation

A Section J report under the BCA will be required with documentation for construction if consent is granted to the development application.

3.12 Visual Privacy

The proposal will not have any impacts in relation to the visual privacy of neighbouring residential properties.

3.13 Acoustic Privacy

The addition of 200+ students to the existing student number (and associated vehicles – drop offs/collection) will have an acoustic impact. Council's Environmental Health officer made the following comments in relation to noise and the acoustic assessment report lodged with the application:

- Council has reviewed and relied on the information contained in the acoustic assessment report from Vipac Engineers & Scientists Ltd of 2 April 2013 (Report No.20C-12-0116-TRIP-266092-3)
- The consultant will need to be engaged by the developer to ensure that proper attenuation measures such as barriers, acoustic insulation, window laminated glass & the correct sound power levels of specified mechanical plant is installed within the development & thus complying with requirements of consultant. The consultant will also need to take into consideration period break bells & use of amplification systems.
- Prior to the issue of the **Occupation Certificate**, Council requires certification from the consultant advising that the acoustic design has incorporated noise mitigation measures complying with the consultant's requirements & thus the relevant noise policies & standards.
- Upon completion of works, a certificate shall be provided from the acoustic consultant within one (1) month after issue of the **Occupation Certificate** certifying that the works have been completed in accordance with their requirements & that the desired acoustic performance has been achieved.

Planning Comment

A condition is recommended that future components of the masterplan will need to comply with the acoustic assessment report from Vipac Engineers & Scientists Ltd of 2 April 2013 (Report No.20C-12-0116-TRIP-266092-3) and certification at occupation of each stage will be required.

3.14 Landscaped Area

Not required for a non-residential development.

3.15 Landscape Design

Council's Landscape Architect sought more detailed landscape plans. However, as the proposal is for a masterplan it was considered that indicative plantings and locations were suitable at this time and more detailed landscape plans would be sought at individual stages.

3.16 Principal Private Open Space

N/A

3.17 Front Fences

Existing fencing will be retained. The existing recessive coloured open pool style fence is considered suitable to the use and locality.

3.18 Side & Rear Fences

Existing fencing will be retained.

3.19 Traffic and Transport

The application was referred to the RMS. No objection was received.

Council's Traffic Engineer has noted the following:

Road Design

Fassifern Road – from the Traffic report:

“The north side of Fassifern Road, between the underpass and Cooper Avenue is to be designated a **NO STOPPING** zone. and this means that there will be no cars parked on the north side of Fassifern Road, thus eliminating pedestrian vehicle conflicts which now occur.”

This matter (and the alteration to line marking at the northern proposed access) was approved by Council on 22 September 2014 via Traffic Committee item 14TFC173.

Pedestrians and Cyclists

Footpath is proposed to connect between the existing footpath which connects from Tucker Close to the south side of the creek.

The Civil Works Plans show this footpath continuing from this point to the middle driveway into the site. It is recommended that the proposed footpath be located offset from the proposed kerb where possible by 1 metre.

Provide appropriate fencing, either RMS rated pedestrian fencing or guardrail where required along this footpath.

The pedestrian crossing within the road reserve across the northern car park access is not supported.

Public Transport

An existing public bus stop for bus routes 271 and 273 is located on Fassifern Road. No alteration is required to this bus stop.

Planning Comment

The issues raised by the Traffic Engineer in terms of footpath offset, proposed pedestrian crossing and safety fencing have been noted and included in the draft conditions of consent.

3.20 Design of Parking & Service Areas

Existing and approved car parks will be retained. Council's Traffic Engineer has noted that "The proposed car park design is satisfactory".

3.21 Design of Driveways

Existing and approved driveways will be retained. Council's Traffic Engineer has noted that "The proposed vehicle access location is satisfactory".

3.22 Motorbike Parking and Bicycle Storage

A rate of one motorbike parking space for each 20 car parking spaces is required. It is recommended that 4 spaces be provided on site, (either new sites or the conversion of two car spaces to four motorbike parking spaces).

3.23 Car Parking Rates

Council's Traffic Engineer has noted the following:

Vehicle Parking Provision

"The existing area contains 74 parking spaces, including 3 spaces for disabled persons. The Master Plan shows this parking area to be increased by 58 spaces, making a total of 132 spaces in Carpark 2. Parking is to be provided such that vehicles dropping off or picking up students can be encouraged to do so off-street... [new northern car park] will contain a further 78 parking spaces, making a total parking supply of 210 spaces.

This document specifies 1 parking space per 1.5 full time staff plus 1 space per 50 students. For the proposed expansion's 70 staff and 880 students, this computes to 47 staff parking spaces and 18 spaces for students, making a total of 65 long stay parking spaces."

The parking provision is above the DCP 2014 required number of spaces, and I have no objection to this.

Planning Comment

Council does not have a maximum parking number for developments, hence the provisions of 'additional' parking spaces are not opposed.

3.24 Non-Discriminatory Access

Future development will need to provide suitable non-discriminatory access in and between buildings. Access Audits will be sought with individual building designs.

3.25 Safety & Security

Due to the absence of a full crime risk assessment for the master plan, a crime risk assessment is required for further applications. The assessments should demonstrate what is planned for each component to deter the occurrence of crime and potential crime risks. The crime risk assessment will be required to be completed by a person who has undergone NSW Police - Safer by Design training and verified within the Development Application.

3.26 Cut & fill

The cross section of the proposed built form shows indicative cut on the site is likely to exceed 1 metre in places, 1 metre being Council's preferred maximum cut and fill. Greater detail will be provided in future DAs. Larger cut and fill is considered more acceptable on larger scale sites as there is less direct impacts on adjacent neighbours.

Section 4 – Operational Requirements

4.1 Demolition & Construction Waste Management

Standard conditions will be imposed on any future consent in relation to waste management during construction.

4.2 Waste Management

A Site Waste Minimisation and Management Plan (SWMMP) was not been supplied. A SWMMP is required for future DAs to indicate intentions in relation to waste management, waste avoidance and recycling.

4.3 On-site Sewerage Management

N/A

4.4 Liquid Trade Waste & Chemical Storage

N/A

4.5 Erosion & Sediment Control

Standard conditions will be imposed on any future consents in relation to erosion and sediment control during construction and operations.

4.6 Air Quality

No adverse impacts.

4.7 Noise & Vibration

Standard conditions will be imposed on any future consents in relation to noise and vibration management during construction and operations.

Part 8-12 are not applicable to this application.

Part 8 – Subdivision – N/A
Part 9 – Specific Land Uses – N/A
Part 10 - Town Centre Area Plans – N/A
Part 11 - Heritage Area Plans – N/A
Part 12 – Precinct Area Plans – N/A

79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

Nil

79C(1)(a)(iv) any matters prescribed by the regulations

Clause 92 of the Regulation 2000 provides:

(1) For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies,

the provisions of that Policy,

Planning Comment:

The Government Coastal Policy applies to this site. Issues associated with the Coastal Policy have been considered under the provisions of SEPP 71 – Coastal Protection.

79C(1)(b) the likely impacts of the development

The following matters were considered and, where applicable, have been addressed within this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design
Flora & fauna	Construction (future DAs)

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

Does the proposal fit the locality?

The outcomes proposed will achieve a highly functional development compatible with the surrounding activities.

Are the site attributes conducive to development?

The site attributes are conducive to development of this nature subject to conditions of consent.

79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

No public submissions were received in response to notification.

Submissions from public authorities:

Submissions were received from RMS and Ausgrid, details of which are provided earlier in this report (refer to Attachment C).

79C(1)(e) the public interest

It is considered the public interest issues have been adequately considered. The proposed development is in the greater public interest as the development meets the objects of the Act, primarily being:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- the promotion and co-ordination of the orderly and economic use and development of land;
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; and
- ecologically sustainable development;

INTEGRATED DEVELOPMENT

The application is integrated development in accordance with clause 91 of the Act, for the purpose of:

- Section 15 of the *Mine Subsidence Compensation Act 1961*.

Mine Subsidence Board has noted that an approval cannot be granted for a masterplan in this situation. Future approvals will be required for the individual elements of the masterplan.

- Section 100B of the *Rural Fires Act 1997*

Advice received from the RFS has been noted and included in the proposed conditions of consent for the development. Each stage will require further RFS approval.

CONCLUSION

Based on the above assessment, it is concluded that the masterplan to guide future construction and future operations of the existing educational establishment will result in an appropriate development, with no unreasonable environmental impacts.

Approval of the development, subject to conditions of consent and lodgement of future DAs for individual or component parts of the master plan, is considered to be in the broader public interest, meets the objectives of the Act, and promotes the orderly and economic development of the land.

RECOMMENDATION

It is recommended that the application be approved, subject to the conditions contained in Attachment A to this report.

ENDORSEMENT

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

The staff responsible authorised to assess and review the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.

Andrew Leese
Senior Development Planner
Lake Macquarie City Council

I have reviewed this report and concur with the recommendation.

John Andrews
Chief Development Planner
Development Assessment and Compliance

Attachment A: Draft Conditions of Consent

Attachment B: Plans of Development

Attachment C: Agency Submissions