

JOINT REGIONAL PLANNING PANEL
(Northern Region)

JRPP No	2015NTH017
DA Number	DA15/0583
Local Government Area	Tweed Shire Council
Proposed Development	Staged Development Application comprising masterplan for school with 670 students, general learning areas, administration buildings and amenities, and Stage 1 approval including general learning areas and car parking to accommodate 40 additional students, footpath and road intersection upgrade and substation development.
Street Address	Lot 8 DP 1039569; No. 3A Acacia Street; TWEED HEADS SOUTH, NSW, 2486 Acacia Street Road Reserve, TWEED HEADS SOUTH, NSW
Applicant	Pacific Coast Christian School Ltd
Owner	Pacific Coast Christian School Ltd & Tweed Shire Council (Road reserve works)
Number of Submissions	One public submission was received during the exhibition period Submissions have also been received from/on behalf of; Essential Energy; Rural Fire Service (RFS); NSW Roads and Maritime Services (RMS), and Gold Coast Airport Pty Ltd (GCAPL).
Regional Development Criteria (Schedule 4A of the Act)	<i>Private infrastructure and community facilities over \$5 million.</i> <i>CIV of \$14,187,000</i>

List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <u>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</u> State Environmental Planning Policy (SEPP) No. 14 – Coastal Wetlands State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land State Environmental Planning Policy (SEPP) No 71 – Coastal Protection State Environmental Planning Policy (SEPP) (Infrastructure) 2007 Tweed Local Environmental Plan 2014 <u>List any relevant development control plan: s79C(1)(a)(iii)</u> Tweed Development Control Plan Section A2-Site Access and Parking Code Tweed Development Control Plan Section A3-Development of Flood Liable Land Tweed Development Control Plan Section A11-Public Notification of Development Proposals Tweed Development Control Plan Section A15 – Waste Minimisation and Management Tweed Development Control Plan Section B3-Banora Point West- Tweed Heads South <u>List any coastal zone management plan: s79C(1)(a)(v)</u> Tweed Shire Coastline Management Plan 2005 Coastal zone Management Plan for Cobaki and Terranora Broadwater <u>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</u> Clause 92(a) Government Coastal Policy Clause 92(b) Applications for demolition
List all documents submitted with this report for the panel's consideration	Section 79C Assessment Report including proposed conditions of consent.
Recommendation	Approval with conditions
Report by	David O'Connell (Town Planner)

Assessment Report and Recommendation

FILE NO: **DA15/0583**

REPORT TITLE:

Development Application DA15/0583 for a Staged Development Application comprising masterplan for K-12 school with 670 students, general learning areas, administration buildings and amenities, and Stage 1 including general learning areas, car parking and 40 additional students (JRPP) at Lot 8 DP 1039569; No. 3A Acacia Street TWEED HEADS SOUTH

SUMMARY OF REPORT:

Tweed Shire Council received DA15/0583 on 7 July 2015. At present Pacific Coast Christian School is operational on site with approximately 350 students and 30 full time staff.

The applicant has requested that the development application be treated as staged in accordance with Clause 83B of the Environmental Planning and Assessment Act (*EP&A Act*). Application documentation sets out detailed proposals for the first stage (Stage 1) of development with concept proposals for later stages of development which require subsequent development applications.

The proposal seeks to obtain consent for a masterplan for a school with a total of 670 students, general learning areas, administration buildings and amenities. Furthermore, Stage 1 development of this masterplan is also proposed as part of this application including a school building (2 x classroom and administration building), car parking, substation and upgrades to the surrounding road network (intersection and footpath upgrades). Proposed Stage 1 works would enable an additional 40 students and three staff.

This development consent is limited to the works identified as being part of stage 1 contained on the approved plan. All other works associated with the Master Plan require assessment and approval by way of further development applications with Council.



Figure 1: Existing Site Aerial Photograph

The estimated contract price of the entire development is \$14,187,000 and accordingly the application has been referred to the Joint Regional Planning Panel for determination.

The application was lodged and assessed as Integrated Development having regard to the Rural Fires Act 1997 with respect to a school development being a Special Fire Protection Purpose under this Act. The NSW Rural Fire Service (RFS) has provided General Terms of Approval for the proposed works.

The application was reviewed by the NSW Roads & Maritime Service (RMS) in accordance with SEPP (Infrastructure) 2007 as the development proposes an Educational establishment which provides for 50 or more students. The RMS raised no concerns with respect to the proposal.

Comments have also been received from Gold Coast Airport Pty Ltd and Essential Energy.

Furthermore, Council's Development Engineering, Environmental Health, Natural Resource Management and Water Units as well as Council's Traffic Engineer have reviewed the submitted application, raising no objections to the proposal subject to appropriate conditions being attached to any consent.

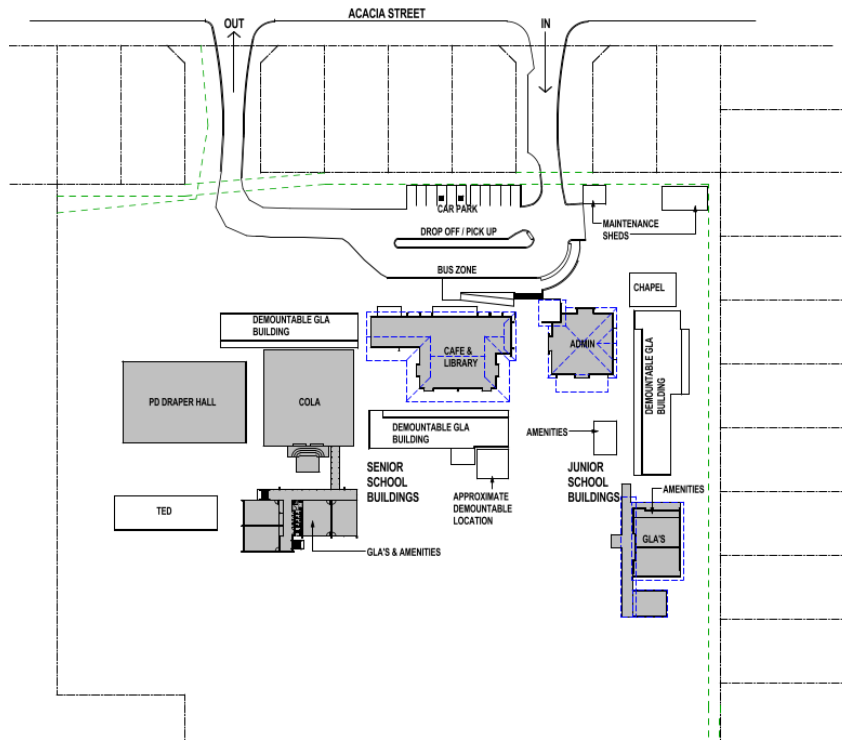


Figure 2: Existing Part Site Plan

The application was placed on public exhibition for a 14 day period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received one written submission, which is addressed in detail elsewhere in this report.

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. This report incorporates recommended conditions of consent.

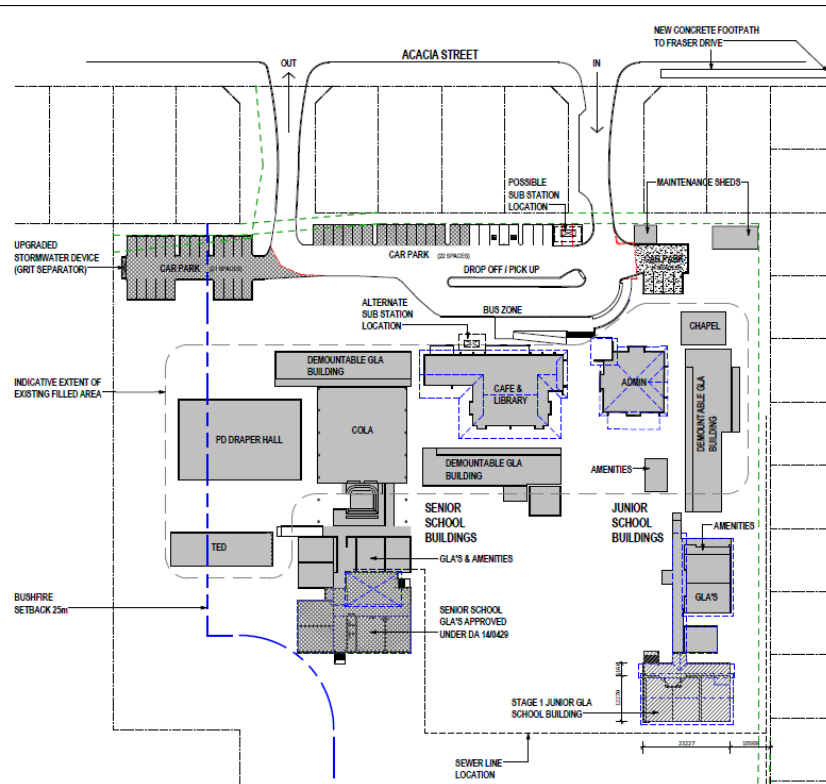


Figure 3: Proposed Stage 1 Site Plan

Applicant: Pacific Coast Christian School Limited
Owner: Pacific Coast Christian School Limited
Location: Lot 8 DP 1039569; No. 3A Acacia Street TWEED HEADS SOUTH
Zoning: R1 - General Residential

BACKGROUND:

Under DA2150/878 approval was granted in 2001 for the establishment of a school at this location (Lakeside Christian College)

In 2009, the current owner (Pacific Coast Christian School) took control of the school and in the intervening years also established a primary school to complement the secondary school on the site. Through this, there have been a number of Development Applications lodged and approved for additional classroom buildings, a COLA and additional parking in the intervening period.

The school is currently operational with 350 students and approximately 30 staff.

The applicant now wishes to obtain Masterplan approval to increase the total school population to 670 students (and 47 staff) including the development of school buildings (including classrooms and a performing arts centre), car parking for up to 75 spaces and a dedicated bicycle parking area. The masterplan comprises general “building zones” to allow for flexibility in delivering this development.

Consent is also sought for Stage 1 works of the Masterplan. This includes the development of a classroom building, car parking spaces and a new sub-station on the school site, while it is also proposed to provide a concrete footpath to Fraser Drive along Acacia Street and also undertake upgrade works to the Acacia Street/Fraser Drive intersection.

Site

Lot 8 DP 1039569 (No. 3A Acacia Street Tweed Heads South)

This site is presently developed with Pacific Coast Christian School which currently consists of a number of school buildings to the northern portion of the site including classrooms, admin building, café and library, Covered Outdoor Learning Areas (COLA's), access and parking area as well as sports fields located to the south of the site.

This allotment covers a total area of approximately 3.8ha and access to the site is provided via a separate entrance and exit from Acacia Street. The site boundary to the north and east is characterised by ribbon residential development which adjoins Acacia St and Fraser Drive. To the west the site is bound by SEPP 14 wetlands, whilst to the southern boundary, the site is bound by an undeveloped land which is zoned for residential purposes.

The site is generally flat with a slight fall off towards the playing fields in the south. At present there is little vegetation on the site with the exception of the grassed playing fields.

Acacia St/ Fraser Drive Road Reserve

The subject application, also provides for development works to developed public road reserve through the construction of new concrete footpath to Fraser Drive along Acacia Street and upgrade works to the Acacia Street/Fraser Drive intersection.

Acacia Street is a two lane road with a width of approximately 9m from which the Pacific Coast Christian School is accessed and egressed from.

Fraser Drive is also a two lane road and has a width of approximately 10m at its intersection with Acacia St.

It is noted that approval is in place (under PTV10/0032) for Kirkwood Road to be extended to link up with Fraser Drive adjacent to the Acacia Street/Fraser Drive intersection. When this occurs, a roundabout intersection is to be developed.

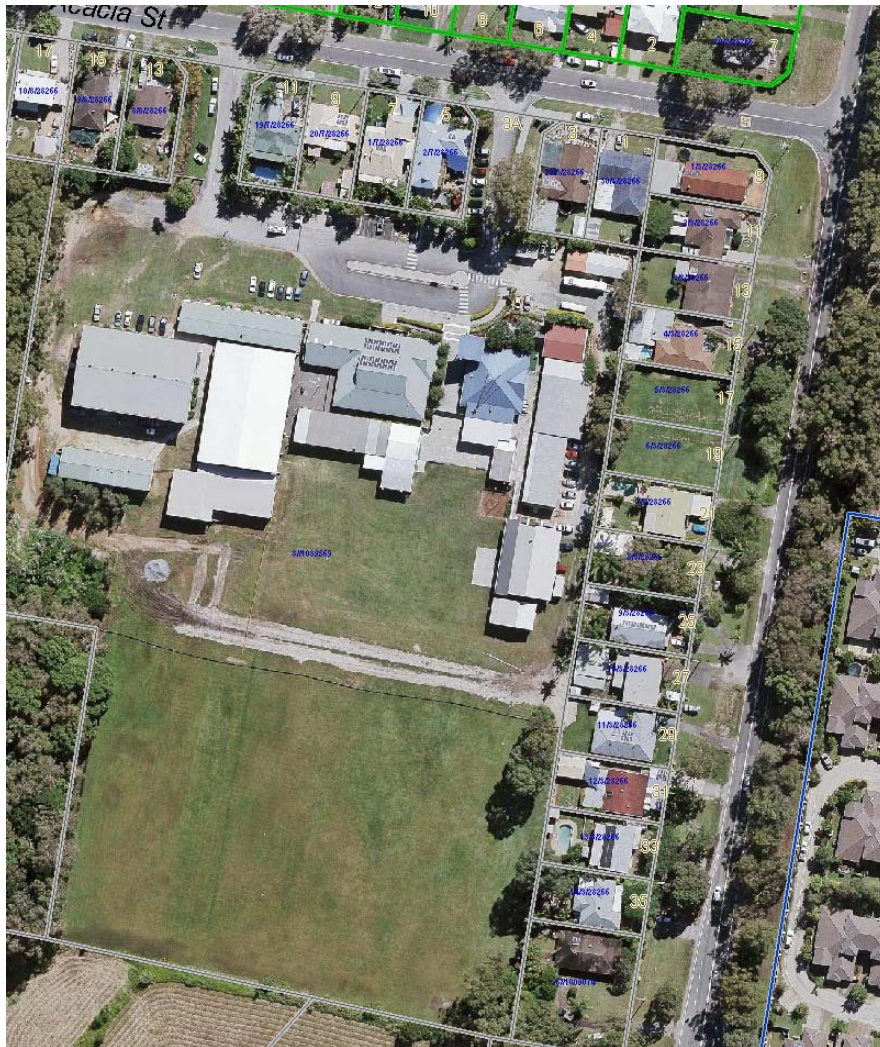


Figure 4: Land subject to this application

Proposed Development

MASTERPLAN

The applicant seeks Council consent for a revised Masterplan for the school and Stage 1 development approval, comprising an increase in student numbers and associated building works.

The proposed Masterplan for the Pacific Coast Christian School allows for an ultimate population of 670 students and to provide up to 47 full time staff positions. Stage 1 of the development provides facilities to accommodate 40 additional students (detailed further below).

The existing school has provision for 350 students (and 30 staff), while under DA14/0429, approval is in place to increase this by a further 20 students. The applicant has clarified that the Masterplan is to result in a total of 670 students on site, inclusive of the existing student numbers.

Under Section 83B of the Environmental planning and Assessment Act 1979, a *staged development application* is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development as has been done in this instance for proposed Stage 1 works.

The Masterplan proposes “building zones” (rather than specific “footprints”) to allow for flexibility for the future development components. See Figure 5 for the proposed building zones.

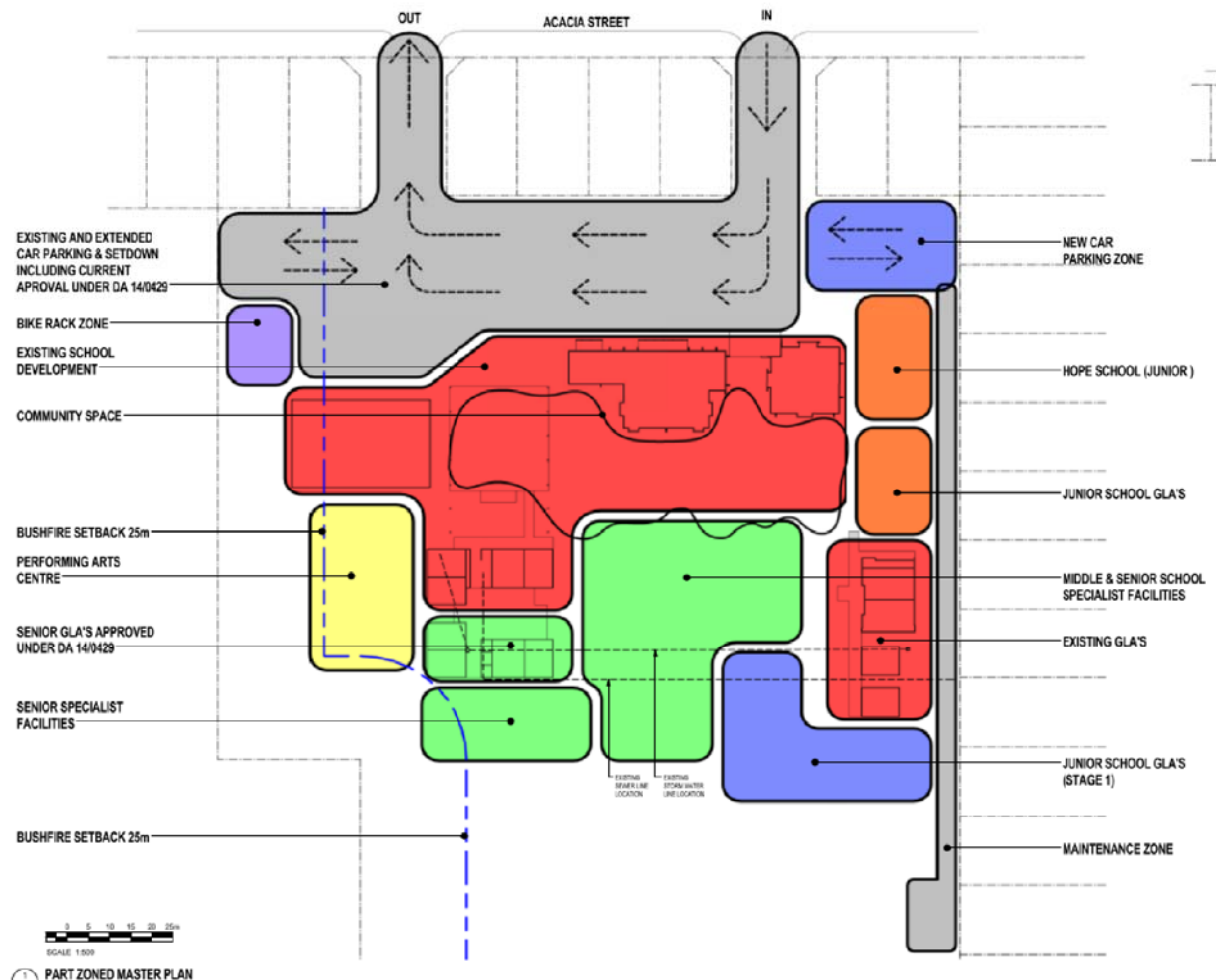


Figure 5: Masterplan Layout

These building zones provide for future development including new school buildings (including specialised classrooms and a performing arts centre), car parking for up to 75 spaces and a dedicated bicycle parking area.

The masterplan does not seek to alter the existing operating conditions and there are to be no changes to start/finish times, special events or weekend activities.

STAGE 1 WORKS

School Building

A building with a total area of approximately 285m² and a maximum height of 8.1m is proposed as part of the Stage 1 works. This building includes two classrooms (GLA's) and a temporary administration room as well as a deck area.

This building is to be located adjacent to an existing classroom building to the east site boundary.

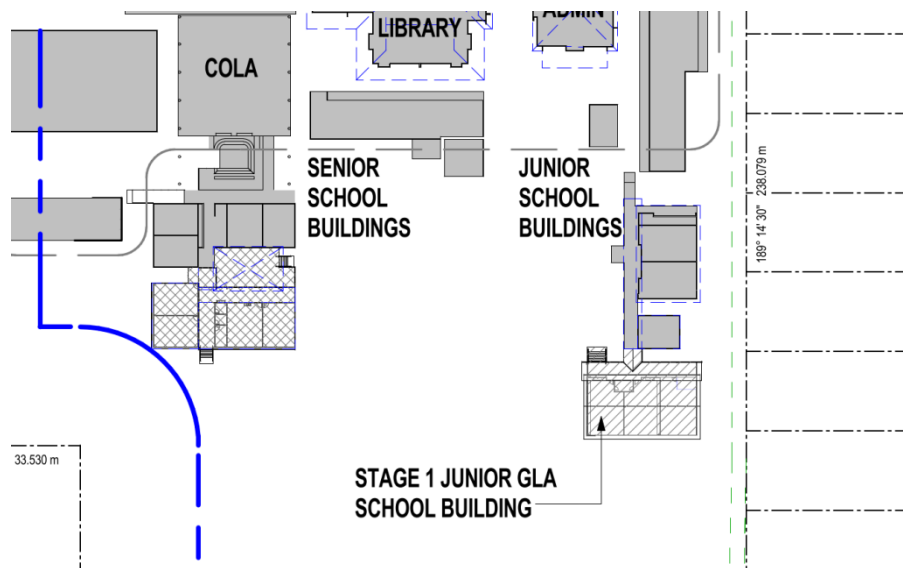


Figure 6: Proposed location of School Building

This building is to accommodate 40 additional students and 3 additional staff.

Car Parking Spaces

A car parking area is proposed to the northeast of the site which provides for four spaces.

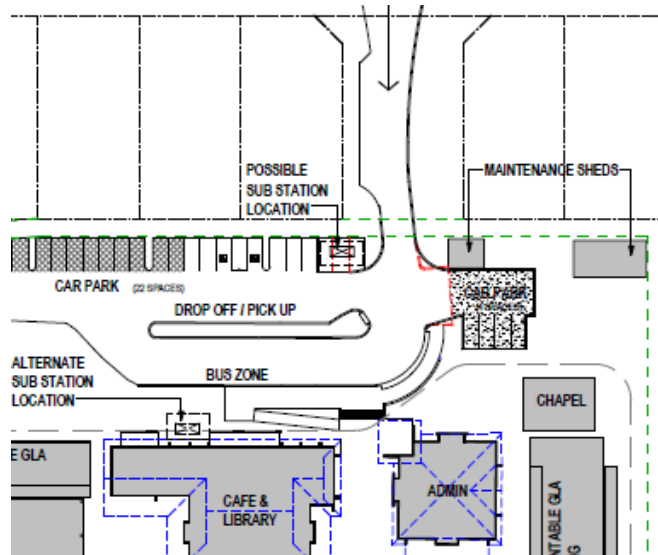


Figure 7: Proposed Carpark and Possible Sub-Station Location

Sub-Station

A possible sub-station location has been identified as outlined under Figure 7 above. Construction of a new sub-station to provide sufficient power supply to the site (which may require the removal of two (2) car parking spaces); and

Upgrade to Acacia Street/Fraser Drive Intersection & Provision of a Footpath along Acacia Street

The application as originally lodged provided for the extension of a footpath along the southern side of Acacia Street from the eastern site access to the Fraser Drive intersection. This area does not currently have a formed concrete footpath (see Figure 8 below).



Figure 8: Acacia St/Fraser Drive land subject to this application

It is also noted that a Traffic Impact Assessment has been submitted with this application, which has reviewed the intersection of Acacia Street and Fraser Drive which is in close proximity to the School. This report outlines that *“the existing intersection is required to be upgraded regardless of the proposed Master Plan.”*

From this it is considered that the upgrade works should be included as part of the specific Stage 1 works, as this development will increase the student numbers on the site. Council’s Traffic Engineer has advised that their traffic analysis is based on the identified upgrade of the intersection. The applicant has been consulted on this, with no specific objection to this element of work being incorporated into the Stage 1 works.



Figure 9: Upgrade to Acacia St/Fraser Drive Intersection

Development History

DA14/0429: Construction of a classroom and additional carparking. Approved 8 July 2014 (as amended). This DA provides for an additional 20 students and 8 additional staff.

DA11/0625: Single storey classroom building comprising of two classrooms and amenities plus erection of a covered open learning area and associated site works. Approved 5 April 2012.

DA04/1221: Temporary storage shed. Approved 28 October 2004.

0867/2001DA.05: Development Application - amendment to Development Consent 0867/2001DA for the establishment of a secondary school (Modification). Approved 31 December 2002.

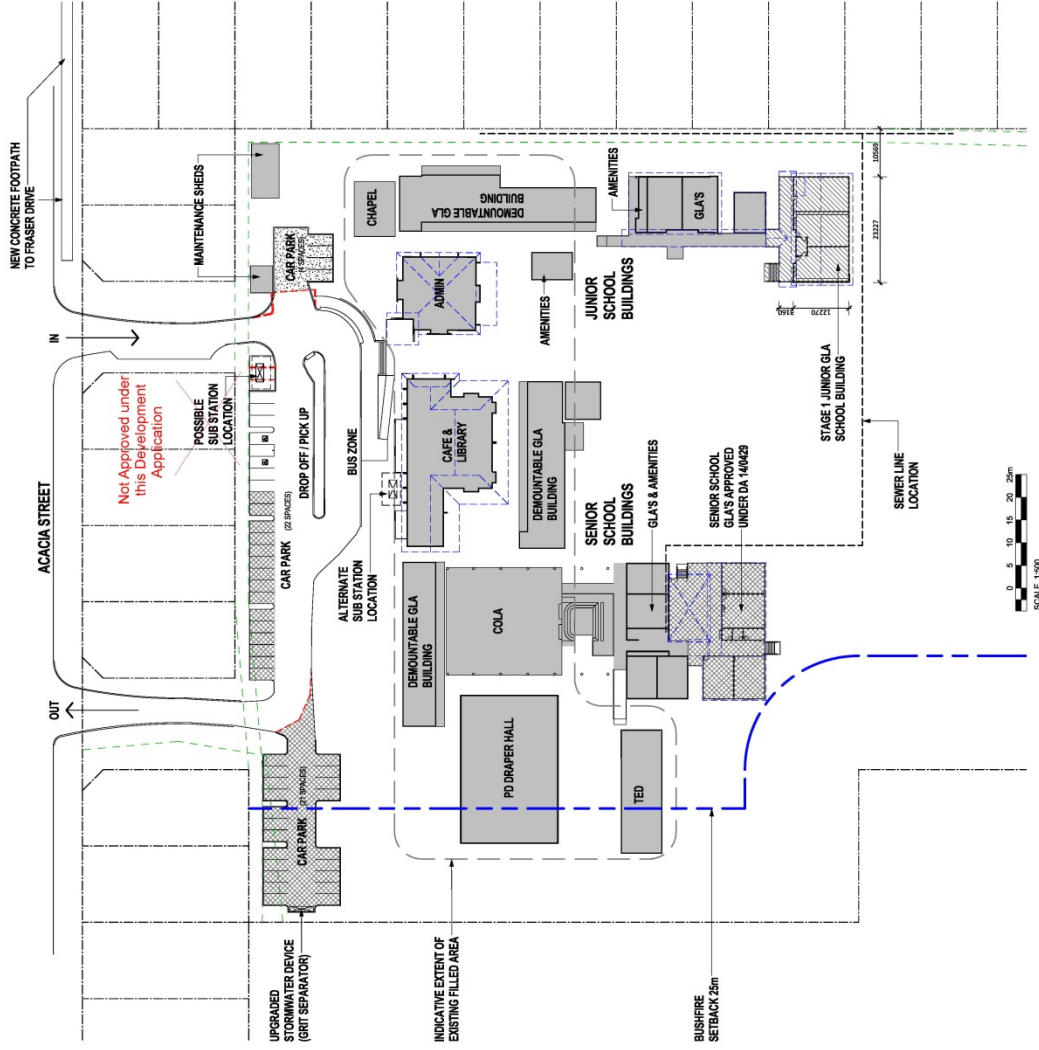
0867/2001DA Development Application - for the establishment of a secondary school. 24 December 2001.

SITE DIAGRAM:

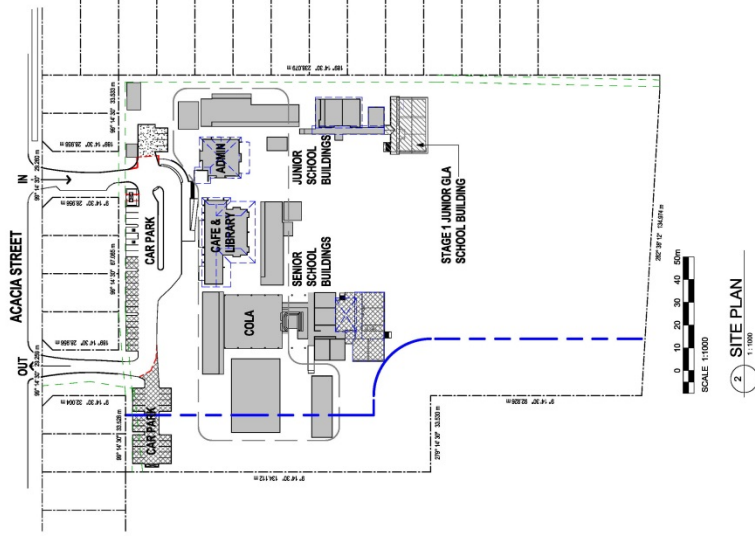


JRPP (** Region) Business Paper – Item # - Date of Meeting – JRPP Reference





1 PART SITE PLAN
SCALE 1:500



- LEGEND
- PROPOSED STAGE 1 BUILDING WORKS
 - PROPOSED STAGE 1 CAR PARK & FOOTPATH WORKS
 - SENIOR SCHOOL GLA & CAR PARKS APPROVED UNDER DA 140429
 - EXTENT OF BUSH FIRE ZONE

2 SITE PLAN
SCALE 1:1000

NO.	DATE	DETAILS	INITIALS
1	20/06/2015	DA 140429	
2	20/06/2015	DA 140429	
3	20/06/2015	DA 140429	
4	20/06/2015	DA 140429	



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REVISIONS ON MATTERS NOT COVERED BY THE ABOVE: NO
1. 15/06/2015: REVISED DA APPLICATION
2. 20/06/2015: NO CHANGES
3. 20/06/2015: NO CHANGES
4. 20/06/2015: NO CHANGES

BICKERTON MASTERS ARCHITECTURE

CLIENT: PACIFIC COAST CHRISTIAN SCHOOL TWEED HEADS

PROJECT: STAGE 3 JUNIOR GLA SCHOOL BUILDING

DRAWING TITLE: PART SITE PLAN FUNDING APPLICATION 1

DATE: APRIL 2015

DRAWN: As indicated

CHECKED: As indicated

FILE: As indicated

PROJ: 1010

DRAWING: SP01

REVISION: P4

15/06/2015 15:05:19

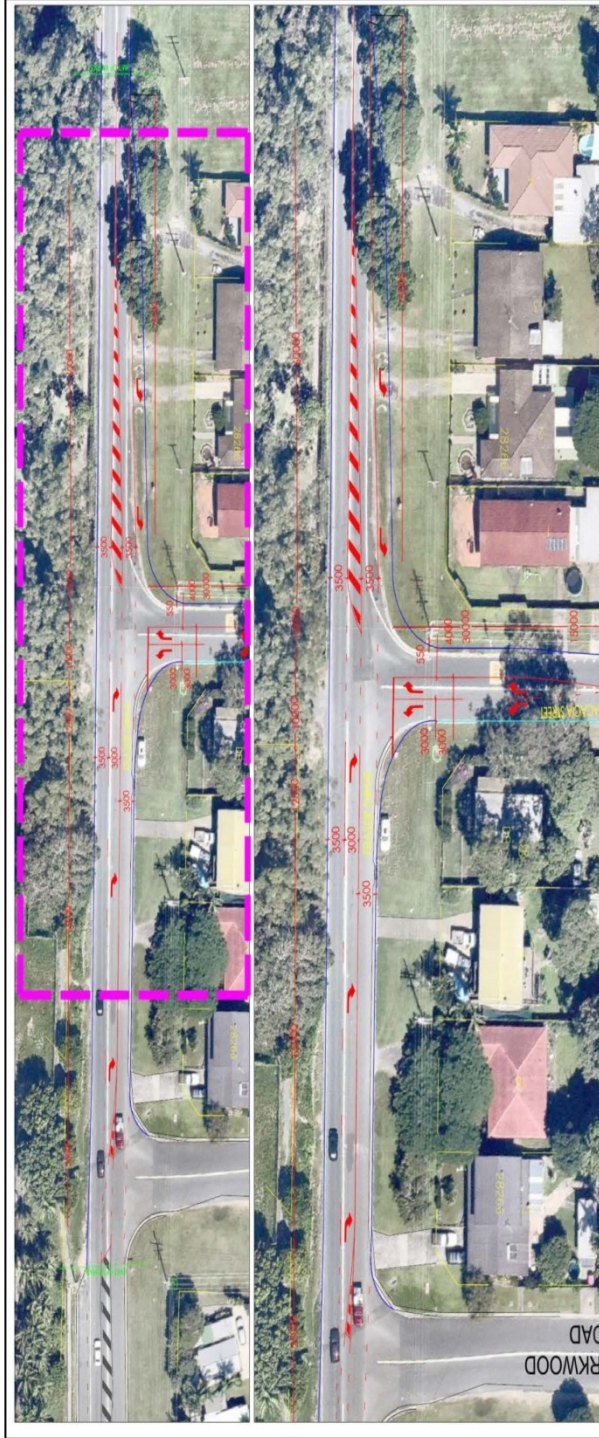


FIGURE 6.1 – PROPOSED LAYOUT OF THE
FRASER DRIVE / ACACIA STREET INTERSECTION

CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

- (a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2014

Part 1 Preliminary

1.2 Aims of Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,
 - (b) to encourage a sustainable, local economy, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,
 - (c) to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage,
 - (d) to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,
 - (e) to promote building design which considers food security, water conservation, energy efficiency and waste reduction,
 - (f) to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,
 - (g) to conserve or enhance the biological diversity, scenic quality, geological and ecological integrity of the Tweed,
 - (h) to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site

under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,

- (i) to conserve or enhance areas of defined high ecological value,
- (j) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible at this location.

1.4 Definitions

Under this Plan, the proposed development would be an 'educational establishment' defined as follows;

educational establishment means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

This is permitted with consent in the R1 General Residential zone.

Part 2 Permitted or prohibited development

2.1 Land use zones

The proposed development area is zoned as R1 General Residential under the provisions of this plan.

2.3 Zone objectives and Land Use Table

The objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the provision of tourist accommodation and related facilities and services in association with residential development where it is unlikely to significantly impact on amenity or place demands on services beyond the level reasonably required for residential use.

The proposed development is considered to be generally consistent with the above objectives, by virtue of enabling a land use which meets the day to day educational needs of local residents.

Part 4 Principal development standards

4.3 Height of buildings

The objectives of this clause include provisions to establish the maximum height for which a building can be designed and ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance the proposed development site is identified as having a maximum building height of 13.6m (Control N2), as identified on the building height map.

The proposed classroom development is single storey in design with a maximum stated height of approximately 8.1m, thus complying with this development control.

As such, the proposed development is considered acceptable and the proposal does not contravene the provisions of this Clause.

4.4 Floor space ratio

The objectives of this clause are as follows:

- (a) to define the allowable development density of a site and for particular classes of development,
- (b) to enable an alignment of building scale with the size of a site,
- (c) to provide flexibility for high quality and innovative building design,
- (d) to limit the impact of new development on the existing and planned natural and built environment,
- (e) to encourage increased building height and site amalgamation at key locations in Tweed.

This clause goes on to further state that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. In this instance the applicable floor space ratio is T-2 (2:1) over the entire site.

The subject site has a total area of 3.888ha and it is not considered that the cumulative floor area of all development on the site would result in a contravention of this clause as a total gross floor area of structures on site would need to exceed 77,760m² before this clause would be contravened.

A preliminary assessment of the existing and proposed stage 1 development would indicate a total floor area of approximately 4,300m² and a FSR which would be in accordance with the above controls. The proposal is acceptable in this regard.

Part 5 Miscellaneous provisions

5.5 Development within the coastal zone

This clause states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the following;

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*

The subject application does not propose any amendments to existing public access to or along the coastal foreshore.

- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
 - (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site and is generally consistent with the prescribed development requirements as outlined throughout this report. As such the proposal is considered to be acceptable at this location.

- (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
 - (i) *any significant overshadowing of the coastal foreshore, and*
 - (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development is located approximately 400m from the coastal foreshore and is not considered to impact on the amenity of the foreshore by virtue of overshadowing or a loss of views. The subject application is considered to be acceptable having regard to the above considerations.

- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development is not considered to compromise the scenic qualities of the coast as it represents an acceptable development on appropriately zoned land. Beyond this, the subject development is not considered to generate any specific opportunities to protect the visual amenity and scenic qualities of the coast.

(e) *how biodiversity and ecosystems, including:*

- (i) *native coastal vegetation and existing wildlife corridors, and*
- (ii) *rock platforms, and*
- (iii) *water quality of coastal waterbodies, and*
- (iv) *native fauna and native flora, and their habitats, can be conserved, and*

The subject application has been reviewed in detail by Councils' Natural Resource Management Unit elsewhere in this report, with it being determined that the proposal is acceptable subject to the application of appropriate conditions of consent. It is therefore considered that the proposal will have a minimal impact on the local biodiversity or ecosystems in this regard.

(f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is not considered to result in an unacceptable cumulative impact on the coastal catchment given the sites zoning and the permissibility of the development at this location.

This clause goes on to further state;

(3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

- (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The subject site would maintain connection to Councils reticulated sewer system.

- (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Stormwater management is detailed elsewhere in this report, with no untreated stormwater being discharged to the sea, beach or the like. Having regard to this, it is considered that the subject application would be in accordance with the above controls.

- (d) *the proposed development will not:*
 - (i) *be significantly affected by coastal hazards, or*
 - (ii) *have a significant impact on coastal hazards, or*
 - (iii) *increase the risk of coastal hazards in relation to any other land.*

The proposed development is considered to be acceptable having regard to coastal hazards as outlined above due to its nature, permissibility and the spatial separation between the site and coastal hazards at this location.

5.9 - Preservation of Trees or Vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. As detailed elsewhere in this report, Council's Natural Resource Management Unit have reviewed this application with respect to potential ecological impacts, with it being determined, that subject to the provision of appropriate conditions of consent, the development would be acceptable from an ecological perspective. Therefore, the proposal is considered to comply with this clause.

5.10 – Heritage conservation

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Tweed,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

A search of the proposed subdivision site has been undertaken on the NSW Government Office of Environment & Heritage website through the Aboriginal Heritage Information Management System (AHIMS) tool which has identified that there are no Aboriginal sites recorded or Aboriginal places declared at or near the proposed development site. In this regard the proposal is not considered to impact negatively on the provisions of this clause.

5.11 - Bush fire hazard reduction

The proposed site is located on land which is identified as being partially bushfire prone. As the proposal constitutes a special fire protection purpose (school) an

Integrated referral to NSW Rural Fire Service (RFS) was required as part of this application. Council has received General Terms of Approval conditions from the RFS and these are to be attached to any consent for this proposal. Having regard to the application being reviewed by NSW RFS and General Terms of Approval being provided, the proposed development is considered to be generally acceptable with respect to bush fire protection.

Part 7 Additional local provisions

7.1 Acid sulfate soils

The subject site demonstrates Class 2 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The application has been reviewed by Councils Environmental Health Section who have provided the following comment with respect to Acid Sulfate Soils;

"A Geotechnical and Acid Sulfate Soils Investigation for Pacific Coast Christian School prepared by Douglas Partners Pty Ltd dated September 2015 (Project 50167.03) has been submitted. Samples were taken from four (4) boreholes to a depth of 9.45m.

Building will incorporate a suspended concrete or timber floor slab supported on piers. Earthworks are anticipated to comprise of some minor site levelling with excavations for in-ground services limited to a depth of less than one (1) metre depth. Groundwater was noted at between 0.9 and 1.1m depth during field work on 16/7/15.

Samples did not reveal actual acid sulfate soil (AASS) however potential acid sulfate soil (PASS) may be present in natural sands in all boreholes. Although PASS is present, screw piles are proposed preventing this material from being exposed.

Due to the minor earthworks proposed, the consultant has advised that the volume will not trigger the requirement for an acid sulfate soil management plan to be prepared for the site. Noted. Minor works condition to apply.

In this regard, the proposal is considered to be acceptable with respect to the acid sulfate soils on site and the provisions of this clause subject to the application of the recommended condition of consent.

7.3 Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

- (c) to avoid significant adverse impacts on flood behaviour and the environment.

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

With respect to the abovementioned matters, it is noted that the subject application was referred to Councils Development Engineering Unit who reviewed the proposed development with respect to flooding and has provided the following advice;

"The site is Flood Prone with a Design Flood Level of RL 2.6m. The buildings (under the Masterplan) are proposed with a FFL of at least RL 2.7m. Council's DCP A3 does not require the site to be filled as it currently drains to a LPoD (Legal Point of Discharge) being the neighbouring wetland.

CRWP's (Cozens Regan Williams Prove) submitted Civil Engineering Report, states that "no flood impact consideration of the proposed car parking extension has been made as it does not meet any TSDCP Section 3 Criteria". As such, it is considered that provided all buildings having a FFL of RL 2.7m, then the works envisaged under the Masterplan do not require further assessment in regard to flooding.

I agree.

The buildings are proposed to be constructed on piers thereby enabling flood storage below the structures and the FFL of the new buildings (will be above the DFL) and will be at the same FFL as existing buildings on site."

Having regard to this advice, the proposal is considered to be in accordance with the provisions of this clause.

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

This clause outlines that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The proposed development was reviewed by Council's Development Engineering Unit and the Natural Resource Management Unit with respect to stormwater provisions.

The submitted application advises that the existing site stormwater is collected and conveyed by grass lined drains and a piped system to the existing open drains within the neighbouring public reserve (Council owned land), which includes SEPP14 wetlands. The stormwater runoff from the proposal is to be collected in a piped system and discharged to this existing open drain. This has been endorsed under the approved s68 application (SWD14/0568) which has proposed a 'Humeceptor' infiltration system.

The post development phase will result in an increase in the impervious area of land and subsequently will result in an increase in the peak discharge and volume of runoff.

In this regard comment has been provided by Council's Natural Resource Management Unit who have advised;

“The installation of a proprietary ‘Humeceptor’ GPT treatment device meets Council’s Development Design Specification D7 - Stormwater Quality Ver. 1.4 ‘deemed to comply’ provisions for the treatment of stormwater from ‘Parking Areas, Driveways and Other Hard Stand Areas’ (Section 7-11-1). It is noted however that from review of relevant literature (Neumann & Sharma 2010) the purported effectiveness of such devices in the treatment of nutrients (Nitrogen and Phosphorous) remains questionable. Notwithstanding, the applicant has satisfied Council’s policy and given:

- *Council’s previous acceptance of treatment via a ‘Humeceptor’ and the limited expected increase in flows generated from the subject proposal*
- *The proximity of the outlet to tidal flows (dilution factor) and discharge into a channel with defined bed and banks*
- *Provision for infiltration of hard stand and roof areas associated with new buildings prior to discharge to the stormwater system*

NRM accept the proposed stormwater treatment system subject to conditions to reinforce the necessity for infiltration of stormwater generated from roof and hardstand areas associated with new buildings prior to discharge to the constructed stormwater network.”

It is noted that a number of conditions have been proposed in this regard by both Council’s Development Engineering and Natural Resource Management Units which are considered to satisfy the above requirements. The proposal is considered to be acceptable with respect to the requirements of this clause.

7.9 - Development in areas subject to aircraft noise

The objectives of this clause are as follows:

- (a) to prevent certain noise sensitive developments from being located near the Gold Coast Airport and its flight paths,
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

This clause applies to development that:

(a) is on land that:

(i) is near the Gold Coast Airport, and

(ii) is in an ANEF contour of 20 or greater, and

(b) the consent authority considers is likely to be adversely affected by aircraft noise.

Having regard to the above, this clause applies to the proposed development based on its location mapped as having an ANEF contour of 20 or greater. In this regard it is noted that the site is mapped as being both within the 20-25 ANEF contour and the 25-30 ANEF contour.

This clause outlines a number of considerations for Council prior to determining a development application to which this clause applies.

In this regard the application has been reviewed by Council's Environmental Health Unit as well as by Gold Coast Airport Pty Ltd's Planning Consultant who have provided recommended conditions of consent to ensure that the proposed development would be in accordance with the requirements of this clause. Council's Environmental Health Unit have provided the following comment with respect to aircraft noise;

As advised in EHO comments dated 5/8/15, it is noted that AS2021-2000 has been superseded by AS2021-2015. Following a meeting with Gold Coast Airport representatives on 4/8/15, it was determined that the loudest representative aircraft for Gold Coast Airport is Boeing 737-800. As B737-800 is not listed within AS2021-2000, the applicant must also address AS2021-2015 in the assessment.

An Acoustic Assessment for Pacific Coast Christian School – Masterplan and Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) has been submitted. The applicant has addressed AS2021-2015 as requested and has included B737-800 as the typical loudest aircraft type operating at Gold Coast Airport. Based on the distance coordinates from Gold Coast Airport the maximum noise level is 84 dB(A) for B737-800 which requires a noise reduction of 29 dB(A). Internal noise levels are achieved with windows and doors closed. This will require a form of mechanical ventilation for the buildings.

Further information has been submitted by the applicant Stephen Earp dated 30/10/15. The plans as referenced on the acoustic assessment were entered incorrectly. The consultant has confirmed that the correct plans are dated 15/9/15. This has been confirmed by the

acoustic consultant and doesn't result in any changes to the recommendations of the report. Mr Earp has also confirmed that each building will be provided with mechanical ventilation.

It is noted that AS2107 recommends a lower design sound level than required for AS2021 for aircraft noise. Where the applicant complies with this recommendation, AS2021 would also be satisfied. Conditions to apply.

Note: The above refers to the below Australian Standards;

AS2107 Acoustics - Recommended design sound levels and reverberation times for building interiors

AS2021 - Acoustics - Aircraft noise intrusion - Building siting and construction

Subject to these conditions being applied to any consent issued, the proposed development is considered to satisfy the provisions of this Clause.

7.10 - Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as water, electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

The subject application has been reviewed by Council's Development Engineering, Water and Natural Resource Management Units with respect to the above services with it being considered that adequate arrangements are in place, or are to be provided for each. As such the proposal is acceptable with respect to the provisions of this clause.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

SEPP No. 14 - Coastal Wetlands

The subject site is located on land identified as being within a 100m buffer area of lands mapped as being SEPP 14 Coastal Wetlands as per the provisions of this clause. The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

The subject application was referred to Council's Natural Resource Management Unit who have provided the following detailed comments in relation to this SEPP;

A gazetted SEPP 14 Coastal Wetland occurs on the adjacent Council reserve and Lot 12. The proposal does not involve any activities listed in Clause 7 of the policy and therefore concurrence is not required.

Notwithstanding the provisions of the SEPP, adequate separation between urban development and significant coastal wetlands (such as those identified as SEPP 14) should be maintained. From review of the SEPP 14 mapping and development layout, the proposed 'Performing Arts Centre' and 'Senior Specialist Facility' extends to within 70 m of the gazetted wetland. With reference to relevant guidelines provided in Table 1 (below) the proposal generally satisfies buffer/separation distance recommendations. It is noted that a buffer of 100 m was applied on the adjoining site under DA07/0589 MP06_0243 for a 157 Lot Subdivision, relaxation of the SEPP 14 separation distance to 70 m in this instance may be acceptable given:

- *The SEPP 14 Coastal Wetland occurs on the adjacent property and no works are proposed within the wetland*
- *No habitat associated with the wetland is to be removed or modified*
- *The subject site is currently fenced restricting access to the SEPP 14 wetland area*
- *Stormwater during the construction and operational phase of the development is to be appropriately managed to avoid impact on the SEPP 14 wetland*

Table 1 Recommended buffer/separation distances

REFERENCE	FEATURE	MINIMUM DIMENSIONS	COMMENTS
<i>Tweed DCP A5 Subdivision Manual</i> <i>Section A5.4.5 Environmental Constraints</i>	<i>Coastal Wetlands this includes SEPP 14 and saltmarsh areas onsite</i>	50 m	<p><i>Wetland is defined under Schedule 1 of the Tweed LEP 2000 'land inundated with temporary or permanent water that is usually slow moving or stationary or shallow and either fresh, brackish or saline, and where the inundation determines the type and productivity of soils and the plant and animal communities.</i></p> <p><i>The buffer area definition stated in A5.E.2 is referred from section A5.4.7 pp. A5-32. "Buffer area" means an area of prescribed width and treatment created between two or more land-uses (including environmentally sensitive areas) for the purpose of mitigating the impacts of one or more of those land-uses.</i></p>
<i>Policy and guidelines for fish habitat conservation and management dated 2013 prepared by Department of Primary Industries</i>	<i>Key Fish Habitats -</i>	50-100 m <i>buffer width adjacent to Type 1 Class 1 Key Fish Habitats (i.e. Saltmarsh)</i> <i>Minimum Type 2 Marine Vegetation (i.e. Mangroves)</i>	<p><i>See Section 3.2.3.2 Policy and guidelines for harming marine vegetation (pp. 20) for buffer dimensions.</i></p> <p><i>See Section 3.2.1 Table 1 (pp. 18) and Section 3.2.2 Table 2 for Key fish habitat sensitivity classification scheme and waterway classification respectively.</i></p>
<i>Draft Tweed Urban Stormwater Quality Management Plan dated 2011 prepared by Australian Wetlands</i>	<i>for all major waterways (rivers and creeks) and wetlands which development is excluded</i>	50 m riparian buffer	-
<i>Far North Coast Regional Conservation Plan prepared by NSW Dept Environment,</i>	<i>Riparian, wetlands, estuaries</i>	50 m riparian zone	<i>Refer to Section 3.3.7 pp.28 'As a general principle for planning purposes, DECCW advocates a 50-metre riparian zone on either side of the</i>

REFERENCE	FEATURE	MINIMUM DIMENSIONS	COMMENTS
<i>Climate Change & Water dated 2010</i>			<i>watercourse protected from development or clearing’.</i>
<i>Living and Working in Rural Areas A handbook for managing land use conflicts on the NSW North Coast dated 2007 prepared by Northern Rivers Catchment Management Authority</i>	<i>Native Vegetation and Habitat</i>	<i>50m buffer from residential and urban development</i>	<i>Table 7. Recommended minimum buffers (metres) for key environmental assets. (pp. 92)</i>

The considerations outlined in the above assessment are considered to be appropriate and are concurred with. As such, the proposed development is considered to be acceptable having regard to the provisions of SEPP14.

SEPP No. 55 - Remediation of Land

The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

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

The subject application has been reviewed by Council's Environmental Health Unit who have raised no concerns with respect to contamination on the site. The subject application is considered to be acceptable with respect to contaminated land.

SEPP No 71 – Coastal Protection

SEPP 71 – Matters for Consideration

(a) The aims of this Policy set out in Clause 2:

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2.

(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

The proposal development will not alter or restrict the public's access to the foreshore reserve areas.

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

The proposal does not generate any additional opportunities to improve public access to foreshore reserve areas and the like, nor is it considered that there are any physical opportunities to do so given the spatial separation between the site and foreshore reserve.

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

The proposed development is sited and designed in general accord with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or design.

(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

The proposed development is not considered impact on the amenity of the coastal foreshore, given it is located approximately 400m from the foreshore. In particular there is considered to be no loss of views or overshadowing associated with this application.

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

The proposal is unlikely to impact upon the scenic quality of the NSW coast, with the development being spatially separated from the coastal foreshore.

(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;

The proposal is not considered to impact negatively animals or their habitats. The subject development site has been previously developed as a school and whilst some grassed vegetation on the site is to be removed, it is considered that the scale of this will not impact on measures as identified above. It is noted that Council's Natural Resource Management Unit have reviewed the application with respect to ecological matters and raised no objection, subject to the imposition of conditions of consent.

- (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 Par), and their habitats*

The proposal is unlikely to have an adverse impact upon marine environments or habitats.

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

It is considered that there are no wildlife corridors impacted by the proposed development

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

The subject site is not located within an area affected by Coastal Erosion and is landward of the defined Coastal Erosion Zones. The development is unlikely to have an adverse impact upon Coastal Processes or be affected by Coastal Processes.

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

The proposal is not considered to cause any conflict between land-based and water-based activities.

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

The subject site is not identified as a cultural place or the like.

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

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

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

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

- (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;*

Not applicable to the subject application.

- (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*

The proposed development is not considered to have a negative cumulative impact on the environment.

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

The subject application has not provided measures in relation to the minimisation of water and energy usage. It is noted that the proposed development is not residential in nature and as such a BASIX certificate is not required to be submitted. The subject application is considered to be acceptable in this regard.

Whilst a portion of the site is located within a sensitive coastal location as per the definition of this SEPP, it is noted that there is no subdivision proposed as part of this application. Therefore the provisions of Clause 18 relating to master plans and waivers from the Minister are not of relevance to this application.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal has a minimal impact on flora or fauna and the proposed development site is not known to contain any items of Aboriginal significance. The provisions of SEPP 71 are considered satisfied.

SEPP (Infrastructure) 2007

The development is defined as an “Educational establishment” under the Standard Instrument. This SEPP provides that development for the purpose of an educational establishment may be carried out by any person with consent on land in the R1 General Residential zone.

In this regard it is noted that the proposed development is permissible under both the Tweed Local Environmental Plan 2014 and the SEPP (Infrastructure). Therefore the proposal satisfies the permissibility considerations of both planning instruments.

Clause 104 of this SEPP relating to Traffic Generating Development outlines that this clause applies to development specified in Column 1 to the Table of Schedule 3 that involves the erection of a new premises, being an addition of parking spaces.

Schedule 3 of this SEPP further outlines traffic generating development which is to be referred to the RTA (now RMS) and includes an Educational establishment which provides for 50 or more students. Given the proposed development includes provision of a total of 320 additional students, the application was referred to NSW Roads & Maritime Service (RMS) for comment who have provided advice outlining the following;

"Roles and Responsibilities

The key interests for Roads and Maritime Services are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), Roads and Maritime is given the opportunity to review and provide comment on the application as it is a Traffic Generating Development listed under Schedule 3.

Roads and Maritime Comments

Any regulatory signage to manage traffic in and around the school, including school zones, will require endorsement of Council's Local Traffic Committee and Council approval prior to installation.

It is noted the proposal includes channelization of the intersection of Acacia Street with Fraser Drive (refer to figure 6.1 of the Traffic Impact Statement supporting the proposal). Painted islands and turning lanes are adjacent to property driveways. Consultation with the affected owners is suggested to ensure medians and line marking does not adversely impact on access to these properties."

This advice has been noted and the matters raised including signage control and detail design would be considered addressed during the detail design phase of development. This is considered to be acceptable in this instance.

Furthermore the application was referred to Essential Energy under the provisions of Clause 45 of this SEPP as a 'Possible substation location' was identified on one of the submitted plans (Part Site Plan prepared by Bickerton Masters - Dwg No. SP01 P3). A response has been received with respect to this outlining that "Essential has no specific comment with regard to the proposed development." Therefore it is considered that Essential Energy has no specific objections to the development in this regard.

The proposed development is considered to be acceptable having regard to the provisions of this SEPP.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

There is no draft Environmental Planning Instrument applicable to the subject site.

(a) (iii) **Development Control Plan (DCP)**

Tweed Development Control Plan

Section A2-Site Access and Parking Code

The proposed development is subject to the provisions of Council's DCP Section A2 - Site Access and Parking Code with respect to site access and parking.

Access

Immediate access to the site from Acacia St is not changing fundamentally under this application, with it being noted that the existing entry and exit crossovers to Acacia St (sealed road of approx. 8.5m width) being maintained as outlined below;



Figure 10: Existing Access Arrangements

Council's Development Engineering Unit has reviewed this, advising

"Access to the site is not changing fundamentally under the Masterplan, with the existing entry and exit from Acacia Street to be maintained. No new connections to the site are proposed, or required."

However, it is noted that an upgrade to the existing Acacia Street/Fraser Drive intersection is proposed as part of Stage 1 works. This is identified in the Traffic Impact Assessment submitted as part of this application, with the upgrade identified in Figure 11 below;



Figure 11: Upgrade to Acacia St/Fraser Drive Intersection

This has been reviewed by Council's Development Engineering Unit who have provided the following advice;

"One of Council's major concerns (Pre-DA meeting) was in regards to traffic impacts of the proposed development upon the Fraser Drive/Acacia Street intersection. Rydenskild Traffic Group prepared a Traffic Impact Assessment (which has included surveying of the Fraser Drive/Acacia Street intersection), and assessed the potential traffic impacts of the proposal upon this intersection.

As stated above, the Traffic Impact Assessment concluded that irrespective of the proposed Masterplan for the school, the intersection in questions is required to be upgraded. The Civil Engineering Report advises that the upgrade of Acacia Street and Fraser Drive intersection and associated stormwater drainage and services will be undertaken as part of the Stage 1 works. The consent will be conditioned accordingly.

The Traffic Impact Assessment's traffic forecasts are based on the ultimate upgrade of Kirkwood Road.

Future upgrading of this intersection to a roundabout will easily have enough capacity to accommodate the changed traffic distribution."

The proposed access arrangements have also been reviewed by Council's Traffic Engineer who has provided the following comment;

"In support of the application a Traffic Impact Assessment document compiled by the Rydenskild traffic group, has been submitted. The report specifically reviewed the intersection of Acacia Street and Fraser Drive which is in close proximity to the School and would be the

intersection most affected by any increases in traffic generated by the Development. The report concluded that the existing intersection is required to be upgraded regardless of the proposed Master Plan and recommends the need for the implementation of a dedicated right turn lane for traffic turning right from Fraser Drive to Acacia Street. The traffic analysis therefore is based on the upgrade of the intersection. The report also identifies that minor pavement widening is also required on Acacia Street to allow implementation of separate left and right turning lanes.

It is therefore recommended that detail design for the intersection upgrade be submitted at Construction Certificate stage and that a condition of consent be applied for any increase in any proposed student numbers.

The proposed installation of a footpath from the School's driveway on Acacia Street to Fraser Drive could be managed under a s138 (Roads Act 1993) application."

As outlined in the above comments, the proposal is considered to be generally acceptable subject to the application of appropriate conditions of consent.

NSW Roads and Maritime Service (RMS) have also reviewed the application, with their comments being reproduced under SEPP (Infrastructure) assessment elsewhere in this report. It is noted that no objection is raised to the proposed development.

The access arrangements proposed as part of this application are considered to be acceptable in this instance and the application is supported in this regard.

Parking

Council's DCP Section A2 outlines the following parking rates for an educational establishment;

2f - Access & Parking Generation - Educational Establishment Group								
Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking Rate (class)	Delivery/ Service Vehicle parking	Resident Parking	Staff parking	Customer car parking
F4	Schools - primary		1 bus stop/100 pupils. Bus stops to be off street carriageway	1/5 pupils over year 4 (2)	HRV		0.5/staff	1/14 pupil
F5	Schools - secondary		1 bus stop/100 pupils. Bus stops to be off street carriageway	1/5 pupils (2)	HRV		0.5/staff	1/12 pupil

Figure 12: Parking rates from DCP Section A2

At the time of DA lodgement (and site inspection) the school was operating under approval for 350 students and 30 staff, however under DA14/0429 (as amended) approval is in place to increase this by a further 20 students and 8 additional staff. Under DA14/0429 the formalising of a total of 38 vehicular parking spaces is proposed.

Stage 1 Car Parking

Under this application, the proposed Stage 1 works are to facilitate an extra 40 (primary) students and an additional 3 staff members.

As per the requirements of DCP Section A2, this results in a requirement for 2.8 spaces for students ($40/14$) and 1.5 spaces for staff (0.5×3) = 4.3 spaces.

Stage 1 works propose a total of 4 spaces which is considered to be generally acceptable with respect to the above requirements. These are to be located to the north east of the site.

Masterplan Car Parking

From the submitted information, the application results in an additional 280 students (mix of primary and secondary) and 17 additional staff.

This will be dealt with through future DA applications, but for the purpose of this DA Council officers need to be satisfied that there is capacity on site to provide for the parking spaces to service the above figures.

In this regard the proposal would necessitate approximately 21.5 spaces for students ($280/13^*$) and 8.5 spaces for staff (17×0.5) = 30 spaces.

An area of approximately 740m² is identified for parking to the north east corner of the site, although a portion of this is given over to the Stage 1 parking spaces. It is considered that there would be adequate area at this location to cater for the requisite parking spaces for the remainder of the masterplan works. The proposal is considered to be acceptable with respect to vehicular parking spaces.

**13 used for calculation purposes as average of 12 spaces per primary student and 14 spaces per secondary student.*

Bicycle

There is adequate space on site to provide for all requisite bicycle parking. It is noted that the applicant has advised that this would equate to approximately 100 bicycle parking spaces. An area for bike racks has been assigned under the Masterplan.

Bus

The subject development, with an eventual capacity of less than 700 students would, per the requirements of DCP A2 which requires 1 bus stop per 100 pupils, necessitate 7 bus stops to service this development.

The submitted application advises that the proposed pickup facility allows for four buses to park simultaneously whilst allowing a bus to circulate. There is provision for an additional bus to queue in the entry driveway. It is advised that based on current demand, it is anticipated that no more than 5 buses will access the site.

This is considered to be acceptable and it is noted that the requisite 7 busses could be accommodated on site if required.

It is considered that the proposed development has adequate access and parking arrangements as outlined above and as such the proposal is consistent with DCP Section A2.

DCP Section A3 – Development of Flood Liable Land

The subject site is indicated as being flood liable, being affected by both Councils PMF flood level and having a Q100 flood level of RL 2.6m AHD. Furthermore, the site is within a Low Flow Area. The application has been reviewed by Council's Development Engineering Unit and discussed with Council's Flooding Engineer, with no objections raised to the proposed development.

The application of various conditions of consent is recommended, including with respect to preparation of a Flood Response Management Plan and the use of building material below the flood level not being susceptible to water damage.

It is noted that the proposal does not constitute habitable development. It is considered that the proposed development is generally in accordance with the provisions of DCP Section A3 and is acceptable in terms of development on flood liable land.

Section A11-Public Notification of Development Proposals

The application was placed on public exhibition (advertised) for a 14 day exhibition period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received one public submission. This is addressed in detail elsewhere in this report.

Section A15 – Waste Minimisation and Management

Council's DCP Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development.

The applicant has provided a Waste Management Plan which includes details relating to demolition (approx. 5m³ of excavation material), construction and the ongoing operation of the proposed development.

From this, the waste generated by the proposed development is not anticipated to be significant and there is ample room on site for the storage of refuse bins.

It is considered appropriate that a standard condition requiring adequate waste management arrangements, to the written approval of Council's General Manager or delegate is recommended to be attached to any consent in the event of approval. As such, the proposal is considered to be acceptable having regard to waste management and the provisions of this section of the DCP.

Section B3 – Banora Point West- Tweed Heads South

The proposed development is located within the area to which this DCP applies. The general aims of the DCP are to;

- Present Council's objectives with regard to development of Banora Point West - Tweed Heads South;
- Provide more detailed provisions than that contained in the Tweed Local Environmental Plan 2000;
- Provide guidelines for determination of the merits of developments within Banora Point West - Tweed Heads South as required by Section 90(1)(a) of the Environmental Planning and Assessment Act, 1979; and
- Give detailed guidance to those wishing to develop within the Banora Point West - Tweed Heads South Area, to indicate Council's policies with respect to development, and to form a basis for negotiations should a departure from the provision of this plan be requested.

With respect to educational institutions, the DCP states that *'Two areas have been set aside in Precinct No 5 to provide for a Roman Catholic School and State Primary and Secondary School.'* This site is not located in either of these areas.

The subject site is specifically located in the Residential 'A' Area in Precinct 3. Within the DCP it is noted under section B3.8.3 that *'Whilst the 2(c) zone within the LEP permits a range of non-residential uses, it is to be generally understood that the primary purpose of the residential areas is for residential development whereas the designated commercial and special uses areas will provide for non-residential development. As a consequence, only in special circumstances, will Council permit nonresidential development within the residential areas.'*

It is further noted that in the event of a non-residential development, Council will be particularly concerned that these developments;

- i. do not create a noise or lighting nuisance;
- ii. are located on roads appropriate to the expected volume of traffic generated by the development;
- iii. provide adequate car parking;
- iv. provide measures to ensure the privacy of adjacent dwellings; and
- v. do not adversely affect the amenity of the neighbourhood.

The applicant has addressed the provisions of this DCP, including outlining the following;

- *..the continued use of the site as a School will assist in meeting the everyday needs of the future increased residential population of the area..*
- *..Pacific Coast Christian School has adequate connectivity to utilities including water, sewerage, electricity and telecommunications..*
- *..this DA is not seeking to establish a non-residential use of the land (which was approved in 2004)...*
- *..this DA has included provision for upgrade works to the intersection of Acacia Street and Fraser Drive.*
- *The proposed Masterplan will provide a stormwater drainage solution that is not dissimilar to the current arrangement and will not require any further upgrading of the public stormwater drainage system.*
- *The proposal provides adequate consideration and protection of significant environmental areas, including the adjoining land identified under SEPP 14.*

With respect to the above, it is considered that the proposed development will not create a significant noise or lighting nuisance. The subject application was reviewed by Council's Traffic Engineer who raised no concerns with respect to the surrounding traffic network. In particular it is noted that the subject application proposes to provide additional carparking for the school on site in addition to upgrading the Fraser Drive/Acacia St intersection. The amenity of the neighbourhood is not considered to be adversely impacted, having regard to the established use of the site. Measures to ensure the privacy of the adjacent dwellings have been provided through previous applications on the site which have required the erection of an acoustic fence.

Having regard to the above, it is considered that the proposed development is generally in accordance with this DCP and represents an acceptable development at this location.

(a) (iv) Any Matters Prescribed by the Regulations

Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not considered that the proposed development contradicts the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

Clause 92(b) Applications for demolition

There is no demolition proposed as part of this application.

- (a) (v) Any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#))

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology and, social and economic demand.

Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is assessed as being generally consistent with the objectives of the Management Plan.

Tweed Coast Estuaries Management Plan 2004

The subject site is not located within an area that is affected by the Coastal Zone Management Plan for the Tweed Coast Estuaries 2013.

Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

The subject site is located within the Terranora Broadwater Catchment under this Management Plan. Specifically the site is located within the Urban zone of this catchment. The Terranora Broadwater is listed as being one of the few remaining rich and diverse habitats in the Tweed River System. In addition, it is stated that this Broadwater has high conservation value, providing significant aquatic habitat with extensive wetland vegetation. The Broadwater is also highly valued for its cultural, tourism, recreational and economic values.

The subject site is located approximately 300m from the Terranora Creek to which this management plan relates. The proposal is not considered to result in a significant or unacceptable impact on the Broadwater given its spatial separation from the areas identified in this plan. Furthermore the application relates to a development in an area identified for development, being currently utilised for the purposes of a school. The proposal is not considered to impact upon coastal zone management strategies for Cobaki and Terranora Broadwater.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Context and Setting

The proposed development is considered to be acceptable, having regard to the established context and setting of the site, on which there is an already established school in operation. While the proposal will intensify the use of the site for this purpose through enabling a larger number of students to attend it is considered that there will not be an unacceptable impact arising from the proposal in terms of the context and setting of the site.

Construction

The construction of the proposed development will be subject to conditions being included on any consent issued. It is noted that Council's Building Unit have reviewed the application and had no objection to its development subject to conditions of consent in this regard. The development phase of the proposal will present some interruption to the ambience of the

surrounding area but this is temporary in nature and it is considered that amenity can be adequately protected via conditions of consent in the event of approval.

Noise/Amenity

An Acoustic Assessment for Pacific Coast Christian School – Masterplan and Stage 1 Development prepared by Acouras Consultancy has been prepared and submitted with this application. This has been reviewed by Council's Environmental Health Unit who have provided the following comment;

"It is noted that an unattended noise survey was completed in 2013 at the site. This has been used for project limits with regard to mechanical equipment required to service the development, not aircraft noise. Noted. Condition to apply."

Comments provided by Acouras Consultancy dated 26/8/15 (Document Reference: SYD2015-1024-R003A) advise that the former Acoustic Impact Report prepared by Savery & Assoc. dated 22/10/03 (Ref: S281.2) addresses the carpark extensions through the use of the existing 2.1m high fence. Noted."

A number of standard conditions of consent have been provided by Council's Environmental Health Unit in order to mitigate potential noise/amenity impacts arising from the proposed development. Subject to the application of these conditions the proposal is considered to be acceptable.

Aircraft Lighting

The subject site is located within Zone C and Zone D of the airport lighting zone, as identified on Council's Enlighten Mapping System. The location of the proposed development is within Zone C. Council has received a submission on behalf of Gold Coast Airport Pty Ltd with respect to this matter. It is requested that a condition be imposed on any approval of the application, as follows:

"The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of an occupation certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35)."

It is considered appropriate that the proposed condition be attached to any consent in order to reduce the reflectivity of the roof materials associated with this proposal.

Electromagnetic Radiation

A possible substation location is identified along the existing parking spaces to the north of the subject site (to the rear of No. 5 Acacia St). Council's Environmental Health Unit have reviewed the application in this regard, noting;

"The applicant has provided information from Energex and advised on 12/10/15 that "the typical measurement and range of measurements (in miligauss) of EMFs for a pad mounted distribution transformer are equal to or less than most household electronic devices, including a personal computer or electric blanket. The EMF of all electrical equipment (whether household or otherwise) is covered in the supply authority and transformer manufacturers documentation and publication, which are used as standard. Therefore there is no need for an Environmental Electromagnetic Energy Report to be prepared for the pad mounted distribution transformer on the basis that it is being located within the grounds of a School".

It is noted that the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) require new or upgraded mobile phone based stations to provide documentation that shows the calculated levels of electromagnetic energy around the facility. This has not been extended to substations.

As per ARPANSA's Radiation Protection – Measuring Magnetic Fields page, the range of measurements is 1-8 milligauss (mG) for a substation at the substation fence, and is typical of general household appliances. As outlined in ARPANSA's FAQs – Exposure from electrical sources page, it is advised that "there is no established evidence that electric and magnetic fields at any distance from a substation/transformer cause health effects. At more than about 5-10 metres away, the typical electric and magnetic fields from substations and transformers are indistinguishable from normal background levels in the home".

Council Planners requested comment from Essential Energy. Doug Wray, Senior Engineer – Distribution Planning at Essential Energy has responded that no specific comment with regard to the proposed development was required. Noted.

Electromagnetic energy does not appear to be a constraint for the development.'

The applicant has since clarified that the sub-station is to be located adjacent to an existing café/library building on site. The development is not considered to result in any unacceptable impacts with respect to the above. The proposal is considered to be acceptable in this regard.

Earthworks

Minimal earthworks are considered to be required as part of this application. The submitted Geotechnical Report advises that earthworks are anticipated to be limited to minor levelling less than 1 m depth and excavations for footings and in-ground services.

It is further noted that the Civil Engineering Report advises the following with respect to this;

- the land comprises level, open grass land having an approximate level of RL 1.4 AHD and the filled building platform at RL 2.60m.
- the proposal requires some minor earthworks to the car parking extension and associated drainage swales. No fill material is expected to be imported or removed from site.

From the submitted information, it is considered that there would be minimal earthworks required as part of this application.

Food Premises

The subject application has been reviewed by Council's Environmental Health Unit with respect to the possible location of food preparation premises in the subject application. With respect to this it is noted that *'The applicant advised on 12/10/15 that no food is proposed which will require licensing however there are Food Tech and Hospitality teaching kitchens included on the Masterplan which are practical areas. These will form part of a separate DA for a future stage of works. Noted.'*

Having regard to this, this application is considered to be acceptable when assessing against food premises requirements.

(c) Suitability of the site for the development

Surrounding Land Uses/Development

The proposed development is located within an established school site and is considered a suitable development for the site given its function would be consistent with the operation of the previously approved school on the site, albeit increasing the extent of the development. While the surrounding area included low density residential development, the proposal is not considered to result in an unacceptable impact on surrounding development by virtue of being located on appropriately zoned land and the mitigation measures proposed as outlined throughout this report. Accordingly the application has been recommended for conditional approval.

Flora and Fauna

The subject application is located on a site which is partially of high ecological importance, and adjacent to land which is identified as Koala Habitat and being in close proximity to SEPP 14 Coastal wetlands. The proposed works are to be located on land previously cleared for the school development and the application was referred to Council's Natural Resource Management Unit whose comments in relation to stormwater and SEPP 14 lands are reproduced elsewhere in this report. Below is a summarised assessment of the proposal by Council's NRM Unit against the other relevant flora and fauna considerations applicable to this location.

Legislation/Policy	Section(s)	Comment
<i>Environmental Planning & Assessment Act (1979)</i>	Section 5A (significant effect on threatened species, populations or ecological communities, or their habitats)	<p>No listed communities or flora and fauna species were recorded onsite during NRM inspection</p> <p>The adjacent site supports a complex of remnant vegetation comprising two candidate Endangered Ecological Communities being:</p> <p><i>Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions</i></p> <p><i>Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions</i></p>

Legislation/Policy	Section(s)	Comment
		No works are proposed within 25 m of either EEC
<i>Threatened Species Conservation Act 1995</i>	Section (94) & Schedules 1, 1A, 2 and 3	As above
<i>SEPP 44 Koala Habitat Protection</i>		Applies The site is greater than 1 ha in size Council is satisfied that the land does not support potential koala habitat for the purposes of the SEPP No further assessment required
<i>Koala Plan of Management 2015</i>		Applies The applicant submitted a letter from JWA Ecological Consultants dated 08/05/2015 indicating that: <ul style="list-style-type: none"> • The site occurs within the Tweed Heads KMA • No removal of Preferred Koala Food Trees (PKFT) or Preferred Koala Habitat (PKH) is proposed • Vegetation proposed to be removed adjacent to mapped PKH comprises <i>Melaleuca quinquenervia</i>, <i>Macaranga tanarius</i> and common weed species 'is consistent with the objectives of the Tweed Heads KMA and will not result in any significant impacts on Koalas and/or their habitat' NRM validated the assessment and conclude that no further assessment is required

Having regard to the comment above, the proposal is considered acceptable in this regard.

Water & Sewer Infrastructure

The application was referred to Council's Water Unit who have provided the following comments in relation to sewer/water infrastructure servicing the site;

“The stage 1 works propose to use the private sewer ejection pumping station as approved in DA14/0429.01 which connects to the newly created sewer junction located at the rear of 29 Fraser Drive (Lot 11/3/18266) within the school boundary.

The stage 1 works propose to use the existing water connection for the school which has a 100mm diameter water meter.”

No objections are raised with respect to the proposed development and in this regard it is considered that the site is suitable for the subject development having regard to the sewer and water infrastructure available.

(d) Any submissions made in accordance with the Act or Regulations

The application was placed on public exhibition (advertised) for a 14 day exhibition period. During this period Council received one public submission, detailed as follows:

Submission

"We recently received the application for school development and while we are all for the development of the school my only concern is with the extra traffic on top of the already current traffic Acacia Street kerbside fills up with parking every week morning and afternoon from school traffic on top of school buses trying to squeeze down the street between either side of cars lined up on the gutter then with kids darting in and out of parked and moving traffic it's a major concern and unless no parking yellow lines are put in place similar to other 'school zones' in the Tweed/Banora area this dangerous situation is only going to worsen and it's only a matter of time before a accident or worse occurs.

School traffic park wherever they can and views are obstructed for people pulling in and out of driveways, children are running between cars crossing the road then buses are trying to navigate its quiet ridiculous.

Hopefully this will be given serious consideration to hopefully prevent an accident."

Applicants Response

The contents of the submission were forwarded to the applicant who has submitted the below response, prepared by their Traffic Consultant;

“Reference is made to the above Development Application and concerns raised by a local resident in relation to the use of on-street car parking in Acacia Street.

As part of the traffic study, we did not observe any significant use of on-street car parking in Acacia Street by visitors and staff of the school. This is expected given the distance between the school buildings and Acacia Street, and the availability of car parking and set-down facilities on the site. Subsequent to receiving the public submission, we have visited the site again during peak school traffic periods and observed four vehicles that we believe were associated with the school parked in Acacia Street. These cars were legally parked and did not appear to cause a nuisance to nearby properties. It is noted that there were a number of other cars parked up on the verge, mainly to the west of the school exit driveway. However, these were not associated with the school.

It is expected that the proposed expansion and improvement of on-site traffic and parking facilities will allow all vehicles associated with the school to park on site, and there would not be a practical need to use on-street parking in Acacia Street. On this basis, we do not believe any management measures such as signage or line marking is warranted.”

Council Officer Assessment

This submission generally relates to issues around parking and access arrangements, with a specific request being that ‘no parking’ lines be provided to Acacia Street.

General access and parking provisions have been addressed in detail elsewhere in this report and it is considered that the proposed development does not result in an unacceptable impact in this regard. Of particular relevance to this application is that the application has been reviewed by the Roads and Maritime Service (RMS), Council’s Development Engineering Unit and Council’s Traffic Engineer with no objections raised to the proposal in this regard. The proposed works include an upgrade of the Acacia St/Fraser Drive intersection which should improve access provisions in close proximity to the site. Also, adequate area is provided internally to the site to provide for requisite car parking spaces as the masterplan is developed.

On the question of 'no parking' lines being provided, this has been forwarded to Council's Traffic Engineer for consideration. If considered to have merit this would be considered by the Traffic Committee, however this is undertaken outside of the DA assessment process.

Having regard to this submission received and the response provided it is considered that issues raised could not be used as reasons to substantiate a refusal of this application. The proposed development has been assessed with respect to vehicular parking and access as outlined elsewhere in this report and is considered to be acceptable in this regard.

Public Authority Submissions

NSW Rural Fire Service

The proposed development required an integrated referral to NSW RFS as the site is bushfire prone and the use (school) is listed as a special fire protection use. General terms of approval have been received from the RFS with respect to the proposed development. These would be attached as conditions of consent on any approval issued.

NSW Roads and Maritime Service (RMS)

The application was referred to RMS under the provisions of the SEPP (Infrastructure) as an educational establishment which provided for 50 or more students. A response was received (reproduced under the SEPP assessment) raising no objection to the proposed development.

Gold Coast Airport Pty Ltd (GCAPL)

Council has received correspondence on behalf of GCAPL with respect to the proposed development. This correspondence relates to aircraft noise and the gold coast airport lighting zone and recommended conditions of consent have been provided which are considered appropriate. Comments from GCAPL have been provided following liaison and discussion with Council's Environmental Health Unit. The recommended conditions would be attached to any consent issued.

Essential Energy

The application was also referred to Essential Energy under the provisions of the SEPP (Infrastructure) as a '*Possible substation location*' was identified on one of the submitted plans. A response was received stating that "*Essential has no specific comment with regard to the proposed development.*" Therefore it is considered that Essential Energy has no objections to the development in this regard.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is therefore considered to be in the public interest by providing an expansion of an existing school development in the Tweed Heads area.

Contribution Charges for the subject development

Contribution Charges

Contribution charges are to be levied for the works proposed under Stage 1 of this application. The establishment of future development in accordance with the masterplan stages will be levied contributions as the number of students increases over time.

As the proposed development results in an increase to the number of students in the school by 40 (and 3 staff), it is considered appropriate to apply S64 and S94 contributions in this regards as per the below calculations;

S64 Water & Sewer

Water

Education - School (primary & secondary) per Person = 0.03 ET

Sewer

Education - School (primary & secondary) per Person = 0.05 ET

Comment has been provided by Council's Water Unit with respect to S64 contributions, reproduced below as follows;

"Existing CREDIT

Credit 350 students and 30 staff = 380 persons

Water = 0.03 ET per person x 380= 11.4 ET

Sewer = 0.05 ET per person x 380= 19.0 ET

Proposed

- *Stage 1 - 390 students and 33 staff = 423 persons*

Water = 0.03 ET per person x 423 = 12.69 ET

Sewer = 0.05 ET per person x 423 = 21.15 ET

TOTAL

*Water = 12.69 ET – 11.4 ET = **1.29 ET***

*Sewer = 21.15 ET – 19.0 ET = **2.15 ET***

The above calculations are concurred with, resulting in the below charges;

Water

= 1.29 ET x \$13,128 (Water per ET DSP4NthEst)

= \$16,935

Sewer

= 2.15ET x \$6,307 (Sewer per ET BnoraPtSTP)

= \$13,560

S94 Plan No. 4 (Tweed Road Contribution Plan)

Education establishment- 1.4 trips per enrolment

1.4 x 40 additional students proposed under Stage 1= 56 trips

Proposal is considered to be employment generating (as 3 new staff proposed) therefore 40% discount applies

= 56 – 22.4 (40%)
= 33.6 trips applicable
= 33.6 x 1,387 (trip rate for Tweed South-Sector 2)

= \$46,603

OPTIONS:

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with stated reasons for refusal.

Option 1 is recommended.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. The proposed development does not present any issues that are considered to be contrary to the public interest and generally aligns with the applicable development legislation, as outlined in this assessment report.

RECOMMENDATION:

That Development Application DA15/0583 for a Staged Development Application comprising masterplan for K-12 school with 670 students, general learning areas, administration buildings and amenities, and Stage 1 including general learning areas, car parking and 40 additional students (JRPP) at Lot 8 DP 1039569; No. 3A Acacia Street TWEED HEADS SOUTH, be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans;
 - Zoned Master Plan (Drawing No. SD04 P2) prepared by Bickerton Masters Architecture and dated 19 June 2015;
 - Part Site Plan Funding Application 1 (Drawing No. SD01 P4) prepared by Bickerton Masters Architecture and dated 15 September 2015, as amended in red;
 - Plan & Elevations (Drawing No. SD02 P4) prepared by Bickerton Masters Architecture and dated 15 September 2015, and
 - Figure 6.1 - Proposed Layout of the Fraser Drive/Acacia Street Intersection prepared by Rytenschild Traffic Group and contained within the Traffic Impact Assessment dated 17 June 2015,

except where varied by the conditions of this consent.

[GEN0005]

2. The proposed future Masterplan stage(s) of the development must be the subject of a separate development consent.

[GEN0035]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

5. Sewer manholes are present on this site. These manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Council's Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]

6. Council advises that the site is flood liable with a Design Flood Level of 2.6m AHD.
- (a) All building materials used below Council's Design Flood Level must not be susceptible to water damage.
 - (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. for the proposed building should, to the maximum extent possible be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
 - (c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.
- [GEN0195]
7. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
- [GEN0265]
8. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
- [GEN0300]
9. Future stages of the Masterplan must meet the building construction requirements and maximum indoor sound levels of the latest version of Australian Standard AS2021 - Acoustics - Aircraft noise intrusion - Building siting and construction.
- [GENNS01]
10. The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of a construction certificate for each applicable stage. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).
- [GENNS01]
11. Future stages of the Masterplan must adequately address acid sulfate soil and meet the relevant provisions of the NSW Acid Sulfate Soil Advisory Committee (ASSMAC) Guidelines.
- [GENNS02]
12. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement.
13. As part of Stage 1 works the intersection of Fraser Drive and Acacia Street is to be upgraded to provide an auxiliary and channelised left and right turning lanes for traffic turning into Acacia Street as identified in the Traffic Impact Assessment, prepared by Rytenskild Traffic Group and dated 17 June 2015. Acacia Street is to be widened to enable the installation of separate left and right turning lanes for the approach to Fraser Drive. The applicant is to undertake consultation with any

immediate property owners to ensure medians and line marking does not adversely impact on access to these properties.

14. As part of Stage 1 works a 1.2m wide footpath is to be constructed, subject to approval through a s138 application (Roads Act 1993), on Acacia Street from Fraser Drive connecting to the existing footpath at the School's driveway entrance.

[GENNS03]

15. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.
16. All works shall be restricted to within the subject site and shall not:
 - a. Extend into the adjacent Council conservation reserve being Lot X DP 28390; or
 - b. Impact on native vegetation or habitat values occurring within the adjacent reserve or associated SEPP 14 Coastal Wetland
17. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement.

[GENNS04]

18. A Flood Response Management Plan prepared in accordance with Tweed Shire Council DCP Section A3- Development of Flood Liable Land shall be prepared and maintained on site. All activities shall comply with the adopted Flood Response Management Plan.
19. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

20. The developer shall provide an additional 4 parking spaces including parking for the disabled (as required) for Stage 1 works, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and maneuvering areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for the Stage 1 works.

[PCC0065]

21. Prior to the issue of a Construction Certificate for Subdivision / Civil Works to upgrade the intersection of Acacia Street and Fraser Drive, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the public infrastructure works, as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the Final Practical Inspection for the works endorsed by the Subdivision / Civil Works Construction Certificate is undertaken and the works accepted by Council.

[PCC0275]

22. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

23. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate for Stage 1 works details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

24. A detailed plan of landscaping shall be submitted and approved by Council's General Manager or delegate prior to the issue of Construction Certificate for Stage 1 of the development. The detailed landscape plan shall:

- a. Be generally consistent with the *School Facilities Standards-Landscape Standard Version 22 (March 2002)* or any comparable Educational Facilities Standard applicable at the time of staged development
- b. Contain no noxious or environmental weed species
- c. Comprise a minimum 80% local native species of total landscape plant numbers

[PCC0585]

25. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 3.1m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

26. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government

Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for Stage 1 Subdivision / Civil Works. Safe public access shall be provided at all times.

[PCC0865]

27. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate for Stage 1 works.

[PCC0935]

28. Prior to the issue of a **Construction Certificate** for Subdivision / Civil Works for Stage 1, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (a) copies of Compliance Certificates relied upon
 - (b) (4) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include (but are not limited to) the following, unless approved otherwise by Council:
 - Earthworks
 - Roadworks/furnishings
 - (c) Upgrading of the Acacia Street and Fraser Drive intersection compliant with "Austroads Guide to Road Design" (current version), in particular Part 4A - "Unsignalised and Signalised Intersections", giving particular attention to sight distance, in general accordance Fig 6.1 of the Traffic Impact Assessment, 17 June 2015 prepared by Rytenskild, unless required otherwise by Council.
 - (d) Extension of the concrete footpath along the developments frontage to Acacia Street to Fraser Drive.
 - Stormwater drainage
 - (e) Adjustment to drainage at intersection as applicable.
 - Water supply works
 - (f) Adjustment to water reticulation at intersection as applicable.
 - Sewerage works
 - (g) Adjustment to sewer reticulation at intersection as applicable.
 - Landscaping works
 - Sedimentation and erosion management plans
 - Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant*

electrical servicing infrastructure - such as transformers and substations

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

29. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application for Building Works (including the car park construction) and the Construction Certificate Application for Subdivision / Civil Works within the public road reserve shall each include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) It is encouraged that Water Sensitive Urban Design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an "end of line" proprietary gross pollutant device, as deemed applicable.

[PCC1105]

30. Disposal of roofwater by means of infiltration devices must be carried out in accordance with Section D7.9 of Tweed Shire Councils *Development Design and Construction Specification - Stormwater Quality*.

[PCC1125]

31. Stormwater
- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 1 Building Works. These details shall include likely landscaping within the overland flow paths.
 - (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
 - (c) The infiltration rate for sizing infiltration devices shall be (unless agreed otherwise by Council) 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
 - (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.

- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (g) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (h) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (i) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

32. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a Construction Certificate for Subdivision / Civil Works associated with a subdivision consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

33. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) Each Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

34. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a

private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate for Stage 1 works.

[PCC1195]

35. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 1 or any works commencing, whichever occurs first. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

[PCC1310]

36. The location of all internal pressure and gravity sewer pipelines and Council owned gravity sewer mains shall be clearly marked on all Civil Works Plans.
37. No stormwater drainage lines over existing sewer mains and manholes are approved. Where stormwater drainage is proposed within existing sewer easements, Civil Works construction plans must be provided to Council's Water and Wastewater Unit manager or his delegate and written confirmation provided that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 1 or any works commencing, whichever occurs first.
38. The location of all internal pressure and gravity sewer pipelines and Council owned gravity sewer mains shall be clearly marked on all Civil Works Plans.
39. No stormwater drainage lines over existing sewer mains and manholes are approved. Where stormwater drainage is proposed within existing sewer easements, Civil Works construction plans must be provided to Council's Water and Wastewater Unit manager or his delegate and written confirmation provided that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 1 or any works commencing, whichever occurs first.

[PCCNS02]

40. Prior to a Construction Certificate being issued for any works within the road reserve, the Applicant must obtain separate approval to do so from Council under Section 138 of the Roads Act 1993.
- a) Applications for these works must be submitted on Council's standard Section 138 application form, accompanied by the required engineering plans and attachments, as well as the prescribed fee.
- b) Where Council is nominated as the Principal Certifying Authority, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

41. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Principal Certifying Authority of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

42. Prior to the commencement of the Stage 1 Subdivision / Civil works within the public road reserve, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCW0025]

43. Prior to the commencement of works for Stage 1, the applicant is to indicate their compliance with the provisions of the Acoustic Assessment for Pacific Coast Christian School - Masterplan and Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) and the maximum indoor sound levels as prescribed in Table 3.3 of AS2021-2015 by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the dwelling with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.

[PCW0135]

44. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

45. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

46. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

47. Subdivision / Civil work in accordance with a development consent must not be commenced until:

§ a Construction Certificate for the Subdivision / Civil Work has been issued in accordance with Councils Development Construction Specification C101 by:

- ¿ the Consent Authority, or
- ¿ an Accredited Certifier, and

§ the person having the benefit of the development consent:

- ¿ has appointed a Principal Certifying Authority,
- ¿ has appointed a Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration. Documentary evidence is to be provided to Council demonstrating current NPER accreditation, and

All earthworks shall be contained wholly within the subject land.

Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCWNS01]

DURING CONSTRUCTION

53. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, approved Construction Certificates, drawings and specifications.

[DUR0005]

54. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

55. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

56. Stage 1 of the development shall be carried out in accordance with the provisions of the Acoustic Assessment for Pacific Coast Christian School - Masterplan and Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) and the maximum indoor sound levels as prescribed in Table 3.3 of AS2021-2015.

[DUR0275]

57. The development shall meet the building construction requirements of Australian Standard AS 2021 (*Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*).

[DUR0285]

58. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Acoustic Assessment for Pacific Coast Christian School - Masterplan and

Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) and the maximum indoor sound levels as prescribed in Table 3.3 of AS2021-2015, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed.

[DUR0295]

59. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

60. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

61. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

62. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

63. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

64. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

65. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to a Final Practical Inspection being undertaken for the approved Civil Works and an Occupation Certificate for the Building Works, including the car park upgrade.

[DUR0995]

66. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

67. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

68. All Stage 1 works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

69. The concrete footpath in Acacia Street is to be extended (of matching width to that of the existing footpath) on a compacted base from the developments frontage to the approved intersection upgrade works in Fraser Drive, in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

70. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

71. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.

[DUR1805]

72. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

73. The proponent must not undertake any work within the public road reserve without giving Council's Engineering Division (48 hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

74. Pram ramps are to be constructed at road intersections and pedestrian crossing in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

75. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

76. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks / "boxing"
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - On Maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage (as applicable)

- (j) Excavation
- (k) Bedding
- (l) Laying/jointing
- (m) Manholes/pits
- (n) Backfilling
- (o) Permanent erosion and sedimentation control measures
- (p) Drainage channels
- (q) Final Practical Inspection - On Maintenance
- (r) Off Maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision / civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

77. No portion of the development (including the internal car park) may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains, unless endorsed by Council.

[DUR1945]

78. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

79. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

80. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

81. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

82. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.

(d) completion of work and prior to occupation of the building.

[DUR2485]

83. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

84. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

85. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

86. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

87. Prior to issue of an Occupation Certificate for Stage 1 works, all works/actions/inspections etc required at that stage by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

88. Prior to the issue of an Occupation Certificate for Stage 1 works, a Defect Liability Bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the public infrastructure works approved under the Civil Works Construction Certificate (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which a Final Practical Inspection is undertaken for the endorsed Civil Works and the works are accepted by Council.

It is the responsibility of the proponent to apply for refund following the remedying of any defects

arising within the 6 month period.

[POC0165]

89. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

90. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

91. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:

33.6 Trips @ \$1387 per Trips \$46,603

(\$1,318 base rate + \$69 indexation)

S94 Plan No. 4

Sector2_4

[POC0395]

92. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying

Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP4:	1.29 ET @ \$13128 per ET \$16,935.10
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Sewer Banora:	2.15 ET @ \$6307 per ET \$13,560.10
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These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[POC0675]

93. Prior to the issue of an Occupation Certificate for Stage 1, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

94. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

95. Prior to the issue of a final Occupation Certificate for Stage 1 works, all conditions of consent applicable to Stage 1 building and car park works and the Civil works associated with the upgrading of the Acacia Street / Fraser Drive intersection are to be met.

[POC1055]

96. Prior to occupation of the Stage 1 works, Council shall undertake a Final Practical Inspection of the works approved under the Subdivision / Civil Works Construction Certificate and be satisfied that works have been satisfactorily completed.

[POCNS01]

97. Prior to Council undertaking a Final Practical Inspection of the works approved under the Subdivision / Civil Works Construction Certificate, a certificate signed by a practicing NPER Civil Engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.

[POCNS02]

98. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of Easements for services, Rights Of Carriageway and Restrictions As To User, as may be applicable under Section 88B of the Conveyancing Act including.

[POCNS03]

99. Prior to the issue of an Occupation Certificate for Stage 1, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.

[POCNS04]

100. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to a Final Practical Inspection being undertaken for the approved Civil Works and prior to any use or occupation of the buildings.

[POCNS05]

101. Prior to Council undertaking a Final Practical Inspection of the works approved under the Subdivision / Civil Works Construction Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council for those works.

[POCNS06]

102. Prior to the issue of an Occupation Certificate for Stage 1, production of written evidence from the local electricity supply authority shall be provided to Council certifying that satisfactory arrangements have been made for the provision of electricity supply to service the school.

This may require the installation of a new sub-station within the subject property.

[POCNS07]

103. Prior to Council undertaking a Final Practical Inspection of the works approved under the Subdivision / Civil Works Construction Certificate, Works as Executed Plans of all public infrastructure constructed under this consent, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easements;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[POCNS08]

104. In conjunction with the application for a Final Practical Inspection for the approved Subdivision / Civil Works, the applicant must also apply to Council (**OR** PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for

various civil works components such as (but not limited to) the following:-

- § Roads
- § Water Reticulation (as applicable)
- § Sewerage Reticulation (as applicable)
- § Drainage (as applicable)

Note:

1. All Compliance Certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Certifying Engineer, certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the Construction Certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications and good engineering practice.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

[POCNS09]

105. The six (6) months Defects Liability Period for the subdivision / civil works commences upon Council's acceptance of the works inspected under the Final Practical Inspection.

[POCNS10]

106. Prior to undertaking a Final Practical Inspection and also prior to the end of Defects Liability Period, a CCTV inspection of any new stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[POCNS11]

USE

107. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

108. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the

emission of offensive or intrusive noise.

[USE0175]

109. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

110. The development shall be carried out in accordance with the provisions of the Acoustic Assessment for Pacific Coast Christian School - Masterplan and Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) and the maximum indoor sound levels as prescribed in Table 3.3 of AS2021-2015.

[USE0305]

111. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management or to the satisfaction of the General Manager or his delegate.

[USE0875]

112. Immediately following occupation of Stage 1 of the school extension, a Post Construction Noise Impact Compliance Assessment report from a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate with respect to noise associated with Stage 1.

The assessment report shall confirm Stage 1 meets the recommendations of the Acoustic Assessment for Pacific Coast Christian School - Masterplan and Stage 1 Development prepared by Acouras Consultancy dated 10/9/2015 (Document Reference: SYD2015-1024-R002D) and the maximum indoor sound levels as prescribed in Table 3.3 of AS2021-2015, and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation.

The applicant shall carry out any such recommendations as provided within the noise assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

Stage 1

1. The development proposal is to comply with the layout identified on the drawing prepared by Bickerton Masters, titled Site Plans (Project: 1010, Drawing: SP01, Revision: P3), dated 19 June 2015.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Any alteration to water, electricity and/or gas services shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. An emergency and evacuation plan addressing Section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the site, or the existing plan is to be amended to include the proposed Stage 1 development. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Master Plan

7. Future development is to comply with the layout identified on the drawing prepared by Bickerton Masters, titled Zoned Master Plan (reference: Project: 994, Drawing: SD04, Revision: P2), dated 19 June 2015, except as modified by the following conditions.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

8. At each stage of development and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

9. Any alteration to water, electricity and/or gas services shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

10. Future development of the bike rack zone shall ensure that a minimum 4 metre wide unobstructed carriageway is maintained from the car park to the western asset protection zone for fire fighting appliance access.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

11. An emergency and evacuation plan addressing Section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the site, or the existing plan is to be amended to include the future development as it occurs. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

12. New buildings shall be setback at least 25 metres from the western boundary in accordance with the Bushfire Setback line shown on the Zoned Master Plan prepared by Bickerton Master, referenced Project No, 994 (Drawing SD04, Revision P2), dated 19 June 2015.

13. Future development within the site shall comply with 'Planning for Bush Fire Protection 2006' and AS 3959 'Construction of buildings in bushfire prone areas'.

Landscaping

14. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.