

# JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

## Council Assessment Report

Panel Reference	2017HCC 041
DA Number	53070/2017
Local Government Area	Central Coast Council
Proposed Development	New Administration Building and Homebase Block (JRPP)
Street Address	LOT: A DP: 187957, Lot B DP: 33217, LOT: 1 DP: 588831, LOT: 28 DP: 28877, 20 Havenview Road TERRIGAL
Applicant	TSA Management Pty Ltd
Owner	Terrigal Public School
Date of DA Lodgement	09/10/2017
Number of Submissions	Nil
Recommendation	Approval - subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Development carried out by or on behalf of the Crown with a capital investment value over \$5m
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979 – Section 4.15, Section 4.33 (EP&amp;A Act)</i></li> <li>• <i>Roads Act 1993 (Roads Act)</i></li> <li>• <i>Water Management Act 2000 (WM Act)</i></li> <li>• <i>State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71)</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)</i></li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP)</i></li> <li>• <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017) (Education and Child Care SEPP)</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> <ul style="list-style-type: none"> <li>• Chapter 2.1 Character</li> <li>• Chapter 2.2 Scenic Quality</li> <li>• Chapter 6.4 Geotechnical Requirements</li> <li>• Chapter 6.7 Water Cycle Management</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>Chapter 7.1 Car Parking</li> <li>Chapter 7.2 Waste Management</li> <li>Chapter 7.3 Notification of Development Proposals</li> </ul>
List all documents submitted with this report for the Panel's consideration	<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>Architectural Plans and Landscape Plans</li> <li>Draft Conditions of Consent</li> <li>Applicant's submission – Clause 4.6 Exception to Development Standards – Height of Building</li> </ol> <p><b>Supporting Documents:</b></p> <ul style="list-style-type: none"> <li>Traffic and Parking Assessment Report, ECM Doc No 25110836</li> <li>Letter Car Parking Arrangements, Ref No 11506-ltr-041 Terrigal RFI Response to CCC, ECM Doc No 25712122</li> <li>Concept Stormwater Plan and Sedimentation Control Plan, ECM Doc No 25824598</li> <li>Initial BCA Assessment, ECM Doc No 25110871</li> <li>Tree Target Risk Assessment, ECM Doc No 25110775</li> <li>Letter Landscaping Response, Ref No 11506-ltr-044 Terrigal RFI Response to CCC, ECM Doc No 25711602</li> </ul>
Report prepared by	K Hanratty
Report date	14/05/2018

#### Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? **Not Applicable**

#### Conditions

Have draft conditions been provided to the Applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the Applicant to enable comments to be considered as part of the assessment report.*

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

**Application Number**

DA53070/2017

### Summary

An application has been received for a New Administration Building and Homebase Block for Terrigal Primary School. The Homebase block contains teaching and learning facilities comprising classrooms and breakout spaces. The application has been submitted on behalf of the Department of Education and is a Crown Application. The application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant Council policies.

### Recommendation

- A** *That the Joint Regional Planning Panel as consent authority grant consent to Development Application No 53070/2017 for New Administration Building and Homebase Block on LOT: A DP: 187957, Lot B DP: 33217, LOT: 1 DP: 588831, LOT: 28 DP: 28877, No 20 Havenview Road TERRIGAL subject to the conditions attached.*
- B** *That Council advise those who made written submissions of the Joint Regional Planning Panel's decision.*

### Precis

<b>Delegation Level</b>	Joint Regional Planning Panel
<b>Reason for Delegation Level</b>	Crown development over \$5 million
<b>Property Lot &amp; DP</b>	LOT: A DP: 187957, Lot B DP: 33217, LOT: 1 DP: 588831, LOT: 28 DP: 28877
<b>Property Address</b>	20 Havenview Road TERRIGAL
<b>Site Area</b>	30,055.14m <sup>2</sup>
<b>Zoning</b>	R1 GENERAL RESIDENTIAL

<b>Proposal</b>	New Administration Building and Homebase Block (JRPP)
<b>Application Type</b>	Development Application – Local
<b>Application Lodged</b>	09/10/2017
<b>Applicant</b>	TSA Management Pty Ltd
<b>Estimated Cost of Works</b>	\$6,666,130.00

<b>Advertised and Notified / Notified Only</b>	Exhibition period 19/10/2017 - 02/11/2017
<b>Submissions</b>	Nil

<b>Disclosure of Political Donations &amp; Gifts</b>	No
<b>Site Inspection</b>	15/12/2017

<b>Recommendation</b>	Approval, subject to conditions
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## Variations to Policies

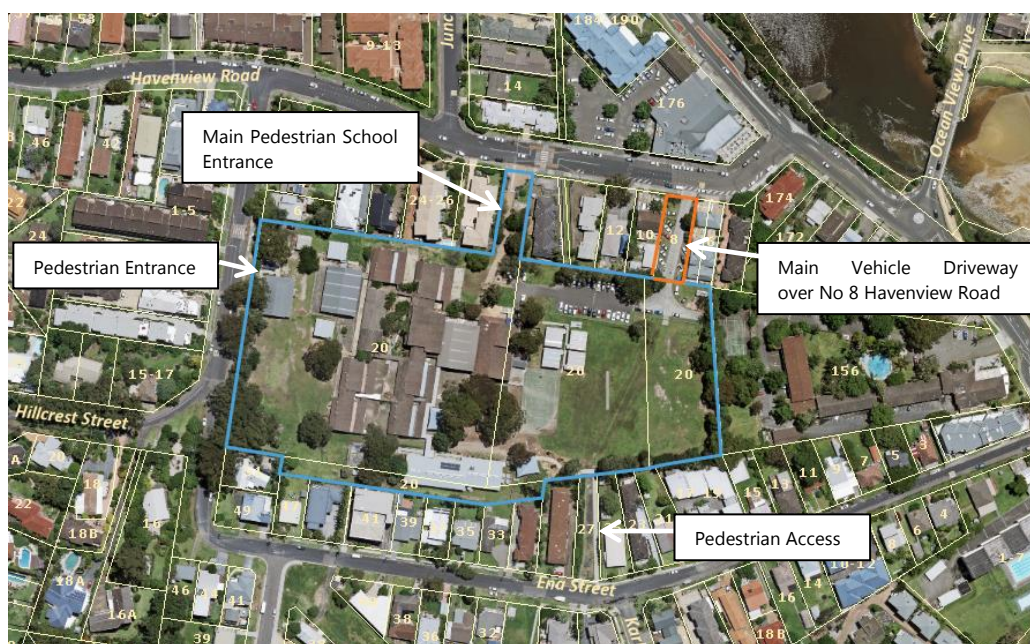
Policy	Clause / Description	% Variance
Gosford Local Environmental Plan 2014	Clause 4.3 Height of Buildings maximum - 8.5m	Variable up to maximum 11.21m 4% to maximum 32% - Clause 4.6 variation submitted - supported
Gosford Development Control Plan 2013	Chapter 7.1 Car Parking	2 car spaces

## The Site

The site is known as Terrigal Public School and is located on the southern side of Havenview Road behind the residential buildings fronting Havenview Road and to the western side of Hillcrest Street, Terrigal. The site is irregular in shape, has an area of approximately 3 hectares (30,055m<sup>2</sup>) and contains a number of school buildings and easements for drainage and sewer infrastructure. The site comprises four (4) lots being:

- Lot A DP 187957, No 20 Havenview Road and has an area of 17,199.14m<sup>2</sup>
- Lot B DP 33217, No 20 Havenview Road and has an area of 8,195m<sup>2</sup>
- Lot 1 DP 588831, No 20 Havenview Road and has an area of 3,416m<sup>2</sup>
- Lot 28 DP 28877, No 20 Havenview Road and has an area of 1,245.6m<sup>2</sup>

The following aerial photograph identifies the site, vehicle and pedestrian access and the surrounding locality.



**Figure 1 – Locality Plan**

As shown in Figure 1 above, access to the site is obtained as follows:

- The main vehicular school entrance is from a constructed driveway over Lot 106 DP 12020, No. 8 Havenview Road, Terrigal to the school grounds, car parking area and waste servicing.
- The main pedestrian school entrance at Havenview Road is between No. 16 and No. 22 Havenview Road, is 15.24m wide x 44m long and is located within Lot A DP 187957.
- Pedestrian access to the south is over the drainage easement at No. 27 Ena Street and provides access to the oval located in the eastern section of the school.
- Pedestrian access to the east is from Hillcrest Street.

## **Surrounding Development**

Surrounding development to the north, west and south is predominantly residential development including multi-dwelling housing developments. To the east, a large new multi-dwelling residential development is under construction. Further east, approximately 250m is Terrigal Beach and Terrigal village centre approximately 750m southeast of the site. Buses operate along Havenview Road and Terrigal Drive.

The site falls from southwest (RL 27.18m AHD) to northeast (RL 4.2m AHD). An oval is located in the eastern section of the school. The site is not identified as "bushfire prone land" on Council's bushfire maps.

## **The Proposal**

The development will remove eight (8) existing demountable buildings (currently 27% of the school accommodation), construct permanent facilities on a constrained site and make provision for future growth.

The development allows for an increase in student numbers from 789 (nominally 759) to 828 students, (9% increase on number nominally provided for at the school), and an increase from 34 to 36 teaching spaces.

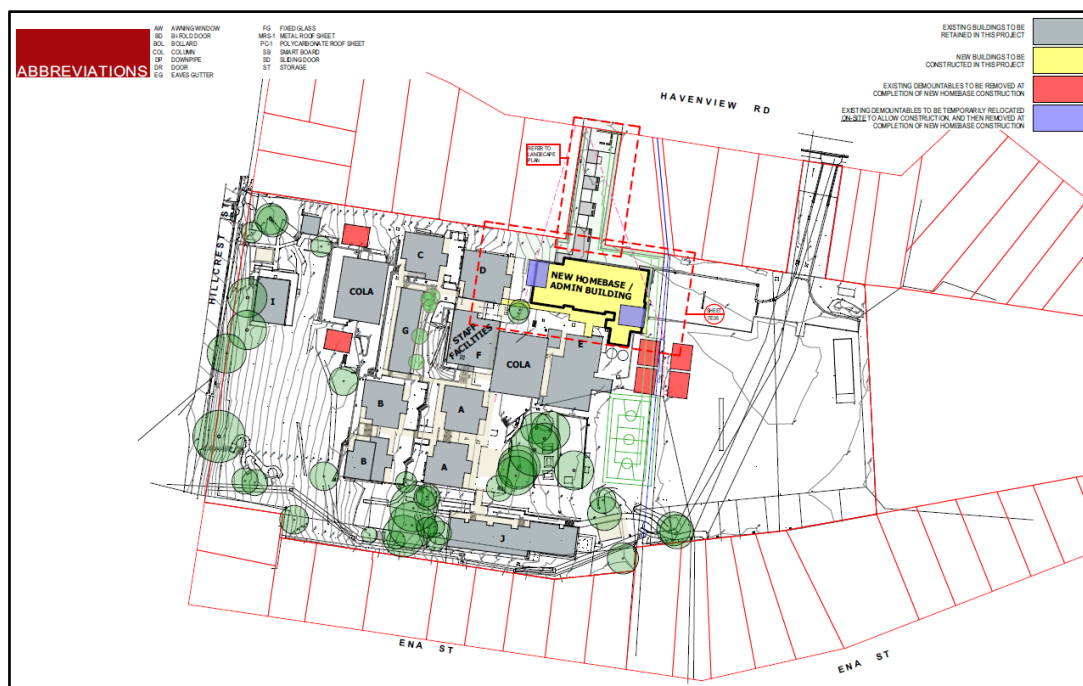
The Homebase building contains innovative teaching and learning facilities, including classrooms and breakout spaces (maker spaces). Classroom design is redefined from traditional classrooms to include areas that promote creative and personalised learning.

The proposal comprises:

- Construction of a new Homebase building of 10 Homebase classrooms near the centre of the northern boundary of the school. This building will comprise:
  - At ground floor level:
    - 2 Homebase areas of 60m<sup>2</sup> with bifold interconnecting doors with additional withdrawal areas of 12m<sup>2</sup>, maker spaces of 31m<sup>2</sup> and 33m<sup>2</sup> and storage. This total floor area will be 208m<sup>2</sup>;

- An administration block including entry, clerical/print, the principal's office and three deputy principals' offices, a councillor and interview room, sick bay, store room, toilets, accessible shower/toilet, kitchen and communications room. (This total floor area will be approximately 255m<sup>2</sup>. Due to budget constraints this area is envisaged to be built later than the remainder of the Homebase building and in the meantime will operate as an undercroft area);
  - Covered walkways between the Homebase and administration areas and walkways, amphitheatres and parking under the first floor of the building; and
  - Lift and external stair access between the levels.
- At first floor level a total floor area of 874m<sup>2</sup> is proposed to comprise:
    - 8 Homebase areas of 60m<sup>2</sup> each;
    - 4 withdrawal areas each of 12m<sup>2</sup>;
    - 2 maker spaces of 128m<sup>2</sup> and 118m<sup>2</sup>;
    - 2 store rooms of 11m<sup>2</sup>;
    - Stairs and accessible ramp between the lower and upper levels of the first floor building;
    - Internal school bag storage; and
    - Covered link to block D to the west;
  - Solar panels on the roof;
- Removal of 8 existing demountable buildings;
  - New covered walkway under the new Homebase building from the pedestrian entranceway;
  - Landscaping works, including landscaping of the pedestrian entranceway off Havenview Road.

The site plan and building perspectives are shown in Figures 2, 3 and 4 below:



**Figure 2 – Site Plan**





**Figure 3: Perspective of northern and western facades of the development**



**Figure 4: Perspective of eastern façade of the development as viewed from existing car park**

## History

Council's records show that the following applications were previously lodged on this site:

- DA21823/1996 for Educational Establishment Addition, approved 7/01/1997
- DA22040/1996 for Educational Establishment, approved 7/01/1997
- DA22040/1996 Part 2 for Educational Establishment Addition, approved 2/02/1997
- DA5370/1999 for Awning and Multi-Purpose Shade Structure, approved on 12/10/1999
- DA8533/2000 for Verandah with Colorbond Roof – After School Day Care Centre Bldg, approved on 27/11/2000
- DA13802/2001 for Roadway, carpark, landscaping and associated works New Building Car Parking Station New Building Other Structures, approved on 22/02/2002

- DA18649/2002 for a Deck, approved on 27/02/2003
- DA29556/2006 for Before and After School Care Centre approved on 12/04/2006
- DA 29556/2006 to Address Civil Engineering Conditions approved on 4/04/2007
- DA32435/2007 for Installation of covered outdoor learning area (COLA) to an Existing Educational Establishment (Terrigal Public School) was approved on 1/05/2007
- CDC 37597/2009 for New Classroom Facility approved by Private Certifying Authority on 26/10/2009

The property is subject to Legal Document No. 1213560. This document identifies the easements and right-of-carriageway under the registered 88B Instrument on Lot 106 DP 12020, No. 8 Havenview Road Terrigal. This property is owned by Council and identified as drainage reserve and contains the main vehicular school entrance for Terrigal Public School. The Department of Education has legal right of access over this land.

A site inspection and briefing onsite with the Joint Regional Planning Panel (JRPP) occurred on 25 January 2018. The key issues discussed include the following:

- Site planning
- Height non-compliance
- Access
- Parking and Traffic
- Waste
- Tree Removal

The Applicant was advised of the briefing directly by the JRPP. General discussions occurred with the Applicant during the assessment of the development application regarding the above issues.

#### **s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations**

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

#### **Public Submissions**

The application was notified in accordance with Chapter 7.3 Notification of Development Proposals of *Gosford Development Control Plan 2013* (GDCP 2013) from 19 October 2017 to 2 November 2017. There were no public submissions received in relation to this proposal.



### **Internal Consultation**

The application was internally referred to the following officers:

<b>Internal Referral Body</b>	<b>Comments</b>
Building	Supported, subject to conditions
Engineering	Supported, subject to conditions
Engineering Traffic/Transport	Supported, subject to conditions
Engineering Roads Assets Management	Supported, subject to conditions
Trees	Supported, subject to conditions
Waste Services	Supported, subject to conditions
Water & Sewer	Supported, subject to conditions

The internal referral officers support the proposal, subject to conditions. Comments provided by the internal referral officers have been incorporated into the relevant sections of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education and Child Care SEPP, *Gosford Local Environment Plan 2014* (GLEP2014) and *Gosford Development Control Plan 2013* (GDGP 2013).

### **Public Authority Consultation**

The application was referred to the following public authorities:

#### **NSW Roads and Maritime Services**

The proposal is classified as 'traffic generating development' under clause 57(1) of the Education and Child Care SEPP and was referred to the NSW Roads and Maritime Services (RMS). The RMS raises no objections as it will have no impact on the existing operation of the road network. The Traffic and Parking Assessment has been reviewed and the development is satisfactory in relation to the impact of the proposal on the road network and onsite car parking arrangements. The proposal is satisfactory in relation to car parking requirements for educational establishments under Chapter 7.1 Car Parking of GDGP 2013 and where relevant addressed by conditions of consent.

### **Ecologically Sustainable Principles**

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

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

The development will remove existing demountable buildings and construct permanent facilities. The building has been located to integrate with existing school buildings and not reduce the existing outdoor play space available for students. Solar panels are to be provided on the roof of the new building for the provision of renewable energy to the new facilities.

## **Climate Change**

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

## **Assessment**

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Joint Regional Planning Panel's (JRPP) information.

## **Crown Application**

The proposed development is a Crown Development, as it is being undertaken by the Department of Education, a government public authority. The Crown is a self-certifying authority and therefore a Construction Certificate is not required and a Principal Certifying Authority cannot be appointed for the development.

In addition, Council cannot impose conditions unless approval is sought by the Applicant, the Department of Education. In accordance with subsection 4.33 (1)(b) of the EP&A Act, Council on 14 May 2018 sought the approval of the Applicant to impose conditions of consent in respect of the development application.

The Applicant has advised by correspondence dated 23 May 2018 and 31 May 2018, of its acceptance of the conditions of consent. These conditions now form the recommendation to this report.

#### **s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies**

The relevant Environmental Planning Instruments are addressed below:

##### **Draft Environmental Planning Instruments**

No draft Environmental Planning Instruments apply to this application.

##### **State Environmental Planning Policies**

##### **State Environmental Planning Policy No 71 – Coastal Protection - (Repealed on 3 April 2018)**

*State Environmental Planning Policy No 71 - Coastal Protection* (SEPP 71) was repealed on 3 April 2018 when *the State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) came into effect. The savings and transitional provisions contained within the Coastal Management SEPP state SEPP 71 continues to apply if a development application is lodged and not finally determined prior to the commencement of the Coastal Management SEPP. Development application 53070/2017 was lodged prior to, but not determined, on 3 April 2018.

SEPP 71 requires that Council consider the Aims and Objectives of SEPP 71 together with the matters for consideration listed in Clause 8 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The bulk and scale of the development is appropriate for the location and does not impact on the natural scenic quality of the surrounding area. The proposal is not considered to have a cumulative impact on the environment with appropriate measures for water and energy use; stormwater is managed through a detention tank and solar panels are proposed on the roof. The application is considered consistent with the stated aims and objectives.

##### **State Environmental Planning Policy (Coastal Management) 2018**

*State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) commenced on 3 April 2018 following the lodgement of the subject development application. Whilst the savings and transitional provisions of the Coastal Management SEPP apply, the provisions of the Coastal Management SEPP require Council consider the aims and objectives of the policy when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

### **State Environmental Planning Policy (State and Regional Development) 2011**

*State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional SEPP) identifies development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state panel or JRPP to determine development applications.

Amendments to the EP&A Act came into force on 1 March 2018 and resulted in amendments to the State and Regional SEPP. The categories of regionally significant development are identified in schedule 7 of the State and Regional SEPP. Development carried out by or on behalf of the Crown with a capital investment value over \$5 million is considered regionally significant development. The Hunter and Central Coast JRPP is therefore the determining authority for this application.

### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education and Child Care SEPP) commenced on 1 September 2017 and generally includes the provisions relating to schools which were previously included in *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). It provides a standardised approval process for schools.

The following sections are relevant considerations:

#### **Education and Child Care SEPP – Part 4 – Schools – Specific Development Controls**

The Education and Child Care SEPP contains provision for development without consent for educational establishments. These provisions are not relevant to the proposal as the permanent classrooms are more than one storey in height and therefore development consent is required.

Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone in accordance with clause 35(1). In accordance with subclause 35(6)(a) for development referred to in clause 35(1) the consent authority must take into consideration the design quality of the development in accordance with the design quality principles set out in Schedule 4 before determining a development application. In addition, the proposal is to take into consideration the document, 'Design Guide for Schools' which informs the design quality principles in Schedule 4.

## Schedule 4 – Schools – design quality principles

The proposal has been assessed in relation to the Design Quality Principles of the Education and Child Care SEPP and is considered satisfactory as follows:

Design Quality Principle	Compliance
<b>Principle 1 — context, built form and landscape</b>	
<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment</p>	<ul style="list-style-type: none"> <li>• The proposal creates a new statement building at the front entry to the school and will enhance the school's public image.</li> <li>• The proposal responds to the gradient of the land and retains satisfactory setback to residential development to the north.</li> <li>• The proposal is setback from the public road behind existing residential development and is consistent with height, bulk and scale of existing school buildings on the site.</li> <li>• The proposal is two storeys and does not have an adverse impact on the streetscape.</li> <li>• The proposal replaces existing demountable buildings which are to be removed.</li> <li>• The proposal improves the landscape setting of the pedestrian entranceway from Havenview Road.</li> <li>• A landscape plan is provided and considered satisfactory, subject to no tree/shrub planting over Council's sewer infrastructure: <ul style="list-style-type: none"> <li>• The proposed planting of three (3) trees (Kanooka Gums) located on the subject site at the rear of No 16 Havenview Road are not permitted and deleted from the plan.</li> </ul> </li> <li>• The proposal increases the potential school size providing improved facilities to the existing school. No change is proposed to the access to nearby bus routes servicing the school site.</li> </ul>
<b>Principle 2 — sustainable, efficient and durable</b>	
<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The proposed development provides appropriate built form to minimise energy usage as follows:</p> <ul style="list-style-type: none"> <li>• The buildings are designed to facilitate effective cross ventilation,</li> <li>• Provision of deep soil areas for planting,</li> <li>• Initiatives to reduce waste and energy consumption through the use of solar panels on the roof of the Homebase building will reduce long-term maintenance costs and environmental impacts.</li> </ul>

### Principle 3 — accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

**Note.**

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

The proposal is supported by a Building Code of Australia (BCA) assessment which identifies accessibility requirements for building works.

The proposed development provides security and accessibility measures designed and integrated with the built form as follows:

- The fence and gate provided at the entry adjacent to reception is to be closed after 9am, late students will be required to sign in and be let through reception.
- A secure site for students is provided by retaining the existing fence to the car park area and the connection of this fence to the south eastern corner of the Administration building.
- The open entranceway from Havenview Road improves accessibility and wayfinding.
- The Concept design for the proposed additions has been fostered through the Project Reference Group, incorporating Department of Education representatives, the school and school P&C.
- The design option allows the building to link into multiple levels of the existing school, significantly improving the accessibility of the school and does not reduce the existing outdoor play space available for students to the east of the existing buildings.

The proposed development provides diverse, attractive and accessible spaces to learn, play and socialise as follows:

- Provides accessibility for all users of the site incorporating ramps, covered walkways to new and existing buildings, provision of a lift and accessible car space.
- Maker space and Homepage layout allow for flexibility for individual and group activity, with withdrawal areas.

### Principle 4 — health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

The proposed development optimises health and safety as follows:

- The Homepage building obtains light from east and west including breezes on all sides, particularly from the north.
- Louvres provide natural ventilation on north and east sides of the building.
- Provides car park with separate access to pedestrian walkways.
- Covered walkways to adjoining buildings for sun



	<p>and rain protection.</p> <ul style="list-style-type: none"> <li>Existing connections (bike parking/footpaths) for walking, cycling to and from the school to remain.</li> <li>Retains existing after school access and security arrangements.</li> </ul>
<b>Principle 5 — amenity</b>	
<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposed development provides diversity of indoor and outdoor spaces to facilitate informal and formal uses as follows:</p> <ul style="list-style-type: none"> <li>Maximises use of natural environment for learning and play through access to sunlight, natural ventilation, and visual outlook.</li> <li>Located in proximity to the oval area to the east.</li> <li>Improves open space areas by removal of demountable buildings.</li> <li>Provides direct access from the oval to the Homebase building by stairs and ramps.</li> <li>Indoor spaces have maker spaces and a flexible Homebase layout, withdrawal areas and student breakout seating within these spaces.</li> </ul>
<b>Principle 6 — whole of life, flexible and adaptive</b>	
<p>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning.</p> <p>Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	<p>The school design provides a whole of life, flexible and adaptive approach through:</p> <ul style="list-style-type: none"> <li>Use of lightweight internal walls to allow for future alterations.</li> <li>The proposal is intended to provide a long term solution to growing population at the school until 2031.</li> <li>Provides a flexible design and layout for multiple uses and change of use over time in line with projected future growth.</li> </ul>
<b>Principle 7 — aesthetics</b>	
<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements.</p> <p>Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a</p>	<p>The proposed development addresses aesthetics as follows:</p> <ul style="list-style-type: none"> <li>The design of the building is aesthetically pleasing through façade articulation and use of differing materials.</li> <li>Pedestrian interaction is enhanced by the new landscape entranceway from Havenview Road.</li> <li>Provides improved spatial requirements through a pavilion style design to minimise bulk and scale, provides balanced entrance to assist in wayfinding for visitors.</li> <li>Provides adequate security measures and fencing of car parking and student play areas.</li> </ul>

positive impact on the quality and sense of identity of the neighbourhood.

- The proposal is located to the south of adjoining residential development and is not considered to have adverse amenity impact by overshadowing.
- Overlooking and noise is minimised by the design of buildings, elevated walkways and verandahs are located to the southern elevations, away from sensitive receptors.

### Education and Child Care SEPP – Part 7 – General Development Controls

The proposal is classified as 'traffic generating development' under clause 57(1) of the Education and Child Care SEPP. The proposed development allows for an increase in school capacity from 759 to approximately 828 students being more than 50 additional students and involves the enlargement/extension of existing premises. The proposed development will result in an increase of 2 teaching spaces from 34 teaching spaces to 36 teaching spaces. In accordance with clause 54(2) of the Education and Child Care SEPP the proposal was referred to the NSW Roads and Maritime Service (RMS).

In accordance with clause 57(3) of the Education and Child Care SEPP consideration has been given to the RMS response and the potential traffic safety, road congestion and parking implications of the development.

The Traffic and Parking Assessment Report prepared by Positive Traffic Pty Ltd dated September 2017 supports the application and concludes the following:

- Given the extensive car parking in the immediate streets (the surrounding road network surveyed included a total parking availability of 216 on street spaces) the increase of 2 teacher vehicles parked on the surrounding road network spaces (assuming all additional teachers drive) would not impact on parking availability for the school and adjacent uses.
- The surrounding road network has sufficient spare capacity to accommodate the future potential overflow vehicles generated by new teachers.
- Surveys undertaken reveal the following:
  - The dominate mode of travel to the school is by private vehicle (65%) followed by 26% of students travelling by bus. Walking to the school represents 7% of the total student population.
  - The bus mode of travel increases significantly in the afternoon and equals the private vehicle mode of travel for students departing the school representing 45% of the student population in both cases. Walking to the school represents 9% of the total student population.
- The potential traffic impacts of additional vehicle/bus trips by students is low and would not impact on the surrounding road network to a point of detriment.
- Intersections surrounding the development would continue to operate at levels of service to that which currently occurs.
- Overall the traffic impacts of the proposal are considered acceptable.

The RMS raises no objections as it will have no impact on the existing operation of the road network. The Traffic and Parking Assessment has been reviewed and the development is satisfactory in relation to the impact of the proposal on the road network and onsite car parking arrangements. The proposal is satisfactory in relation to car parking requirements for educational establishments under Chapter 7.1 Car Parking of GDCP 2013 and where relevant is addressed by conditions of consent.

The RMS has requested that Council impose a condition of consent for maximum student population on the site to a maximum of 838 students. The NSW Department of Planning and Environment has provided guidance to consent authorities on the application of certain conditions of consent that regulate the expansion of schools (Circular PS 17-004, issued 20 September 2017). The circular outlines principles for consent authorities to consider when imposing a condition limiting student and staff numbers at the school site which should be imposed for a valid planning reason supported by strong evidence base. It should be noted that schools can experience fluctuations in staff and student numbers for various reasons, and flexibility to accommodate additional students is required in order to deliver the best level of access to education for children.

The current number of students at the school is approximately 789 (nominally 759). The proposal will enable a total of approximately 828 students to attend (9% increase on numbers nominally provided for at the school) and an additional 2 teaching spaces (from 34 to 36).

Based on the assessment of the proposal, comments from RMS, Council's Traffic Engineer and the supporting Traffic and Parking Assessment Report, there is not enough evidence that the increase in student numbers and subsequent increase in teaching spaces will have impact on the nearby road network or significant non-compliance with provision of car parking spaces for staff that would substantiate imposing a condition to restrict students numbers.

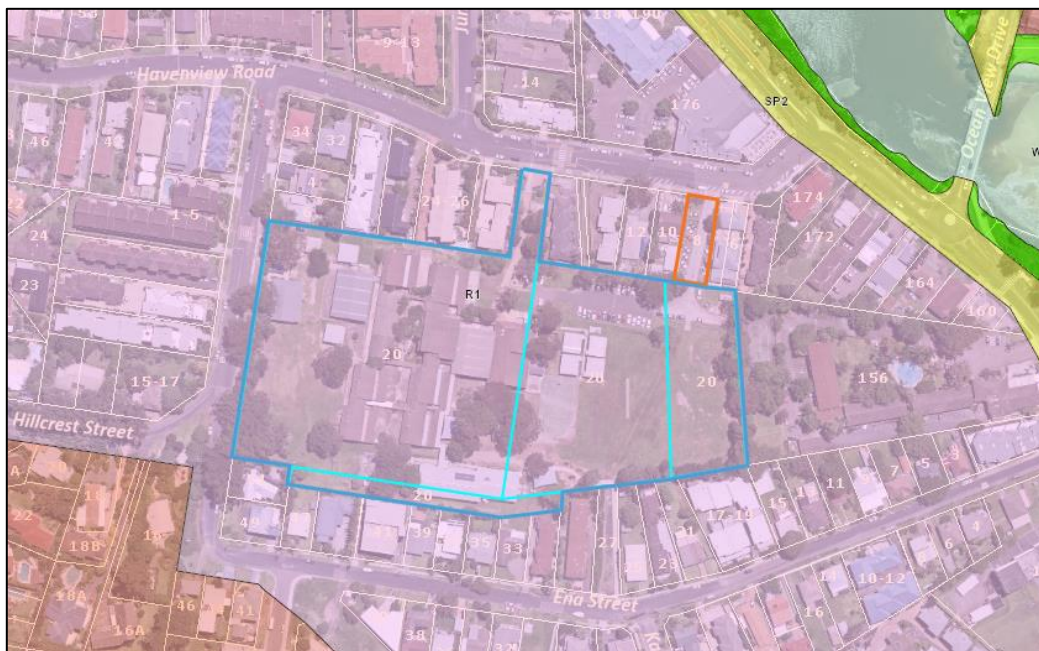
### Conclusion

The relevant provisions of the Education and Child Care SEPP pertaining to school developments have been assessed and the proposal is considered to be consistent with the aims of the policy to facilitate the effective delivery of educational establishments.

## **Gosford Local Environmental Plan 2014 (GLEP 2014)**

### **Zoning & Permissibility**

The site is zoned R1 General Residential under GLEP 2014 as shown in Figure 9.



**Figure 9 - Zoning Map**

The proposed development is defined as an *Educational Establishment* under the provisions of the GLEP 2014, 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

Although Educational Establishments are not a permissible use in the R1 zoning under the GLEP 2014, the proposal is permissible with consent under Clause 33 of the Education and Child Care SEPP which prescribes the R1 zone as a zone where development for the purpose of a school may be carried out with development consent.

The objectives for 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 ensure that development is compatible with the desired future character of the zone.

- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.*

The proposed development seeks to expand an existing educational establishment. The proposal is consistent with the objectives of the zone as follows:

- The proposal addresses the fundamental requirement to provide satisfactory educational facilities for the residents of the area.
- The proposal is compatible with the desired future character of the area to continue to provide educational resources for the surrounding residential population.
- The proposal is not considered to adversely affect residential amenity due to the setback from the rear residential property boundaries, the position of the building to the south and protection of privacy by landscaping.
- The proposal is not considered to place additional demands on services.

### **Principal Development Standards**

The table below summarises the compliance of the proposal with the relevant development standards of GLEP 2014.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
4.3 – Height of Buildings	8.5m	11.21m	No	Variable 4% to maximum 32%	Yes – see comments below - Clause 4.6 Exception to Development Standards
4.4 – Floor Space Ratio	Exception to cl 4.4(2A)(e) = 0.6:1	0.4:1	Yes	Nil	Yes - See comments below

The relevant provisions of GLEP 2014 are addressed below:

### **Clause 4.3: Height of Buildings**

Clause 4.3(2) of GLEP 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m. The GLEP 2014 defines this as the height above existing ground level.

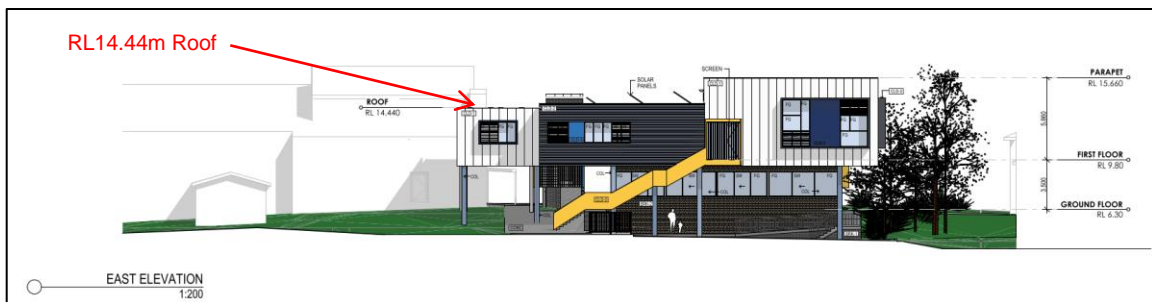
The proposed development exceeds the maximum building height, as follows:

- The building appears from the northern façade as two joined pavilions. The building has a parapet height of RL 15.66m as identified in Figure 5. The height of the building varies from a maximum height of 9.36m to 11.21m (eastern side of the building). The exceedance of the height control varies between 0.86m to 2.71m (10% to 32% variation).



**Figure 5: Northern elevation of the proposed development**

- At the rear of the eastern pavilion the roof height is RL 14.44m as identified in Figure 6, giving a height of the building at this point of 9.94m. The exceedance of the height control is 1.44m (17% variation).



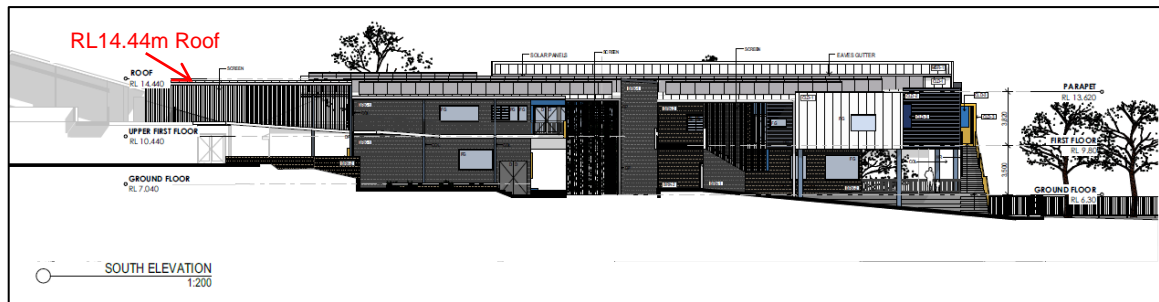
**Figure 6: Eastern elevation of the proposed development**

- The western pavilion has a maximum roof height in the north western corner at RL 14.44m, giving a height above natural ground level of 6.49m as identified in Figures 7 and 8. In the centre of the pavilions, just to the west of the undercover corridor, the maximum height of the proposed building is 8.84m and an exceedance of 0.34m of the height limit (4% variation).



**Figure 7: Western elevation of the proposed development**





**Figure 8: Southern elevation of the proposed development**

A clause 4.6 variation to the development standard has been submitted. The elevations demonstrate the height of the proposed development in relation to existing development on the site is compatible in scale. Despite the variation to the development standard the proposal is not out of character with the existing development on the site. The Applicant's objection is considered to be well founded as the proposal is considered to achieve the objectives of the standard and the development is recommended for support.

#### **Clause 4.4 Floor Space Ratio (FSR)**

Clause 4.4(2) Floor Space Ratio of GLEP 2014 provides the maximum floor space ratio for a building on any land. The maximum floor space ratio shown on the relevant map is 0.7:1. Subclause 4.4(2A)(e) specifies exceptions to building on land in Zone R1 General Residential if the building is not for a residential purpose. In accordance with subclause 4.4(2A)(e) the FSR is 0.6:1.

The site is approximately 30,000m<sup>2</sup> in area over four lots. Two of the larger structures are covered outdoor learning areas (COLAs) and do not contribute to gross floor area. The existing buildings have an area of approximately 10,000m<sup>2</sup>. The proposed development of approximately 1,337m<sup>2</sup> will replace eight demountable buildings. The resultant FSR is 0.4:1 and complies with the FSR provisions of GLEP 2014.

#### **4.6 Exception to Development Standards**

Clause 4.6 of GLEP 2014 provides Council the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

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

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the maximum height development standard of 8.5m contained within clause 4.3(2) Height of Buildings of GLEP 2014. A copy of the clause 4.6 variation is included as Attachment 1. The building is two storeys, appears from the northern façade as two joined pavilions and exceeds the 8.5m height control as follows:

- Eastern pavilion, eastern side of building – maximum height of 9.36m to 11.21m, the exceedance varies 0.86m to 2.71m (10% to 32% variation)
- Centre of the pavilions (west of the undercover corridor) – an exceedance of 0.34m (4% variation)
- Rear of the eastern pavilion – maximum height of 9.94m, an exceedance of 1.44m (17% variation)

The Applicant's written request to vary the maximum building height development standard concludes the following:

- *The proposal is consistent with the objectives of the development standard and the zone notwithstanding the variation sought to the maximum height.*
- *The request seeks flexibility in applying the standard because of the limited environmental impacts, and because the redevelopment as a whole will improve the amenity and accessibility for the students and teaching staff with sufficient environmental planning grounds to justify the contravention of the standard.*
- *The request will allow for flexibility to relax the development standard in this circumstance, given the public benefit of achieving the improved outcome of accessible classrooms which are collected in a single building rather than over 8 demountable buildings, achieved with minimal environmental impact. This will achieve a better planning outcome for this school than if compliance with the development standard was required.*

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).

Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council* [2007] NSW 827) and how there are sufficient environmental planning grounds to justify the contravention. Council is satisfied that the matters required to be demonstrated in subclause 4.6(3) have been adequately addressed for the variation to the building height development standard.

2. The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

The design of the building is consistent in height (maximum two storeys) with existing school buildings and the residential development on the northern side of the school facing Havenview Road which is predominantly two storeys with pitched roofs.

The development reflects the topography of the site and the buildings transition down the slope of the school. The levels of the floors and walkway connections have been determined by the connections to adjacent buildings. The buildings have been kept as low as possible whilst significantly improving accessibility around a much larger proportion of the school. The proposed buildings are generally consistent with the ridge heights of existing buildings.

The extent of the height non-compliance does not contribute to the bulk and scale of the school building and is not considered to have unreasonable impacts on the amenity of the adjoining residents by overshadowing, noise or overlooking. The design of the development provides for articulation, different materials selection, natural ventilation, acoustic and visual privacy from the neighbours. The proposed building faces north with good access to sunlight and will have minimal impact on public spaces or buildings other than the existing school buildings.

The objectives for Height of Building in the GLEP 2014 are:

- (a) *to establish maximum height limits for buildings,*
- (b) *to permit building heights that encourage high quality urban form,*
- (c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*
- (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity,*
- (e) *to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
- (f) *to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

The assessment of the proposal against the objectives of the building height development standard and the R1 General Residential zone confirms that the proposal complies with these objectives. The clause 4.6 request submitted by the Applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the Applicant has demonstrated compliance with these objectives such that the proposal is in the public interest.

3. The concurrence of the Secretary has been obtained.

Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that JRPP may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The JRPP is therefore empowered to determine the application.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248

The clause 4.6 request submitted by the Applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the clause 4.6 variations are well founded and are worthy of support.

### **7.1 Acid sulfate soils**

This land has been identified as being affected by the Acid Sulfate Soils Map within GLEP 2014. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

### **s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan**

#### ***Gosford Development Control Plan 2013 (GDCP 2013)***

The relevant chapters of GDCP 2013 are addressed below:

#### **Chapter 2.1 Character**

The objectives of Chapter 2.1 Character are to protect and enhance environmental character of the development site and the surrounding area whereby the development displays improved standards of scenic, urban and civic design quality.

The site is located within the character precinct Terrigal 10: Community Centres and Schools of GDCP 2013 Chapter 2.1 Character which provides for the following desired character (summarised):

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

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

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

The proposal meets the desired character as follows:

- The proposal continues to provide education resources for the surrounding residential population whilst protecting the scenic and civic qualities of the surrounding locality.
- Located behind residential development fronting the public road, the proposal responds to the gradient of the land and retains satisfactory setback to residential development to the north.
- The proposal is setback from the public road behind existing residential development and is consistent with height, bulk and scale of existing school buildings on the site. Further, the proposal is two storeys and consistent with adjoining residential development and not considered to have adverse impact on the streetscape or impact on the scenic quality of the area.

- The design option allows the building to link into multiple levels of the existing school significantly improving the accessibility of the school and does not reduce the existing outdoor open space available for students to the east of the existing buildings.
- The design of the development provides for articulation, different materials selection, natural ventilation, acoustic and visual privacy from the neighbours. The proposed building faces north with good access to sunlight and will have minimal impact on public spaces or buildings other than the existing school buildings.
- The proposal provides a building with covered walkway between the ground floor pavilion style areas, with walkways at ground and above ground levels to facilitate movement, large windows, an articulated form, including roof form and height not exceeding two levels.
- Landscaping is proposed to enhance the entranceways and in front of the building to soften built form. Additionally the setback distance to neighbouring properties is considered to protect the privacy of adjoining residents.

## **Chapter 2.2 Scenic Quality**

The site is located within the North Coastal landscape unit of Chapter 2.2 Scenic Quality and is of regional scenic significance and seeks the maintenance of scenic character to ensure natural elements such as the lagoon, beach and natural backdrop are not overpowered. The proposal will not impact on the high visual sensitivity around the lagoon and beach. Development objectives are achieved by retaining and enforcing existing provisions contained within instruments and policies relating to the nature of development.

## **Chapter 6.6 Preservation of Trees or Vegetation**

The Applicant submitted a Tree Target Risk Assessment prepared by Terras Landscape Architects dated 4 September 2017 that indicates removal of 3 trees (T5, T6, T8) due to them being in a poor condition. It is accepted that the three (3) poorer condition trees could be removed, however the Brush Box tree (T1) proposed to be removed is approximately 5m from the new building and could be retained.

The Landscape Plan, prepared by Terras Landscape Architects dated 3 March 2018 submitted with the application proposed trees to be planted over the rising sewer main along the access corridor on the north of the lot. Council's Water and Sewer section have stipulated that large trees are not to be planted over the rising sewer main; only very small vegetation like grasses are to be considered. This rising main is a critical Council asset servicing the majority of residents from Forresters Beach to Terrigal and requires unrestricted access for maintenance.



The Applicant has submitted amended landscape plans, prepared by Terras Landscape Architects dated 5 April 2018 that indicate the retention of T1 Brush Box including amended plant species in accordance with Council's requirements. Three (3) trees, 'Kanooka Gums' are proposed to replace the plantings of Brush Box (Lc) and Paperbark (Mq) to be located on the subject site at the rear of No 16 Havenview Road. These trees are not supported, for reasons stated. The amended landscape plans by Terras Landscape Architects are considered satisfactory, subject to amendments in red indicating deletion of the abovementioned trees.

## **Chapter 6.7 Water Cycle Management**

The site is affected by the Terrigal Trunk Drainage Management Plan. There are two separate trunk drainage systems that traverse the site. One of these trunk drainage systems and its associated easement within the site is in close proximity to the proposed Homebase building. It is recommended that the development provide zone of influence foundation measures in relation to this drainage easement and that no structure encroach within the easement. Further, no trees are to be planted within the drainage easement.

A concept Stormwater Plan and Sedimentation Control Plan have been submitted and reviewed by Council's Development Engineer. The submitted plans indicate the provision of on-site detention associated with stormwater from the proposed development (not the whole site) and that stormwater from the development will connect to the nearest trunk drainage system that traverses the property. Drainage connection to Council's stormwater system located within the drainage easement will require formal approval under s68 of the *Local Government Act 1993*.

The proposal is satisfactory in relation to water cycle management. No objections are raised by Council's Engineer, subject to conditions.

## **Chapter 7.1 Car Parking**

The existing formal car parking area on the site has accommodation for 32 vehicles with a separate two way constructed driveway access from Havenview Road. This access is separated from the main pedestrian access to the school administration and other buildings approved under DA13802/2001. The garbage service and other servicing are also undertaken from this accessway. There is no proposal to formalise car parking within the accessway. The access and existing car park appears to be constructed in accordance with AS 2890.1:2004 *Parking Facilities – Part 1: Off street car parking* (AS 2890).

GDCP 2013 Chapter 7.1 Car Parking stipulates car parking associated with educational establishments to be provided at the rate of 1 space per 1 staff place and 1 space per 10 year 12 students. The GDCP 2013 does not distinguish between full time or part time staff.

A Traffic and Parking Assessment Report prepared by Positive Traffic Pty Ltd, dated September 2017 supports the application. The school currently has 34 teaching spaces which will be increased by 2 teaching spaces to 36 teaching spaces (being 36 full-time equivalent staff) at the completion of the proposed development.

The submitted traffic report and the Applicant's statement have been prepared on the basis that although two additional teaching spaces are created by the proposal requiring 36 car spaces, the staff car parking requirement is satisfied, notwithstanding a shortfall of 2 car spaces (34 car spaces proposed). It is proposed to replace one existing car space with a loading bay area. An additional two car spaces are provided, one being an accessible car space (refer to Figure 10 below).



**Figure 10 – Proposed Parking Facilities Plan**

The new car parking spaces, being proposed spaces 32, 33 and 34 (including the accessible space) and loading bay is to be included as a condition of consent (refer to **Condition 4.9**).

## **Chapter 7.2 Waste Management**

The proposal has been assessed in accordance with the provisions of the former Gosford City Council Waste Management requirements recommending conditions of consent for the ongoing waste management storage and servicing.

The Applicant advises the site is currently serviced by a commercial waste contractor. However, the proposal did not indicate a waste storage area on the submitted plans. In addition, Council's records do not indicate previous history on file of waste servicing arrangements onsite. To ensure the waste storage area and servicing is continued in a safe manner with minimal impact on adjoining residential properties, ongoing operation conditions are recommended including:

- Waste bins to be stored in a designated waste bin storage area screened from view from within the site, adjoining premises and public view.

- The waste storage area to be located to allow ready access by the commercial waste contractor with adequate waste vehicle manoeuvring room clear of required parking locations to allow the commercial waste vehicle to enter the site in a forward direction, safely traverse the site, manoeuvre to the waste storage area for servicing of bins and exit the site in a forward direction.

#### **s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development**

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

##### **a) Built Environment**

The subject site is zoned R1 General Residential under GLEP 2014 and adjoins residential developments comprising single dwellings and multi-unit developments. Consideration has been given to the following:

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the Education and Child Care SEPP and GDCP 2013 compliance. The potential impacts are considered reasonable.

##### **b) Natural Environment**

The proposed development includes removal of three (3) small trees of poor condition, however retains a larger Brush Box tree and proposes new landscaping which is considered appropriate to enhance the pedestrian entrance to the school. There will be no significant impact upon the natural environment as a result of the proposal.

##### **c) Economic Impacts**

The development will remove existing demountable buildings (currently 27% of the school accommodation) and construct permanent facilities on a constrained site and make provision for future growth. The proposed development will contribute to improve teaching facilities and learning spaces.

##### **d) Social Impacts**

The proposed development will enhance, improve and expand the facilities of Terrigal Public School to enable the implementation of current and future developments in technology, new and emerging teaching and learning philosophies and curriculum development. The proposal strengthens the identity of the school and provides integrated and interconnected learning spaces.

#### **s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development**

The site is zoned R1 General Residential under GLEP 2014. Educational establishments are not permissible in the zone. The Education and Child Care SEPP provides the R1 zone is prescribed and suitable for educational establishments.

The proposed development will occur on an existing school site and removes demountable buildings by replacing them with a permanent structure and also upgrades the administration areas. An improved pedestrian entrance of Havenview Drive will improve the visual impact of the development and improve wayfinding.

A review of Council's GIS Mapping data reveals the following potential constraints:

- Acid Sulfate Soils – The subject site is identified as containing Class 5 Acid Sulfate Soils. The site is considered low risk and the proposed works are not considered to impact on Acid Sulfate Soils.
- Sewer and drainage infrastructure traverse the site. One of the trunk drainage systems and its associated easement within the site is in close proximity to the proposed Homebase building. Zone of influence foundation measures are required in relation to this drainage easement and that no structure encroach within the easement. Further, no trees are to be planted within the drainage easement or sewer rising main.

As such the site is considered suitable for this type of development subject to conditions of consent relating to sewer and drainage works, and the provision of landscaping.

#### **s. 4.15 (1)(e) of the EP&A Act: The Public Interest**

The approval of the application is considered to be in the public interest. The proposed development will replace existing demountable buildings which when removed will provide additional outdoor recreation space. The construction of the new Homebase building will consolidate the classrooms (previously demountable buildings) and be of benefit to the ambience of the school and create a more efficient use of the space within the school. Facilities for staff will be improved by the additions to the administration area. The proposed development will enable the implementation of current and future development in technology and school growth in line with community expectations.

## **Other Matters for Consideration**

### Crime Prevention through Environmental Design (CEPTED)

The proposed development has incorporated design elements to ensure CEPTED principles are followed.

- Building design and orientation – provides a high level of passive surveillance during school hours. Outside of school hours natural surveillance opportunities are reduced due to location of site and surrounding land use. Organised measures can be used to strengthen surveillance such as security patrols and alarm systems.
- Materials and surface treatments – Brickwork with anti-graffiti treatment applied will be constructed on the lower level of the buildings.
- Lighting – to be undertaken around the building in accordance with Education Departmental standards. The Applicant states lighting is limited around the school after hours due to the nature of the use of the site. The external walkways will have lights which can be utilised in the evening when events are occurring.
- Car Parking – The car park will only be lit during periods when the school is being used at night. Accessible car parking is well designated and is now undercover providing all weather protection for students requiring assistance.
- Fencing – Fence and gate provided at the entry adjacent to the reception which will be closed after approximately 9am forcing late students to be signed in and let through reception. Existing fence to be retained to separate the car park from the student play area. These measures will provide a secure site for students.
- Landscaping – landscaping plan submitted.

A condition of consent is recommended to apply CEPTED principles including a condition to operate external lights so as not to cause a nuisance or adverse impact on the amenity of adjoining residents.

### Construction Management

A Construction Environmental Management Plan (CEMP), including a Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan will be prepared and submitted to Council which will detail environmental management, waste management, erosion and sediment control plan, traffic management including a temporary work zone area in the existing car park off Havenview Road. Council is not required to approve these plans.

In addition, Council Roads Assets Management section, raise no objection for the use of No. 8 Havenview Road for loaded construction vehicles during construction of the proposal. Conditions of consent are recommended for pre and post construction inspection reports in relation to the protection of Council's assets in the drainage reserve.

### Section 7.11 Contributions

The subject site is located within Development Contribution Plan CP 47A-TERRIGAL. The proposed development is a development type that is not subject to section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

### **Planning Agreements**

The proposed development is not subject to a planning agreement / draft planning agreement.

### **Political Donations**

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents.

### **Conclusion**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

### **Attachments**

1. Architectural Plans and Landscape Plans, ECM Doc No 25824458
2. Draft Conditions of Consent, ECM Doc No IR 25824557
3. Applicant's submission – Clause 4.6 Exception to Development Standards – Height of Building, ECM Doc No 25824559