

## JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

JRPP No	2015HCC012																																							
DA Number	47520																																							
Local Government Area	Gosford City Council																																							
Proposed Development	Demolition & Alterations & Additions to Point Clare Public School (JRPP)																																							
Street Address	1, 19 & 21 Takari Avenue POINT CLARE																																							
Applicant Name	NSW Government - Public Works - Hunter/New England																																							
Owner Name	Point Clare Public School																																							
No Submissions	Nil																																							
Regional Development Criteria (Schedule 4A of the Act)	Public Infrastructure – Greater than \$5 million																																							
List of All Relevant s79C(1)(a) Matters	<div>1. Environmental Planning &amp; Assessment Act 1979 - Section 79C</div> <div>2. Local Government Act 1993 - Section 89</div> <div>3. Gosford Local Environmental Plan 2014</div> <div>4. Gosford Development Control Plan 2013</div> <div>5. State Environmental Planning Policy No 71 - Coastal Protection</div> <div>6. State Environmental Planning Policy – (Infrastructure) 2007</div> <div>7. State Environmental Planning Policy No 55 – Remediation of Land</div> <div>8. Rural Fires Act 1997</div>																																							
List all documents submitted with this report for the panel's consideration	<div>Architectural Plans by NSW Public Works – Government Architect's Office</div> <table><tr><th>Drawing</th><th>Description</th><th>Sheets</th><th>Issue</th><th>Date</th></tr><tr><td>DA 00</td><td>Site Plan and Sheet Location Plan</td><td>00</td><td>-</td><td>21/04/15</td></tr><tr><td>DA 01</td><td>Site Analysis</td><td>01</td><td>-</td><td>21/04/15</td></tr><tr><td>DA 02</td><td>Existing Site and Demolition Plan / Site and Location Plan</td><td>02</td><td>-</td><td>21/04/15</td></tr><tr><td>DA 03</td><td>Site Plan</td><td>03</td><td>-</td><td>21/04/15</td></tr><tr><td>DA 04</td><td>Ground and First Floor Plans – Block A, B and New Block</td><td>04</td><td>-</td><td>21/04/15</td></tr><tr><td>DA 05</td><td>Second Floor Plan and Roof Plan New Block</td><td>05</td><td>-</td><td>21/04/15</td></tr></table>					Drawing	Description	Sheets	Issue	Date	DA 00	Site Plan and Sheet Location Plan	00	-	21/04/15	DA 01	Site Analysis	01	-	21/04/15	DA 02	Existing Site and Demolition Plan / Site and Location Plan	02	-	21/04/15	DA 03	Site Plan	03	-	21/04/15	DA 04	Ground and First Floor Plans – Block A, B and New Block	04	-	21/04/15	DA 05	Second Floor Plan and Roof Plan New Block	05	-	21/04/15
Drawing	Description	Sheets	Issue	Date																																				
DA 00	Site Plan and Sheet Location Plan	00	-	21/04/15																																				
DA 01	Site Analysis	01	-	21/04/15																																				
DA 02	Existing Site and Demolition Plan / Site and Location Plan	02	-	21/04/15																																				
DA 03	Site Plan	03	-	21/04/15																																				
DA 04	Ground and First Floor Plans – Block A, B and New Block	04	-	21/04/15																																				
DA 05	Second Floor Plan and Roof Plan New Block	05	-	21/04/15																																				

DA 06	Ground Floor Furniture Plans – Block A, B & New Block	06	-	21/04/15
DA 07	Ground and Second Floor Furniture Plan New Block	07	-	21/04/15
DA 08	Elevations and Sections	08	-	21/04/15
DA 09	Shadow Diagram 21 June -9AM,12 & 3PM	09		21/04/15
DA L01	Landscape Plan	L 01	-	20/04/15
DA L02	Plant Schedule &Precedent Images	L 02	-	20/04/15
1	Compilation Plan	1 of 3	-	26/08/14
2	Detail and Contour Plan	2 of 3	-	26/08/14
3	Detail and Contour Plan	3 of 3	-	26/08/14

### Supporting Documentation

Document	Title	Date
DC 15071	Statement of Environmental Effects prepared by NSW Government –Public Works	April 2015
5632-1.1R	Noise Assessment Report prepared by Day Design Pty Ltd – Consulting Acoustical Engineers	24 March 2015
C107477:SM	Hazardous Materials Survey Report prepared by GreencapNAA – Noel Arnold & Associates Ltd	January 2015
704	Bushfire Hazard Assessment Report prepared by Eco Logical Australia Pty Ltd	15 January 2013
15 –GS65B	Stage 1 Preliminary Contamination Investigation Report prepared by NSW Public Works – Project Management	February 2015
15 –GS65A	Geotechnical Investigation Report prepared by NSW Public Works – Project Management	January 2015
Unreferenced	Building Code of Australia Preliminary Assessment Report prepared by BCA Performance Accredited Certifiers	March 2015
DC15082	Concept Water Cycle Management Plan prepared by NSW Public Works	May 2015
Unreferenced	Arboricultural Impact Assessment Report prepared by NSW Public works	April 2015
Page 1 of 1	Schedule of External Finishes Selection prepared by NSW Public works	15/04/2015
Page 1 of 1	Schedule of Exterior Colours prepared by NSW Public Works	April 2015

Recommendation	Approval
Report by	K Singh

## **Assessment Report and Recommendation Cover Sheet**

---

## REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

**TITLE**            **DEVELOPMENT APPLICATION NO. 47520/2015**  
**APPLICANT: NSW GOVERNMENT - PUBLIC WORKS - HUNTER/NEW ENGLAND**  
**PROPOSED: DEMOLITION & ALTERATIONS & ADDITIONS TO AN EXISTING EDUCATIONAL ESTABLISHMENT - POINT CLARE PUBLIC SCHOOL (JRPP) ON LOTS: 1 & 2 DP: 21561, LOT: 532 DP: 821639, LOTS: 15, 16, 17, 18 & 19 SEC: 3 DP: 758848, 1 TAKARI AVENUE POINT CLARE, 19 TAKARI AVENUE POINT CLARE, 21 TAKARI AVENUE POINT CLARE**  
Directorate:        Governance and Planning  
Business Unit:     Development and Compliance

---

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

### EXECUTIVE SUMMARY

#### **Reason for Referral to Joint Regional Planning Panel (JRPP)**

Public infrastructure (School)    Value    \$ 7.89 Million

**Assessing Officer:** K Singh

**Reviewing By:**    Manager Development and Compliance  
                         Chief Executive Officer

**Application Received:** 01/05/2015

**Synopsis:** An application has been received from NSW Public Works submitted on the behalf of the Department of Education and Communities (DEC) for the proposed demolition, alterations & additions to an existing Educational Establishment, being the Point Clare Public School. The application has been assessed against the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

The proposal will not detract from the character or scenic qualities of the area or have unreasonable impacts on the environment. Council's records indicate that the subject site is mapped/classified as being bush fire prone.

All relevant matters under Section 79C of the Environmental Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and the proposal is recommended for **approval** subject to conditions.

**Zone:** R2 Low Density Residential

**Area:** Approximately 1.4ha

**Public Submissions:** Nil

**Value of Work:** \$7,890,000.00

**Political Donations:** None Declared**Relevant Statutory Provisions**

1. Environmental Planning & Assessment Act 1979 - Section 79C
2. Local Government Act 1993 - Section 89
3. Gosford Local Environmental Plan 2014
4. Gosford Development Control Plan 2013
5. State Environmental Planning Policy No 71 - Coastal Protection
6. State Environmental Planning Policy – (Infrastructure) 2007
7. State Environmental Planning Policy No 55 – Remediation of Land
8. Rural Fires Act 1997

**Key Issues**

1. Gosford Local Environmental Plan 2014
2. State Environmental Planning Policy (Infrastructure) 2007
3. Principal Development Standards
4. Acid Sulfate Soils
5. Climate Change and Sea Level Rise
6. Coastal Protection
7. Remediation of Land
8. Hazard Materials Survey Report
9. Arboricultural Impact Assessment Report
10. External Referrals
11. Internal Referrals
12. Character
13. Infrastructure & Pedestrian Linkages
14. Carparking
15. Public Submissions
16. Crown Application

**Recommendation**

Approval, subject to conditions

---

**REPORT****Site and Context**

The existing Point Clare Public School is located at the corner of Takari Avenue and Brisbane Water Drive, Point Clare and has a site area of approximately 1.4h. The subject site generally slopes towards the east, with native vegetation located towards the north of the site.

Surrounding Development is predominantly residential in nature, with a Place of Public Worship (St. John's Anglican Church) immediately adjoining to the west and local neighbourhood shops in Brisbane Water Drive to the south.



## Proposal

An application has been received from NSW Public Works submitted on the behalf of the Department of Education and Communities (DEC) for the proposed demolition , alterations & additions to an existing Educational Establishment, being the Point Clare Public School.

Architectural plans associated with the proposed development have been prepared by the Government Architect's Office and accompany the Development Application. Figure 1 provides the overall site plan and scope of works related to the proposed development. Attachment 2 provides for a plan depicting the extent of demolition, refurbishment, removal of structures and proposed new buildings.

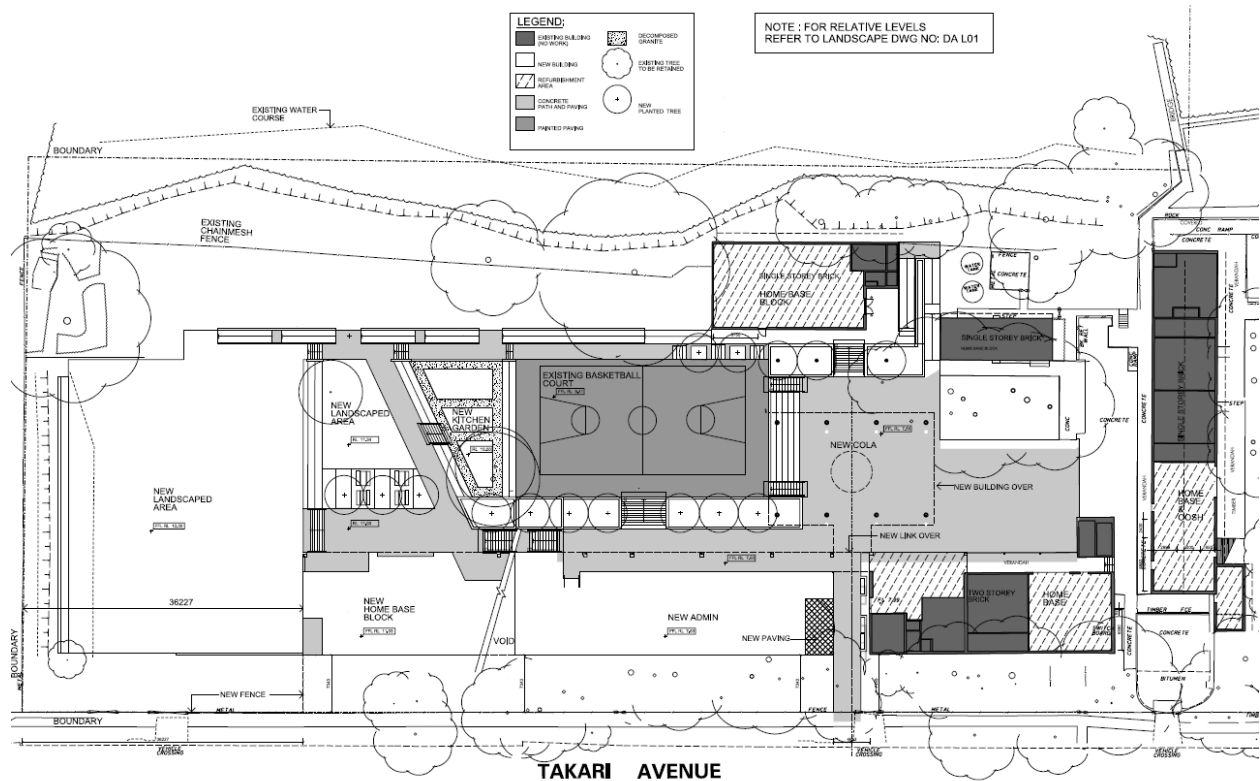


Figure 1 – Proposed Site Plan

The major component of the proposal relates to the construction of the new administration and new home base building having frontage to Takari Avenue, which tapers from three stories at the entry on the eastern end of the building to two stories on the western end due to the rising topography. The overall scope of works associated with the proposal, amounting to approximately 2,426.0m<sup>2</sup> can be summarised as follows:

1. Demolition

Demolition of Building C (weatherboard single storey) and Building D (brick single storey). Refer to Figure 2-4 and 2.5 of the Statement of Environmental Effects [ SEE ], for the location of these buildings.

Ten demountable buildings and one demountable toilet block will be removed. Architectural Plan DA 02 and Attachment 2, provides a plan showing both the existing site and the demolition plan.

2. New Home Base Block consisting of:

First Floor – 363m<sup>2</sup>

- Home Bases
- Girls and Boys WC
- Stores
- Withdrawal Rooms
- Outdoor Learning Areas

Second Floor – 363m<sup>2</sup>

- Home Bases
- Stores
- Withdrawal Rooms
- Outdoor Learning Areas

3. New Administration and Library Building consisting of:

Ground Floor - 400m<sup>2</sup>

- Staff Room
- Staff Study Annex
- 2 Staff WC, and 1 Access WC
- Printing Zone
- Security Store
- Principal Office
- Interview Office
- Clerical Workroom including 2 deputy principal workstations
- Sick Bay
- Interview room
- Entry Vestibule
- Lift
- Store

First Floor - 310m<sup>2</sup>

- Library
- Office/Workroom
- Comms Room
- KLA Store
- Access WC
- Lift

Second Floor - 590m<sup>2</sup>

- Home bases
- Girls and Boys WC
- Lift
- Withdrawal Rooms
- Outdoor learning Areas
- Special Programs Room

4. Refurbishment of Existing Block A – Approximately 120.0m<sup>2</sup>

Refurbishment will include one new Homebase, Special Programs room, and store. The existing Homebase and canteen will remain.

5. Refurbishment of Existing Block B – Approximately 60.0m<sup>2</sup>

Refurbishment will include conversion of existing staff room to new Homebase, two stores, Outside School Hours Care and WC. The existing three Homebases will remain.

6. Refurbishment of Existing Block H – Approximately 220.0m<sup>2</sup>

Refurbishment will include conversion of existing library block H to two (2) Homebase class rooms.

7. Upgrade of External Play Areas and Landscaping

The external play areas are to be upgraded and landscaping provided to the school site. Details are contained in the Landscape Statement in Section 3.6 of the Statement of Environmental Effects [ SEE ]. An Arborist's Report also accompanies the Development Application.

8. Temporary Works

During the construction period, the existing demountables would be relocated where required to permit the construction works to commence. These would be retained to allow



the school to remain operational during construction. Once the students have occupied the new buildings, ten demountable buildings and one demountable toilet block will be removed.

In relation to external materials of construction and building expression, the applicant states:

*“The brick base indicates a solid connection with the site and maintains a link with existing masonry buildings on-site. The use of masonry material and colour will provide a visual connection between the existing and new. The upper levels are clad in compressed fibre cement panels with expressed joints.*

*The colours will be a combination of a predominately neutral façade with building recesses highlighted in a palette of selected colours. These colours will add variation and vibrancy to the school. The roof forms will be low pitched to minimise the overall building height and impact. The extent and configuration of new buildings aim to reduce the development footprint and maximise the outdoor recreation spaces.”*

### **Assessment**

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

### **Gosford Local Environmental Plan 2014**

The land is zoned R2 Low Density Residential under Gosford Local Environmental Plan (GLEP) 2014. The proposal is defined as an *Educational Establishment* and is prohibited within the R2 Low Density Residential zone under the provisions of GLEP 2014.

The proposal is however permissible with the consent of Council under the statutory provisions of *State Environmental Planning Policy (Infrastructure) 2007*, as detailed in Clause 28 (Division 3 Educational Establishments).

Notwithstanding the provision of GLEP 2014, the objectives of the R2 Low Density Residential zone are applicable in the merit assessment of the proposal and are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

In this instance, it is considered that the proposal is generally **consistent** with the stated objectives of the zone, given that it is a facility that meets the day to day needs of residents of the immediate locality which will not adversely affect residential amenity or place demands on services beyond the level reasonably required for low density housing. The proposal is also **consistent** with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 28 of *State Environmental Planning Policy (Infrastructure) 2007* states that development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone.

The R2 Low Density Residential zone is classified as a prescribed zone, within the meaning of Division 3 Educational Establishments of the abovementioned SEPP and the proposal is therefore permitted with Council's consent under the provisions of the SEPP.

In relation to determination of development applications for educational establishments, Clause 32 of the SEPP states:

- (2) *Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*
- *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
  - *Schools Facilities Standards—Design Standard (Version 1/09/2006),*
  - *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*

The applicant has advised that the School Facilities Standards listed in the SEPP are no longer current and that the school facilities have been designed in accordance with the current versions of these standards as updated in the Educational Facilities and Schools Guidelines. [EFSG]

It is estimated that the construction value of the proposed works at Point Clare Public School is \$7,890,000. Accordingly, the proposal is referred to the Joint Regional Planning Panel [JRPP] for determination.

### **Principal Development Standards**

As previously outlined, Educational Establishments are prohibited within the R2 Low Density Residential zone under GLEP 2014. The proposal is however permissible with the Council's consent under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*, which does not specify any height limit.

Accordingly, the Principal Development Standard applicable to the proposed development is the 8.5m height limit, as specified by clause 4.3 (2) of Gosford Local Environmental Plan (GLEP) 2014.

The proposed development in particular the new administration and new home base building ranges in height from 7.3m at the south-west corner of the building to 10.8 m at the south-eastern corner of the building. The applicant has submitted a clause 4.6 variation to justify the variation to the development standard in question, which is supported.

### **Clause 4.6 – Exceptions to Development Standards**

Clause 4.6 - Exceptions to Development Standards, enables the Council to grant consent to a development application where the variation to a development standard can be adequately justified and states:

- "1) *The objectives of this clause are as follows:*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained."*

#### Applicant's Submission

The Applicant has submitted a written request under the provisions of Clause 4.6 of GLEP 2014 for the application to be considered having regard to the departure from the 8.5m height limit requirement, as specified by Clause 4.3(2) of GLEP 2014. Details of the submission are summarised as follows:

#### 1 Standard from which Variation is Sought

*This request for variation is submitted in relation to the Height of Buildings standard contained in Clause 4.3 of the Gosford Local Environmental Plan 2014. The maximum Height of Buildings control is 8.5m.*

#### 2 Deviation from the Standard

*The proposed development is part two, part three storeys in height and ranges from 7.3 m at the south-west corner of the building to 10.8 m at the south-eastern corner of the building. The height is one storey higher than the Gosford LEP's 8.5 metre height limit.*

*This variation arises due to the existing site topography and need to provide for access for students and an education priority to maximise open space in the school grounds. The Survey Plans are attached to the Development Application and show the slope of the land. The Demolition Plans show the existing temporary classrooms which have over time reduced the open space areas within the school grounds.*

*The Architectural plans and sections prepared by the NSW Public Works Government Architect's Office show the height together with the 8.5m height limit as a dotted line.*

The applicant's Clause 4.6 Variation in relation Clause 4.3(2) of GLEP 2014, is detailed in Attachment 3.

### Assessment of Clause 4.6 – Exceptions to Development Standards

Under the provisions of Clause 4.6 - Exceptions to Development Standards, Council has the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of Clause 4.6 are satisfied, being:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

The Clause 4.6 Variation refers to the 8.5m height limit specified by Clause 4.3(2) of GLEP 2014 and relates to the proposed new administration and new home base building that has frontage to Takari Avenue. This component of the proposed development is two to three storeys and has a height ranging between 7.3 to 10.7 metres and exceeds the 8.5 metre height control for approximately 50% of the building frontage.

An inspection of the subject site and the surrounding locality has revealed that the allotment concerned is generally surrounded by low density residential developments. The R2 Low Density Residential zone in GLEP 2014, provides for the following objectives:

The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

The variation that is proposed has been assessed against the objectives of the R2 Low Density Residential zone and found to be consistent with the objectives of the zone. The proposal provides for a development of satisfactory architectural design and external appearance. Furthermore, the design of the proposed development takes into account the topography of the subject site.

Whilst the proposal exceeds the height limit stipulated by GLEP 2014, the architectural design of the proposal coupled with landscaping provisions will ensure that the impact of the proposal is minimised to an acceptable level, so as not to have a detrimental impact on the surrounding residential development.

The proposed variation raises no adverse overshadowing concerns and will not adversely impact upon the amenity of the surrounding residential development. The proposal provides for an essential and important upgrade to an existing educational establishment and will contribute positively to the well being of students and staff of the school and is therefore supported from a planning perspective.

### **Acid Sulfate Soils**

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The proposal is considered satisfactory in relation to these requirements.

### **Climate Change and Sea Level Rise**

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

Climate change and sea level rise will be felt through:

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

The specific impact of climate change on the subject development is unknown. In the absence of any detailed information at the present, refusal of this application is not warranted.

### **Coastal Protection**

The provisions of Clause 5.5 Gosford Local Environmental Plan 2014 and State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council to consider matters in relation to the Coastal Zone. These matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

### **Remediation of Land**

The application is accompanied by a *Stage 1 Preliminary Contamination Investigation Report* prepared by NSW Public Works – Project Management, being Report Number : 15 –GS65B, dated February 2015 which provides for the following Recommendations:

- a. *“In the area around borehole B2, where hydrocarbon contamination of the topsoil was identified, the stripped surface fill (topsoil) from the future building development should be disposed offsite and not be reused. Alternatively, further sampling and analysis of the topsoil can be undertaken in order to determine the content of petroleum-based hydrocarbon in the sample, hence re-assessing suitability of the topsoil for possible reuse within the school site.*
- b. *In the future development, upon demolition of the existing buildings (which contain asbestos containing materials, ACM) and the removal of the existing demountables, the exposed ground surface should be inspected and assessed by a suitably qualified professional, prior to further site works such as backfilling with validated soil or construction of hard paving. It is not uncommon that poor practice of demolition work could result in ACM debris buried at or in the surface soil. It is recommended that, upon complete demolition work, the surface soil within the footprints of the demolished buildings be stripped to a depth of say 75mm and then disposed of offsite to a licensed landfill.*
- c. *Any soil material that is to be excavated and disposed of in a NSW OEH licensed landfill should be assessed and classified (with TCLP testing, where appropriate) in accordance with the Waste Classification Guidelines (NSW DECC, 2009) and relevant legislation. Any material containing asbestos should be classified as “asbestos waste”.*
- d. *Any imported material should be validated in accordance with National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM). The fill material should not contain asbestos, and not be acid sulphate soil or saline soil. The imported fill material should be ‘virgin excavated natural material’ (VENM) or ‘excavated natural material’ (ENM), as defined in the Waste Classification Guidelines (NSW DECC, 2009) because of their low risk of contamination.*

- e. *An Environmental Site Management Plan should be prepared. This Plan should include a contingency plan for the assessment / management of any UNEXPECTED discovery of contamination during the course of earthworks.*

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

The recommendations as contained in the Applicant's Stage 1 Preliminary Contamination Investigation Report are noted and have been included as suitable conditions of consent.

**(Refer Condition 3.5, 3.6, 3.13 and 4.2)**

### **Hazardous Materials Survey Report**

The application is accompanied by a Hazardous Materials Survey Report prepared by GreencapNAA - Noel Arnold & Associates Ltd, dated January 2015. (Reference number J129931)

The recommendations of the Hazardous Materials Survey Report are noted and have been included as a suitable condition of consent.

**(Refer Condition 2.7 and 3.15)**

### **Arboricultural Impact Assessment Report**

The proposal will necessitate the removal of approximately thirty (30) trees to facilitate the proposed development, as identified by the applicant's Arboricultural Impact Assessment Report prepared by NSW Public Works – Landscape Urban Environment Design, dated April 2015.

The Arboricultural Impact Assessment Report also provides for the following recommendations (Summarised) :

- *"Remove trees 1 to 11, 13 to 16, 18a, 18b, 20 to 27, 30, 31, 32 and 36.*
- *Trees to be retained as shown on Tree Survey Schedule including other work eg. pruning work etc. as indicated in the "Action Code".*
- *Protective fencing will be required to protect all trees within the site and council street trees outside the construction area.*
- *Approval must be sought from the Local Council's (TPO) Tree Preservation Order regarding the removal of additional trees during construction not indicated in this report.*
- *The proposed landscape design is to provide new plants including native trees of local remnant species, suitable for the altered environment, adding to the aesthetics which should be seen as beneficial and an asset to the school and community.*
- *All tree protection and management as set out in clause 6 below"*

Council's Tree Preservation officer has reviewed the Arboricultural Impact Assessment Report and has provided the following comments:

*"The proposal has nominated removal of up to 30 existing trees within the school site for construction of new buildings.*

*Trees nominated for removal are all younger age class specimens and appear to be planted exotic and native species such as She oak, Liquidambar, Eucalypt, Cheese Tree and Banksia.*

*The Arboricultural Impact Assessment has provided satisfactory tree protection methods, which have been made a condition of consent".*

The comments from Council's Tree Preservation Officer and the recommendations as contained in the Arboricultural Impact Assessment Report are noted and have included as suitable conditions of consent.

**(Refer Condition 2.1, 2.16, 2.17, 3.4 and 3.14)**

## **External Referrals**

### NSW Rural Fire Service Comments

The proposed subdivision is deemed to be classified as an **Integrated Development** within the meaning of the Environmental Planning and Assessment Act 1979, and was accordingly referred to the NSW Rural Fire Service for comment.

The NSW Rural Fire Service has by correspondence dated 26 June 2015 advised that the Service is **prepared to grant a Bushfire Safety Authority** under Section 100B of the Rural Fires Act, subject to conditions.

The comments of the NSW Rural Fire Service are noted and where applicable, have been included as suitable conditions of consent.

**(Refer Conditions 2.9, 2.10, 2.11, 3.7, 3.8, 4.3, 4.4, 5.4 and 6.8)**

### Roads & Maritime Services

The proposal was referred to the NSW Roads & Maritime Services (RMS) who by correspondence dated 14 May 2015, have advised that **no objections** are raised to the proposal.

The advice provided by the RMS is noted and where appropriate, has been included as suitable conditions of consent.

**(Refer Conditions 6.5 and 6.6)**

## **Internal Referrals**

### Architectural Comments

Council's Architect has provided the following comments, in relation to the proposal:

- "1 *The proposal is two to three storeys (7.3 to 10.7 metres high) on Takari Avenue and exceeds the 8.5 metre height control for approximately 50% of the building frontage.*

*In this instance the non-complying height is considered acceptable. The highest point is at the new pedestrian entry where it creates an appropriately scaled and clearly defined entry to the school that orients visitors and contributes to the streetscape by integrating signage and security with the building design.*

*The additional height also differentiates this important civic building from surrounding residential buildings.*

*Any overshadowing resulting from the non-complying height falls on the road and does not affect adjoining properties or the school play ground.*

- 2 *The architects have used recessed sections to provide some visual interest and to disguise the uniform appearance of the building. Cladding is generally painted fibre cement sheet with expressed joints with rendered masonry on the lowest level. This lacks the solidity, detailing and visual richness of earlier school buildings but is consistent with severe cost constraints of much current public architecture.*

*It is noted that the plans and elevations do not match the refined detailing, frameless glazing and timber screening shown in the perspective. Perspectives should realistically show the application and should closely match the plans, elevations and sections.*

- 3 *Some of the existing mature trees on the southern boundary should be retained if possible to contribute to the canopy and further disguise the bulk and scale”.*

The comments from Council's Architect are noted and have been considered in the determination process.

#### Environmental Assessment

Council's Environmental Officer has provided the following comments (summarised) :

- *“The preliminary site contamination report indicates that the site is not likely to be contaminated and that no further assessment should occur. Some residual hydrocarbon impacted soil was recorded around Borehole 2 which will be removed during works.*
- *The Hazardous Materials Reports indicates that a number of hazardous materials have been identified within the buildings including bonded asbestos and PCB's in fluorescent light and fan fittings. The controls outlined in this report are considered suitable to minimise public health risk.*
- *A Construction Environmental Management Plan (CEMP) is mandatory for NSW State Gov funded proposals. The CEMP will incorporate all mitigation measures from the SEE and any conditions of consent from Council.*
- *A Waste Management Plan has not been submitted with the DA however the SEE indicates that one is to be prepared by the contractor as part of the NSW Public Works procurement requirements. This will be included as a condition of consent.*
- *The Noise Assessment Report concluded that the levels of noise emitted by students and teachers associated with the proposed development will meet the EPA's acceptable noise level requirements. It is not expected that the proposed development will lead to any additional noise from the school as the student capacity will not change.*
- *The vegetation on site is mapped as E33bi Umina Coastal Sands Woodland (Umina Coastal Sandplain Woodland EEC). All documentation provided with the DA consistently indicates that the EEC will not be impacted as a result of the works, directly or indirectly. For this reason, a threatened species assessment is not warranted.*
- *A majority of the native trees on site will be retained and those scheduled for removal consist of liquid ambers and other planted varieties. These will be replaced with suitable small trees and other plants.*

*The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Environmental Assessment Officer has **no objection** to the proposal subject to suitable conditions being included within any consent granted”.*

**(Refer Conditions 2.15 and 3.13)**

#### Engineering Comments

Council's Development Engineer has advised that **no objections** are raised to the proposal, subject to the imposition of standard engineering conditions of consent, as contained in the recommendation.



**Character**

The proposal is subject to the provisions of Gosford Development Control Plan (DCP) 2013 Chapter 2.1 - Character, which provides for the following objectives:

- i the protection and enhancement of Gosford City's environmental character; and*
- ii enhancement of character related to built-form and landscape design.*

The subject allotment is located within Point Clare Character Precinct 11 –Community Centres & Schools which provides for the following the desired character:

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

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

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

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

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

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

The proposal is for the proposed demolition, alterations & additions to an existing Educational Establishment, being the Point Clare Public School. The proposed development provides for an essential and important upgrade to an existing educational establishment and will contribute positively to the well being of students and staff of the school.

Whilst the proposal exceeds the height limit stipulated by GLEP 2014 and proposes the removal of existing vegetation to facilitate the proposed development, the architectural design of the proposal, coupled with landscaping provisions will ensure that the impact of the proposal is minimised to an acceptable level so as not to have a detrimental impact on the surrounding residential development.

Accordingly, it is considered that the proposal is **consistent** with the character of the immediate locality.

### **Infrastructure & Pedestrian Linkages**

The subject site has frontage to Brisbane Water Drive and Takari Avenue. There is presently kerb & gutter and concrete footpath across the full frontage of the site in Brisbane Water Drive. The existing footpath network in this vicinity connects the school to the nearest bus stop and Point Clare railway station along Brisbane Water Drive.

Takari Avenue has full road construction with kerb and gutter on both sides, up to the frontage of Nioka Avenue. There is presently a concrete footpath across the frontage of the school site, but not on the opposite side of the road. Adequate infrastructure and pedestrian linkages exist across the proposed development site frontages.

The proposal does not increase staff or student numbers. Therefore there is no need for additional works across other site frontages in addition to that already in existence within the site frontages of the school, with the exception of removal of some existing access crossings in Takari Avenue that will be replaced with new footpath, turf, and kerb & gutter.

The NSW Roads & Maritime Services (RMS) has advised Council by correspondence dated 14 May 2015, that no objections are raised to the proposed development.

### **Carparking**

*Gosford Development Control Plan (DCP) 2013 Chapter 7.1 – Carparking in particular Clause 7.1.3.2(f) Schedule of Requirements, stipulates carparking associated with Educational Establishments to be provided at the rate of 1 space per 1 staff place and 1 space per 10 year 12 students.*

The Applicant's Statement of Environmental Effects (SEE) page 3 states:

*"Point Clare Public School was built in 1955 to accommodate 350 students. The population of Point Clare has since increased and consequently so has the school. The student body now numbers 528, and there are 29 permanent teachers and 6 casual teachers."*

Applying the requirements of Gosford DCP 2013 Chapter 7.1 – Carparking, the proposal would require the provision of thirty – five (35) on site carparking spaces. The subject site presently provides for approximately ten (10) on site carparking spaces, of which three (3) are stacked carparking spaces and one (1) disabled space.

The proposal has been conditioned to comply with the requirements of Gosford DCP 2013 Chapter 7.1 – Carparking, having regard to the shortfall.

**(Refer Condition 4.9)**

Given that the proposal is classified as a Crown Application, the applicant was advised of this requirement in relation to the provision of additional carparking. The applicant has by correspondence dated 2 September 2015, advised Council that objection is raised to the imposition of Condition 4.9, for the following reasons:

*“As previously stated this development is to replace existing temporary and permanent buildings. This will not increase the numbers of students and staff at the school. It is expected the “status quo” in relation to parking will be maintained on completion of the new works.*

*The focus of the development is to return open space to the students for sporting and outdoor activities not currently available due to the restricted site.*

*Any condition that will encroach on the limited open space will be strongly opposed, as the education opportunities the redeveloped site will provide for students and the high risk hazard of students and vehicles coming together is to take precedence over conditions imposed.*

*Please consider the above objections and amend DA conditions accordingly.”*

The comments from the applicant are noted. Accordingly if the Panel agrees that condition 4.9 should be imposed, then the matter must be referred to the Minister for Planning & Environment seeking the Minister’s approval to impose the condition in question.

**(Refer Recommendation E)**

#### **Section 94 Contributions**

The land zoned R2 Low Density Residential and the proposal and locality is **not subject** to a Section Contribution Plan.

#### **Public Submissions**

The proposal was publicly exhibited from 15 May 2015 to 29 May 2015. No public submissions were received during the public exhibition period.

#### **Crown Application**

In accordance with Section 89(1)(b) of the Environmental Planning and Assessment Act, 1979, Council on 13 August 2015 sought the approval of the applicant to impose conditions of consent in respect of the development application.

The applicant has advised by correspondence dated 26 August 2015 and 2 September 2015, that **no objections** are raised to the conditions of consent as contained in the recommendation, with the exception of condition 4.9 as it relates to the provision of additional on site carparking spaces.

#### **Conclusion**

The proposal provides for an essential and important upgrade to an existing educational establishment [Point Clare Public School] and will contribute positively to the well being of students and staff of the school.

All relevant matters under Section 79C of the Environment Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

**Attachments:** Attachment 1: Plans

Attachment 2: Plan depicting extent of demolition, refurbishment, removal of structures and proposed new buildings.

Attachment 3: Clause 4.6 Submission Variation to Height Development Standard.

**Tabled Items:** Nil**RECOMMENDATION**

- A The Joint Regional Planning Panel assume the concurrence of the Director - General of the Department of Planning under clause 4.6 of Gosford Local Environmental Plan 2014 for the variation to the development standard of Clause 4.3(2) – Height of Buildings to permit the proposed development
- B The Joint Regional Planning Panel as consent authority grant consent to Development Application No 47520/2015 for the proposed demolition , alterations & additions to an existing Educational Establishment (Point Clare Public School) on Lots: 1 & 2 DP: 21561, Lot: 532 DP: 821639, Lots: 15, 16, 17, 18 & 19 Sec: 3 DP: 758848, 1 Takari Avenue Point Clare, 19 Takari Avenue Point Clare, 21 Takari Avenue Point Clare, subject to the conditions attached.
- C The applicant be advised of Joint Regional Planning Panel decision and of their right to appeal in the Land and Environmental Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to Council's decision.
- D The External Authorities be notified of the Joint Regional Planning Panel decision.
- E The Joint Regional Planning Panel (JRPP) seek the approval of the Minister for Planning & Environment to impose condition 4.9, in relation to the provision of additional onsite carparking spaces.

**CONDITIONS****1.. PARAMETERS OF THIS CONSENT****1.1. Approved Plans and Supporting Documents**

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

**Architectural Plans by NSW Public Works – Government Architect's Office**

Drawing	Description	Sheets	Issue	Date
DA 00	Site Plan and Sheet Location Plan	00	-	21/04/15
DA 01	Site Analysis	01	-	21/04/15
DA 02	Existing Site and Demolition Plan / Site and Location Plan	02	-	21/04/15
DA 03	Site Plan	03	-	21/04/15

DA 04	Ground and First Floor Plans – Block A, B and New Block	04	-	21/04/15
DA 05	Second Floor Plan and Roof Plan New Block	05	-	21/04/15
DA 06	Ground Floor Furniture Plans – Block A, B & New Block	06	-	21/04/15
DA 07	Ground and Second Floor Furniture Plan New Block	07	-	21/04/15
DA 08	Elevations and Sections	08	-	21/04/15
DA 09	Shadow Diagram 21 June -9AM,12 & 3PM	09		21/04/15
DA L01	Landscape Plan	L 01	-	20/04/15
DA L02	Plant Schedule & Precedent Images	L 02	-	20/04/15
1	Compilation Plan	1 of 3	-	26/08/14
2	Detail and Contour Plan	2 of 3	-	26/08/14
3	Detail and Contour Plan	3 of 3	-	26/08/14

### Supporting Documentation

Document	Title	Date
DC 15071	Statement of Environmental Effects prepared by NSW Government –Public Works	April 2015
5632-1.1R	Noise Assessment Report prepared by Day Design Pty Ltd – Consulting Acoustical Engineers	24 March 2015
C107477:SM	Hazardous Materials Survey Report prepared by GreencapNAA – Noel Arnold & Associates Ltd	January 2015
704	Bushfire Hazard Assessment Report prepared by Eco Logical Australia Pty Ltd	15 January 2013
15 –GS65B	Stage 1 Preliminary Contamination Investigation Report prepared by NSW Public Works – Project Management	February 2015
15 –GS65A	Geotechnical Investigation Report prepared by NSW Public Works – Project Management	January 2015
Unreferenced	Building Code of Australia Preliminary Assessment Report prepared by BCA Performance Accredited Certifiers	March 2015
DC15082	Concept Water Cycle Management Plan prepared by NSW Public Works	May 2015
Unreferenced	Arboricultural Impact Assessment Report prepared by NSW Public works	April 2015
Page 1 of 1	Schedule of External Finishes Selection prepared by NSW Public works	15/04/2015
Page 1 of 1	Schedule of Exterior Colours prepared by NSW Public Works	April 2015

### 1.2. Building Code of Australia

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

## 2. PRIOR TO COMMENCEMENT OF ANY WORKS

- 2.1. Tree removal and retention is to be in accordance with the Arboricultural Impact Assessment Report prepared by NSW Public Works dated April 2015 (unreferenced).

- 2.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to an officer of the Council.
- 2.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 2.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
  - a. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - b. That unauthorised entry to the work site is prohibited.

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

- 2.5. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.
- 2.6. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

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

- 2.7. Work involving bonded asbestos removal (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*.

The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this condition, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment and Heritage.

- 2.8. A Site Environment Management Plan (EMP) is to be prepared for the entire site and shall include all recommendation outlined in Section 12 Stage 1 Preliminary Contamination of the Environmental Site Investigation Report (NSW Public Works, Report No:15 -GS65B, dated February 2015. The EMP shall also include a Remedial Action Plan to set objectives and document the process to remediate the site.

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

- 2.9. The entire property shall be managed as an Inner Protection Area (IPA), as outlined within Section 4.13 and Appendix 5 of '*Planning for Bush Fire Protection 2006*' and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones (APZ)*'.
- 2.10. Compliance with the recommendations of the Bushfire Assessment Report prepared by Eco Logical Australia Pty Ltd, dated 15 January 2015 (Ref / Job No. 704).
- 2.11. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS 3959-2009 '*Construction of Buildings in Bushfire – Prone Areas*' and section A 3.7 Addendum Appendix 3 of '*Planning for Bush Fire Protection*'.
- 2.12. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

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

The required works to be designed are as follows:

- a. All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
  - b. All redundant vehicular crossings to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
  - c. The piping of stormwater from within the site to Council's drainage system.
- The engineering plans must be approved by Council prior to the commencement of any works.
- 2.13. A dilapidation report must be submitted to Department of Education prior to issue of any Section 109R Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.14. Design of the following engineering works within private property:

- a. A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1%AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
- b. Nutrient/pollution control measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- c. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.

The design of these details and any associated reports shall be included in the approval of internal works.

- 2.15. Waste Management Plan and details is to be in accordance with Chapter 7.2 of the Gosford Development Control Plan 2013.
- 2.16. The Contractor must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 2.17. Tree Protection is to be as per the recommendations made within the Arboricultural Impact Assessment by NSW Public Works, April 2015.

### 3. DURING WORKS

- 3.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between 7.00am and 6.00pm daily (excluding public holidays).
- 3.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
- 3.3. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 3.4. Trees to be removed are to be those as shown for removal on the Arboricultural Impact Assessment Report, prepared by the NSW Public Works, dated April 2015 (unreferenced). Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 3.5. Compliance with the Recommendations of the Stage 1 Preliminary Contamination Investigation Report No 15-GS65B dated February 2015 prepared by NSW Public Works – Project Management being;
  - a. In the area around borehole B2, where hydrocarbon contamination of the topsoil was identified, the stripped surface fill (topsoil) from the future building development should be disposed offsite and not be reused. Alternatively, further sampling and analysis of the topsoil can be undertaken in order to determine the content of



- petroleum-based hydrocarbon in the sample, hence re-assessing suitability of the topsoil for possible reuse within the school site.
- b. In the future development, upon demolition of the existing buildings (which contain asbestos containing materials, ACM) and the removal of the existing demountables, the exposed ground surface should be inspected and assessed by a suitably qualified professional, prior to further site works such as backfilling with validated soil or construction of hard paving. It is not uncommon that poor practice of demolition work could result in ACM debris buried at or in the surface soil. It is recommended that, upon complete demolition work, the surface soil within the footprints of the demolished buildings be stripped to a depth of say 75mm and then disposed of offsite to a licensed landfill.
  - c. Any soil material that is to be excavated and disposed of in a NSW OEH licensed landfill should be assessed and classified (with TCLP testing, where appropriate) in accordance with the *Waste Classification Guidelines* (NSW DECC, 2009) and relevant legislation. Any material containing asbestos should be classified as "asbestos waste".
  - d. Any imported material should be validated in accordance with National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM). The fill material should not contain asbestos, and not be acid sulphate soil or saline soil. The imported fill material should be 'virgin excavated natural material' (VENM) or 'excavated natural material' (ENM), as defined in the *Waste Classification Guidelines* (NSW DECC, 2009) because of their low risk of contamination.
  - e. An Environmental Site Management Plan should be prepared. This Plan should include a contingency plan for the assessment / management of any UNEXPECTED discovery of contamination during the course of earthworks.

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

- 3.6. The approved Site Environment Management Plan (EMP) shall be implemented.
- 3.7. The provision of new services such as water and electricity shall comply with Section 4.2.7 of '*Planning for Bush Fire Protection 2006*'.
- 3.8. Gas services shall comply with Section 4.2.7 of '*Planning for Bush Fire Protection 2006*'.
- 3.9. The school design and construction complying with the Educational Facilities Standards and Guidelines (EFSG) and exceptions from the EFSG agreed to with the Department of Education and Crime Prevention through Environmental Design (CPTED) principles.
- 3.10. The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 3.11. The engineering works within private property that formed part of any Section 109R Certificate shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 3.12. The applicant and/or contractor shall engage a suitably experienced NSW Roads and Traffic Authority Accredited person to provide certification attesting to the provision and compliance of Traffic and Pedestrian Management facilities, devices and personnel in accordance with the current RMS 'Traffic Control at Work Sites Manual', Australian

Standard 1742.3 (2009) Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads and the Work, Health & Safety Act.

- 3.13. Fill material will only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

*"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):*

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and*
- (b) that does not contain any sulfidic ores or soils or any other waste,*

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material Order and Exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

- the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
- an exemption issued under the Excavated Natural Material Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

- 3.14. Trees to be removed are those shown on the approved plan and as listed within the Arboricultural impact Assessment Report. Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 3.15. Compliance with the recommendations of the Hazardous Materials Survey Report prepared by GreencapNAA – Noel Arnold & Associates Ltd, dated January 2015. (Reference number J129931)
- 3.16. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.

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

- 4.1. Bicycle racks shall be located in a highly visible area near the main pedestrian entry at the rate of nominal number to suit current use. Landscaped as per Landscape plan.
- 4.2. A Validation and Monitoring Report shall be prepared and submitted to Council to demonstrate whether the objectives stated in the Remedial Action Plan/Environment Management Plan have been achieved.
- 4.3. Landscaping to the site is to comply with the principles of Appendix 5 of '*Planning for Bush Fire Protection 2006*'.

- 4.4. Arrangements for emergency and evacuation are to comply with Section 4.2.7 of *'Planning for Bush Fire Protection 2006'*.
- 4.5. Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the commencement of use/occupation of the Primary School.
- 4.6. Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the commencement of use/occupation of the Primary School.
- 4.7. The Deposited Plan (DP) must be amended to:
- Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan.
    - a. To create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
- And,
- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
    - a. To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
      - (i) The facility will remain in place and fully operational.
      - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
      - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
      - (iv) Council is indemnified against all claims of compensation caused by the facility.
- Registered title documents showing the restrictive and positive covenants must be submitted to and approved by an Accredited Certifier/Suitably qualified person prior to the issue of any occupation certificate.
- 4.8. Prior to occupation of the development, the internal engineering works within private property that formed part of any approved plans shall be completed in accordance with the plans and approved details.
- 4.9. Provision of a total of thirty – five (35) onsite car parking spaces in accordance with the requirements of Gosford Development Control Plan (DCP) 2013 Chapter 7.1 - Car parking. The driveway, vehicle manoeuvring area and car parking spaces must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1 – 2004 Off Street Parking.

## 5. ONGOING OPERATION

- 5.1. The approved Site Environment Management Plan shall be implemented.
- 5.2. Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.
- 5.3. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 5.4. Management of the Inner Protection Area (IPA), as required by the NSW Rural Fire Service.
- 5.5. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.

## 6. ADVICE

- 6.1. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 6.2. A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.
- 6.3. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 6.4. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au) to download a form from the Water & Sewerage forms index.
- 6.5. There is the potential for road traffic noise to impact on development on the site. In this regard, the applicant, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria for new residential developments, The NSW Road Noise Policy (July 2011).

Where the Office of Environment and Heritage external noise criteria would not feasibly or reasonably be met Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms under ventilated conditions that comply with the Building Code of Australia.

- 6.6. Appropriate traffic management measures are to be put in place, to minimise the impacts on the traffic using Brisbane Water Drive and Takari Avenue, during the demolition and construction works on site.

- 6.7. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.

- 6.8. This bush fire safety authority has been issued based upon the plans provided, labelled figures 3-1 and 3-2, in the Statement of Environmental Effects prepared by NSW Public Works (Dated April 2015, Ref. SC15071) prepared for the referral. These plans are consistent with the 'Option 1' building footprint of the bush fire assessment report prepared Ecological Australia (Dated 15 January 2015, Ref. 704)

<<Insert Attachment Link/s Here >>