

Untapped Planning
PO Box 139
Kotara NSW 2289

18 October 2019

Dept of Planning, Industry & Environment
GPO Box 39
Sydney NSW 2001

Attn:

Re: Alesco Senior College Argenton (SSD-9683) - Response to Submissions

With respect to your correspondence dated 26th July and the abovementioned State Significant Development for Alesco Senior College at 7 James Street, Argenton, please find attached a response to the various agency and public submissions made to the proposal.

Should you have any questions arising from this response, or require any additional detail, please do not hesitate to contact the undersigned by email info@untappedplanning.com or phone 0421278619.

Regards,
Leonard Allen
Untapped Planning.

Summary of Submissions

Submission - Issue	Comment
Department of Planning, Industry and Environment	
Capital Investment Value (CIV) <ul style="list-style-type: none"> The Department requires a Quantity Surveyors Report to calculate the Capital Investment Value (CIV) of the proposal so that an invoice for fees can be generated. 	<p>Quantity Surveyors Report had been prepared by MCG Quantity Surveyors and is contained within Attachment A.</p> <p>The report has concluded that the CIV value for the project totals \$67,621 GST inclusive.</p>
Internal fit-out <ul style="list-style-type: none"> Details are required of any physical internal works to be undertaken or demonstrate that these works can be carried out under an alternative approval pathway, such as 'exempt and complying development.' where consent is not sought under this application 	<p>No internal works are proposed for the development. Council has raised that the internal configuration differs from the previous approval in site for a gym. If required a building certificate can be sought prior to occupation certificate.</p>
Operations <ul style="list-style-type: none"> Provide clarification on: <ul style="list-style-type: none"> the day to day operations of the school; the maximum number of students and staff; and how the hardstand outdoor areas are proposed to be used, frequency and times of use. 	<p>Day to Day Operations</p> <p>The school offers small classes tailored to students in years 10-12, who would have otherwise fallen out from mainstream schooling.</p> <p>The school will contain four (4) classrooms, a staff room, two (2) offices and toilets (including accessible toilets).</p>

	<p>The school is a secondary school, set within an adult learning environment. It is a school which encourages young people to participate in education and training that leads to a sustainable future. It offers students the opportunity to complete their Higher School Certificate in a supportive environment which focuses on programs to meet individual students learning needs.</p> <p>Alesco Senior College supports young people who are not able to attend mainstream due to issues such as anxiety/depression usually brought about by traumatic experiences in their past schooling. Alesco would be looking to enrol 65 students at this site but experience at our other sites demonstrates that on most given days there would be an attendance rate of 40-60%. This is due to</p> <ul style="list-style-type: none"> • Low attendance of students due to their mental health issues • Percentage of students who are nominally school refusers due to past school experiences. • Well-being programs that are conducted off site (compulsory for all students) • VET courses that are completed at the Newcastle campus • Experiential learning that are a regular occurrence for all students (off-site excursions/activities) • No senior students attend term 4 (due to completion of HSC and exams are held off site) • Work experience on Fridays for year 10 students • School finishes at 1:15 on Friday for all other students <p>Classrooms in the building are designed for up to 10 students as the program works with small groups of students due to low literacy/numeracy and the need for one on one learning.</p>
--	--

	<p>Alesco Senior College hours of classroom operation for students are 9 - 2:30.</p> <p>The day is broken up into 4 periods with a typical day looking like;</p> <p>Monday –Thursday 9:00 – 10:00 - 15 min break 10:15- 11:15- 30 min break 12:15- 1:15 – 15 min break 1:30 - 2:30 – Home</p> <p>Fridays – school finishes at 1:15</p> <p>All breaks at school are for relaxing and ensuring the well-being of young people. Food is provided for all students at breaks inside the campus and the experience at our other five campuses demonstrates that this is taken up by 80% of our students.</p> <p>All outdoor physical activities are completed off site. Alesco Senior College utilises existing sporting facilities and public space for school activities. These are optional with over 50% of our students not being involved in physical activities. Students are encouraged to be involved in Yoga/ meditation classes that are held within the interior of the building. The classes are including data/experiences at existing schools.</p> <p>Alesco Senior College has a P&P regarding school students travelling by private vehicle. According to our Student Management Policy</p> <p><i>3.9 Students with driving Permits</i></p>
--	---

	<p><i>3.9.1 Students with driving permits are not permitted to drive a vehicle to and from school.</i></p> <p><i>3.9.2 Students are not permitted to drive a vehicle to school. All excursions are designed to leave from and return to the College and so it is important that the student remains a part of the school group for insurance purposes.</i></p> <p>All students access public transport to and from the campus. Due to the location of students, transport is by a variety of means.</p> <p>Maximum Student and Staff Maximum Students – 65, typically 45-60 on site at a time. Maximum Staff – 9</p> <p>Use of Hardstand Areas, Frequency and Times</p> <p>The hardstand areas are not proposed for use as outdoor recreation or for outdoor lessons.</p> <p>These will be utilised for lunch breaks and the like.</p> <p>No formal classes will occur on the hardstand areas.</p>
<p>Building Code of Australia</p> <ul style="list-style-type: none"> • Provide details of the classification of the future use of the building as a school under the BCA . • Provide details of the necessary works required to upgrade the building to allow occupation of the existing building as a 	<p>Building Classification</p> <p>Being a Public Building, the school being classified in the BCA as Class 9b, an assembly building, including a trade workshop, laboratory or the like, in a primary or secondary school, but excluding any other parts of the building that are of another class.</p>

<p>school, to satisfy the BCA classification including emergency egress and fire safety</p>	<p>Required Works.</p> <p>It is requested that a Building Certificate be required post consent, as a part of this process any certification will detail works, if any, required to satisfy the Class 9b classification for a school.</p>
<p>Public Authority Submissions (Five)</p>	
<p>Transport for NSW – 18/07/2019</p>	
<p>Noise Assessment</p> <p>The previous use of a site as a gymnasium would not have been subject to noise mitigation requirements. However, the proposed change of use to an educational establishment would require assessment with regards to noise per Clause 87 of the <i>State Environmental Planning Policy (Infrastructure) 2007</i> and the <i>Development Near Rail Corridors and Busy Roads - Interim Guidelines</i>. The Applicant should undertake an acoustic assessment to determine whether the use of the existing premise would be suitable for future students and staff with respect to rail noise.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • Prior to the issue of an Occupation Certificate, a report must be prepared and submitted to the Certifying Authority, Transport for NSW and Sydney Trains certifying that the completed development meets the requirements of Clause 87 of the <i>State Environmental Planning Policy (Infrastructure) 2007</i> and with the Department of Planning 	<p>A noise assessment can be prepared prior to the issue of any occupation certificate and all recommendations implemented.</p>

<p>and Infrastructure's Development Assessment Guideline titled <i>"Development Near Rail Corridors and Busy Roads - Interim Guidelines"</i>.</p> <p>Any report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.</p> <ul style="list-style-type: none"> • 	
<p>Maintaining Vehicular Access to Rail Corridor</p> <p>As the Applicant has not consulted with Sydney Trains, the EIS has not considered the impact on the rail corridor access gate used by Sydney Trains, located on the corner of James Street and Victoria Street. The access gates are used for maintenance and emergency purposes, and therefore gate access must remain clear for large vehicles at all times.</p> <p>Recommendation:</p> <p>That the following condition of consent be included with any approval.</p> <ul style="list-style-type: none"> • During construction and operation of the development, the Applicant shall maintain clear access to the rail corridor at the existing access gates on James Street. Any 	<p>No construction works are proposed. At no time will any activities on site impede access to the rail corridor.</p>

<p>Construction Traffic Management Plan or Operational Traffic Management Plan shall identify the need to maintain clear access to the rail corridor gates and include provisions to direct construction personnel, staff, parents or students to maintain clear access. Clear access involves ongoing access (at all times) by rail vehicles, plant and equipment to support maintenance and emergency activities.</p>	<p>This condition is acceptable in its current form.</p>
<p>Health – Hunter New England Local Health District</p>	
<p>The EIS indicates that there is no proposed construction of this development, as the current site is suitable for the educational facility in its current configuration. The EIS does indicate that one of the soil samples collected from the Contamination Site Investigation reveals an elevated lead concentration in an area that can be accessed by students.</p> <p>Lead in solid presents a health risk only if people are exposed and children are more sensitive to the detrimental effects of lead. Exposure may occur when lead-contaminated soil is ingested or inhaled.</p> <p>The EIS proposed that the slag fill contaminated area be capped with a hardstand material e.g. asphalt, concrete or other hardstand material, and than an ongoing management and maintenance plan be developed. Hunter New England Population Health supports this management strategy as it will prevent any exposure to lead-contaminated soil.</p>	<p>It is noted that Hunter New England Health have raised no impediments to the proposal.</p>
<p>Transport – Roads and Maritime Services – 24/06/2019</p>	

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime has reviewed the information provided and raises no requirements for the proposed development.

Advice to DPE

Roads and Maritime recommends that the following matters should be considered by DPE in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Consideration should be given for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

- Noted
- No construction is required and no ongoing impact due to construction vehicles is envisaged.
- No changes to the existing driveway configuration are proposed on the site. The street has low traffic volumes, and the school in itself will not generate high traffic flows. It is not considered that any changes to the site access are warranted as a result of the proposal.

<ul style="list-style-type: none"> All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for DPE to consider. 	<ul style="list-style-type: none"> Noted.
NSW Environment Protection Authority – 26/06/2019	
<p>Based on our review of the information provided, the EPA understands that the proposed development is for a change of use from the existing premises to an educational centre and that there will be no significant building or earthworks associated with this proposed development. As indicated in our previous letter of 30 October 2018 (EPA Ref: DOC18/808552-02), it does not appear that the proposed development will be a scheduled activity as listed in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (the POEO Act) nor is the proposed development being undertaken by a NSW government education provider. Lake Macquarie City Council (Council) would therefore be the Appropriate Regulatory Authority for any environmental pollution matters under the POEO Act in respect of the proposed development and therefore the EPA recommends that DPE consults with Council on the Development Application and EIS if not already done so.</p>	<p>No matters to consider.</p>
Planning, Industry and Environment – 01/07/2019	
<p>The Biodiversity and Conservation Division notes that a Biodiversity Development Assessment Report (BDAR) waiver has been granted by DPIE (dated 3 March 2019 as the former Department of Planning and Environment). The Biodiversity and</p>	<p>No Matters to Consider.</p>

Conservation Division has reviewed the EIS and has no comment to make in relation to biodiversity, Aboriginal cultural heritage, flooding and flood risk for this project.	
Organisation Submissions (One)	
Lake Macquarie City Council – 16/07/2019	
Legislative context The site is zoned R2 Low Density Residential in Lake Macquarie Local Environmental Plan 2014. It is noted that proposal is facilitated by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP 2017), as Educational Establishments are prohibited in R2 zone. Therefore, in providing these comments, the proposal has been assessed against the design principles for schools in schedule 4 of SEPP 2017 and relevant controls in Lake Macquarie Development Control Plan (DCP) 2014.	Noted
Building works are not included in the proposal The EIS states that the proposal does not involve building works; however, the Floor Plan prepared by Den-Ad Design & Co in support of the development has a different internal layout to the approved plan for the existing community facility under DA 2456/2007. Changes to the configuration of a room, whether by removal of an existing wall, partition or other means are not exempt from development approval under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Clarification is	The works are in place in the building, which is reflected in the plans submitted with the application. A building certificate can be prepared prior to the issue of an Occupation Certificate.

<p>required as to why building modification is not included in the proposal. If any unauthorised works exist on the site, they will need to be formalised via a building certificate prior to the use of the premises.</p>	
<p>Unauthorised use of the premises</p> <p>From a site inspection undertaken on 2 July 2019 and information received from the community, it is understood that the property is currently being used by Alesco Senior College (Alesco). Proponents are advised to refrain from using the premises until such time a decision is made on this development. Unauthorised use of a site is subject to penalties under schedule 5 of Environmental Planning and Assessment Regulation 2000.</p>	<p>Alesco Senior College is applying to have an educational establishment at 7 James Street Argenton. Alesco Senior College is a small independent school that supports young people who are not able to maintain education in a mainstream setting. The majority of students that attend Alesco suffer from anxiety and depression and have past traumatic experiences surrounding education.</p> <p>Currently the premises is being leased by ATWEA College and Alesco students are accessing community well-being programs that are being held in the existing building. ATWEA College is an adult training college and supports many community programs including lifestyle activities for all ages.</p> <p>Whilst it is disappointing for the resident that there has been some disturbance to their property, it must be noted that Alesco currently has no legal jurisdiction or autonomy over the premises and whilst some Alesco students have been on the property at intervals, there have been a wide ranging amount of uses at the building and we are not able to accurately identify the person for the identified issue.</p> <p>It is expected with the DA approval that Alesco will be able to provide a safe and supportive environment for vulnerable young people. Alesco Senior College has a select enrolment process, whereby students are</p>

	<p>assessed to their fittingness for the program. Students who have demonstrated a history of violence or criminal activity are not deemed suitable and are not offered a place at Alesco Senior College. Alesco has clear and strict policies and procedures regarding acts of violence, bullying, harassment, drugs and alcohol. Any student involved in any of the preceding transgressions faces immediate withdrawal of placement.</p> <p>Alesco Senior College employs a full-time School counsellor to support and case manage students with mental health issues, but utilises a referral process for any student that may need additional support. Alesco Senior College utilises 'time-out' policies for any student that may be deemed to be in need of intensive health support.</p> <p>The approval will also permit the construction of security fencing and monitoring that is consistent with an education facility. Presently the premises does not have a secure perimeter fence and this does not allow the school to determine who is on campus at any given time. The campus will have a high staff to student ratio to support the behaviour and actions of the young people in attendance at the facility. The campus hours of operation are 8-4 and students are on campus from 8-2:30.</p> <p>Alesco Senior College has five existing campuses and have built excellent community relationships with their local neighbourhood. An example is the Raymond Terrace campus that was originally located in a three bedroom house for four years until a suitable premises was found. The local residents were disappointed when Alesco relocated and still visit the new campus regularly and are involved in reading and exam supervision activities with our students.</p>
Suitability of the site for the proposed use	

<p>It is important to consider the physical, social and environmental context of the site while choosing the location for a school. The subject site is located in a residential area in close proximity to the rail corridor. There is minimum separation between the building on the site and the neighbouring dwellings, particularly the properties to the rear. It is to be noted that schools are generally provided with larger buffers to protect the amenity of surrounding uses.</p> <p>Accommodating up to 80 students on a relatively small site with an area of 1487m², compromises the quality of the development and establishes a conflicting land use within a sensitive residential area. The site is further constrained by its proximity to the rail corridor and lack of open spaces/ landscaped areas to enhance the learning environment. Council is therefore concerned about the site's suitability for adaptive reuse as an educational facility and its impact on the surrounding sensitive uses.</p> <p>In view of the objectives of site analysis provided in Part 3, Section 2.1 of Lake Macquarie Development Control Plan DCP (2014), the development is not considered to be responsive to the site conditions and its relationship with the locality.</p>	<p>Councils concern to the learning environment and potential for surrounding land use conflict are noted. Given this is not a typical school however, it is considered that to potential for conflict are limited and the learning environment will be appropriate for the students.</p> <p>The building has been selected due to its suitability for the operation of the Alesco College. This is a small scale school targeted towards students who did not complete traditional schooling. The small nature of the school allows students to be supported through their education.</p> <p>Alesco successfully runs several similar schools in Newcastle, Raymond Terrace, Cessnock, Tuncurry and Tomaree. The internal and external space is consistent with these other schools that run without conflict with surrounding uses, all while providing quality learning outcomes.</p> <p>Cessnock LGA – Total 576m² (4 x Classrooms @ 21m² ; no outside area)</p> <p>Port Stephens LGA Raymond Terrace Total 260m² (5 x Classrooms @ 18m²; small outside area)</p> <p>Tomaree Total 225m² (3 classrooms @ 23m²; large outdoor area / shared space with PCYC)</p> <p>Greater Lakes LGA Forster Tuncurry Total 325m² (4 classrooms 35m²; small outdoor area).</p>
--	--

	<p>Each premises sited above is an existing site with the campuses utilising local sport fields; community facilities to support any outdoor activities. The schools are comparable in scale to that proposed for Argenton and have all demonstrated the ability to provide quality, inclusive learning environments for the students.</p> <p>Notwithstanding the existing schools, the proposal has been amended to reduce the student intake to 65 students. While the site was considered to be appropriate for the 80 students originally referenced, the reduction in students will increase the space per student.</p> <p>As noted, the space per student provided is consistent with that of other Alesco premises and in line with the experience of Alesco in providing a quality learning environment.</p>
<p>Non-compliance of the development with design principles in SEPP 2017</p> <p>Whilst the provision of a school, particularly one that is aimed at young people who are unable to complete their education within a traditional setting, will have enormous social benefits, it is important to ensure that the school is designed to maximise these opportunities. A poor quality design of a school may expose the young people to health and safety risks, or may adversely affect their educational and developmental outcomes. This will lead to significant negative social outcomes for the young people, their families, and the wider community.</p>	<p>Meetings have recently been held with Lake Macquarie City Council staff to discuss the proposal and explain the schools purpose and how it operated in a different manner to a traditional school. We believe this has given council more confidence in how the school functions.</p> <p>Alesco College has a track history in providing quality learning environments for young people who have fallen out of traditional schooling avenues. Council has identified that the school will have 'enormous' social benefits, but it is also important when comparing to a traditional school, that Alesco has developed been to provide</p>

<p>Therefore, it is essential that the design of the school is in accordance with the design quality principles outlined in Schedule 4 of the SEPP 2017.</p> <p>Of particular concern is that the current proposal, as identified in the Environmental Impact Assessment, appears to take the view that these principles do not apply as the proposal is for a change of use of an existing building. For it states,</p> <p><i>“This schedule is discussed below however in considering the developments [sic] compliance with the design criteria it is important to take into account that the school is to occupy an existing building</i></p> <p><i>Many of these principles appear to make the assumption that a development for a new school would not take the form of a change of use of an existing premises.</i></p> <p><i>The existing nature of the development needs to be considered when weighing up the merit of the proposal”</i></p> <p>However, whether the proposal is for a new building or a change of use of an existing building, it is still essential that the design quality principles are met in order to maximize the learning opportunities and ensure that the building is suitable for use as an educational establishment.”</p> <p>Further to the above, a detailed assessment of the proposed change of use against the design quality principles for schools provided in Schedule 4 of SEPP 2017 has revealed that the development does not meet many of these principles, as discussed below:</p>	<p>communities with an alternative option in education that supports the needs of relatively small group of students in comparison to a mainstream school.</p> <p>The design, size and location of Alesco senior College has no impact on the educational outcomes of the young people who are catered for in the Alesco educational program.</p> <p>Alesco Senior College is based on the philosophy of choice theory and the importance of belonging. The impact of inclusion and acceptance on educational success has been widely researched.</p> <p>A sense of belonging has been shown to be an important schooling outcome in its own right and, for some students, is indicative of educational success and long-term health and wellbeing (Organisation for Economic Co-operation and Development (OECD). (2004). PISA 2015 results (Volume III): Students’ well-Being. Paris: OECD.</p> <p>School is a central part of a student’s life, and students who feel part of, and accepted by their school community are not only more likely to participate in school activities, both academically and non-academically, but will be actively engaged in these activities (Organisation for Economic Co-operation and Development (OECD). (2017). PISA 2015 results (Volume III): Students’ well-Being. Paris: OECD.)</p> <p>Acceptance from peers and others at school has also been found to have a direct positive relationship with self-esteem and motivation (Strudwicke, L. (2000). Sense of Belonging and Self-Esteem: What are the Implications for Educational Outcomes of Secondary School Students? : A Literature Review. Retrieved from</p>
--	---

	<p>http://ro.ecu.edu.au/theses_hons/867)</p> <p>Sense of belonging has an influence in promoting positive attitudes towards students' learning as a means of stimulating students' desire to learn.(Ma, X. (2010) Sense of Belonging to School: Can Schools Make a Difference?, The Journal of Educational Research,) 96(6), 340-349 Learning is fostered by the building of good relationships with teachers and other students in the classroom, which directly influences students' sense of belonging at school, which in turn, directly affects students' academic achievement (Juvonen, J. (2006). Sense of belonging, social bonds, and school functioning. Handbook of Educational Psychology, 2, 655–674.</p> <p>All Alesco campuses have small student numbers. Eighty percent of our classes have an average of 10-12 students. Small classes are necessary to support the mental health needs of our students as well as assisting student with literacy and numeracy issues that are quite prevalent in the student cohort due to a history of poor attendance at their previous educational facility.</p> <p>Alesco Senior College has a retention rate of 82% in comparison to the state average of 74% with 78% of students completing their HSC.</p> <p>These schools all follow the same model of identifying the social need for a school in a particular area, then occupying an existing building or establishment that is fit for purpose. The schools do not fit the model of a traditional school, from which the target students had not completed their education.</p> <p>The school, in allowing students to complete education, is facilitating high</p>
--	---

<p>Principle 1 – context, built form and landscape Due to its size limitation, there is no opportunity to enhance the spatial quality of the building for use as an educational facility. Lack of adequate separation from neighbouring dwellings is likely to result in land use conflicts. The amenity of the site is further diminished by its proximity to the railway line. As a result, the proposed change of use to an Education Facility is not considered to be responsive to the site's setting or landscape.</p>	<p>quality social outcomes.</p> <p>The SEPP design Principles, while considered in the original submission, do not envisage the situation whereby a school is of such a small scale occupying existing infrastructure in a non-traditional learning environment.</p> <p>Councils concern centres around maximising the learning opportunities and ensuring that the building is suitable for use as an educational establishment. The school as proposed is different to that of a traditional school and the needs of the students and ultimately the operational requirements are very different and cannot be compared as having identical needs to provide stable learning environments.</p> <p>These concerns of Council with respect to maximising the learning environment align with that of Alseco, who similarly seek to maximise the learning environment and engage students. Alesco have developed a successful model for these schools. This school is similar to other schools in operation by Alesco in surrounding LGA's, that provide high quality learning environments.</p> <p>Principle 1 – context, built form and landscape. The school building has been chosen by Alesco as its internal layout and size provides for the very learning space sizes that they require to provide for the students ongoing education.</p> <p>The concern about conflict with neighbouring residential properties is noted. The school does not utilise amplified music, Public Address Systems or bells. The class sizes are all small and any noise from the site is envisaged to be less than that of the previously operational</p>
---	---

<p>Furthermore, the landscape is not integrated into the design to enhance on-site amenity, contribute to the streetscape (which is a car park beyond a fence) and mitigate negative impacts on neighbouring sites (which is not addressed by the design).</p> <p>Principle 3 – accessible and inclusive No detail has been provided to demonstrate that the building meets accessibility standards for people with a disability. The building does not present as welcoming, with the main entrance being at the side of the building, down a walkway between a carport and the building. There is also no information regarding opportunities for the facilities to be shared with the community and cater for activities outside of school hours.</p> <p>Principle 4 – health and safety The proposal is deficient in outdoor space for the students. There are two small outdoor areas, totalling just 210m². For the 80 students proposed, this is approximately 2.6m² per student. (It is important to note that under the National Quality Framework for child care centres, they are required to provide a minimum of 7m²</p>	<p>gymnasium.</p> <p>With respect to the proximity to the rail line, it is noted that the nearby Argenton Public school is similarly located adjacent to the railway line. Further many residential dwellings have habitable rooms located within closer proximity to the railway.</p> <p>In selecting the building for this use the railway was not considered to detrimentally impact on the schools operations.</p> <p>The carpark has been approved by way of a previous development approval and no modification is sought to the vehicle circulation on the site. The landscape amenity of an existing carpark should not form the basis for the quality of the school environment.</p> <p>Principle 3 – accessible and inclusive As noted elsewhere in this response, compliance with accessibility standards can be provided prior to an Occupation Certificate.</p> <p>Principle 4 – health and safety The school does not provide for physical and outdoor recreation on site. These are undertaken off site as required.</p> <p>Typically, the school will utilise Council playing fields and public parks for sports and outdoor recreation. The school provides bus transport for</p>
--	--

<p>of unencumbered space per child.)</p> <p>The lack of outdoor space will mean that students will not have the opportunity to participate in physical and outdoor recreational activities, which will have a significant detrimental effect on their physical and mental health, as well as their learning outcomes.</p> <p>Principle 5 – amenity The proposal includes 4 classrooms, totalling approximately 240m². This equates to just 3m² of space per student (which is less than what the National Quality Framework for child care centres requires – 3.25m²). This does not facilitate appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces. There is also no information provided as to whether these classrooms have access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas (which will reduce the amount of space provided even more).</p> <p>Furthermore, as identified above, the outdoor space is inadequate to facilitate outdoor learning or encourage outdoor play/recreation.</p>	<p>these excursions. Locally, spaces such as Speers Point Park would be used for recreation.</p> <p>Principle 5 – Amenity In considering the suitability of the site size to accommodate the site, a comparison with other similar Alesco schools shows that the site is comparable to other successfully run campus.</p> <p>These existing schools have the following floor space;</p> <p>Cessnock LGA Total 576m² (4 x Classrooms @ 21m² ; no outside area)</p> <p>Port Stephens LGA Raymond Terrace Total 260m² (5 x Classrooms @ 18m²; small outside area)</p> <p>Tomaree Total 225m² (3 classrooms @ 23m²; large outdoor area / shared space with PCYC)</p> <p>Greater Lakes LGA Forster Tuncurry Total 325m² (4 classrooms 35m²; small outdoor area).</p> <p>The Argenton building has been selected as it is consistent with other</p>
---	--

<p>Principle 6 – whole of life, flexible and adaptive</p> <p>No information has been provided to demonstrate that the design delivers high environmental performance and that it is easily adaptable to suit a wide range of learning activities and will maximise multi-use facilities.</p> <p>The above assessment provided by Council’s Social Planner clearly indicates the site’s inability to serve as an educational establishment. In particular, the lack of outdoor space (and to a lesser extent, the indoor space) will have a significant detrimental effect on the health of the students and their learning outcomes. This will lead to significant negative social outcomes for the young people, their families, and the wider community.</p>	<p>buildings Alesco have adapted into schools.</p> <p>Alescos highest priority is providing a stable, supportive and effective learning space. This site has been selected as it fulfils these criteria that have been demonstrated to be successful at other establishments they operate.</p> <p>It is considered that the amenity of the school will be suitable and conducive to a high-quality learning environment.</p> <p>Principle 6 – whole of life, flexible and adaptive</p> <p>The site has been selected by Alesco as it has been deemed suitable to replicate one of several other schools that have that follow the same model.</p> <p>These schools have been operating successfully with positive outcomes for students and the community. These schools have been awarded</p> <ul style="list-style-type: none"> • Australian Financial Literacy Award • Premier Commendation for service to the community • Finalist in Australian Special education Secondary School of the year (winner not announced yet)
<p>Contamination</p> <p>The Preliminary Contaminated Site Investigation, prepared by Forum Consulting, dated 6 March 2019 has been reviewed and the following comments have been provided:</p>	<p>The areas of elevated lead concentration on the site were found to be localised to an area of slag fill to the sites northern corner.</p> <p>The potential slag fill was found to be currently contained to a depth of</p>

<p>Limited lead in soil testing has been completed from four (4) separate locations as part of the investigation. Elevated levels (1500ppm) of lead in soil was identified at location TP1 A, which exceed the, <i>National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended April 2013 (NEPM)</i>, health Investigation Levels (HIL) 'A' & 'B'. The report indicates the cause of elevated levels is from the presence of black slag within mixed fill. Other samples from the site where below NEPM levels.</p> <p>Remediation / management of the identified contamination is required via the preparation of a Remedial Action Plan (RAP), by a suitably qualified Contaminated Land Consultant.</p> <p>The extent of elevated contamination has not been demonstrated to be clearly delineated. It is recommended that further detailed investigation be considered as part of the development of any remedial action plan (RAP), to ensure appropriate remedial strategies are provided to locations containing elevated contamination ("hot spot"). Final development and landscape plans will be required for the development of the RAP.</p> <p>Section fourteen (14) of the report references possible remedial options. The first two points, take no action and Lead Abatement Strategy - are not considered suitable site remedial options, to render the site as remediated for the purpose of addressing SEPP 55 or 'National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended April 2013', for the proposed use.</p> <p>The preparation of a Long Term Environmental Management Plan</p>	<p>0.4m – 0.455m overlaid by Sandy Gravelly Clay of a brown orange colour (Unit 3 0.3m – 0.4m depth), fill comprising of either woodchips/mulch, coal/coal chitter or brown Silty Sand (unit 2 0.1m – 0.3m depth) and hardstand comprising of black asphalt hardstand or pale grey cemented Sandy Gravel hardstand (unit 1 0m – 0.1m depth).</p> <p>Below the identified potential slag is residual soil generally comprising of brown/orange/pale grey Sandy Clay.</p> <p>The slag fill effectively occupies a 50mm thick layer in the soil profile starting at a depth of 0.4m.</p> <p>The exposure mechanism that would put a person at risk to any contaminated imported fill would be Ingestion / inhalation of vapours/dermal contact/ secondary ingestion of contamination</p> <p>Given the depth of the potential contaminant, the planned action to make the site suitable for the proposed use was to contain the contaminant on site.</p> <p>Containment (or capping) of contamination on site is generally achieved through the application of compacted soil, asphalt, concrete or other hardstand material over impacted areas to break the pathway between source of contaminant and the receptor. This strategy requires ongoing management and maintenance of the site through a long-term EMP to ensure the remediation undertaken is maintained and hence the protection of receptors (human and the environment) is maintained. This is a technically feasible option for remediation/management of the site and ultimately will be involved in the end use of the site as the impacted portion of the site is intended hardstand in the proposed development,</p>
--	--

<p>(EMP) will be required for any onsite encapsulation or management of contaminated soil, at the completion of works.</p> <p>A land use suitability statement should also be included within the report, which clearly states whether the land is suitable or can be made suitable with remediation strategies for the proposed use, in accordance with the NSW Environmental Protection Authority, Guidelines for Consultants reporting on Contaminated Sites.</p> <p>Following site remediation, a suitably qualified and experienced Contaminated Land Consultant should provide a Validation Report in accordance with the <i>Guidelines for Consultants Reporting on Contaminated Sites</i> (NSW Office of Environment and Heritage 2011). The validation report should include a clear statement the consultant considers the site to be suitable for the approved use.</p>	<p>however consideration would be required for the ongoing management of the contamination at the site.</p> <p>The containment is proposed to be achieved through the concrete capping of the area in question. As the area of fill is located between the boundary and the building, the filled area can be effectively contained by capping this side setback area in hardstand.</p> <p>Should the contaminated fill extend outside this area, it is already effectively capped by either the existing building or hardstand carpark.</p> <p>A Remedial Action Plan has been prepared by Agility Engineering (Ref 2019233, dated 30th September 2019). This is included within Attachment C of this report.</p> <p>Section 5 of the report deals specifically with the Remedial Action Plan for the site.</p>
<p>Noise</p> <p>No acoustic report has been provided. An acoustic assessment prepared by a suitably qualified consultant in accordance with the Noise Policy for Industry 2017 by NSW Environmental Protection Authority, is required to determine the potential impact of the development on adjoining residential premises.</p> <p>The acoustic assessment should also address the potential noise impact from the rail corridor to the development particularly to ensure the internal acoustic comfort levels of the building shall comply with the following:</p> <p><input type="checkbox"/> _NSW Department of Planning Development Near Rail Corridors</p>	<p>In accordance with the NSW Transport submission, a noise assessment can be prepared prior to the issue of any occupation certificate.</p> <p>Any recommendations requiring internal attenuation will be complied with.</p>

<p>and Busy Roads – Interim Guidelines □ _AS 2107 (Recommended design sound levels and reverberation times for building interiors)</p>	
<p>Traffic Generation from the development</p> <p>Vehicles accessing the site will use the intersection of Lake Road and Victoria Street. This intersection is under the care and control of Roads and Maritime Services (RMS). It is noted that the intersection only has a filtered right turn, in a shared traffic lane, for vehicles entering Victoria Street from the west. It is recommended to refer this development application to RMS for advice on any intersection upgrades requirements.</p> <p>Furthermore, the EIS states that students are not permitted to drive to the site, however there are no details as to how this will be implemented and managed.</p>	<p>No concern relating to traffic was raised by the RMS, no further consideration of this issue should be warranted above the previously submitted traffic impact assessment.</p> <p>With respect to students ability to access the site by private motor vehicle, the school has policies in place that serve to prohibit this practice.</p> <p>According to the Student Management Policy;</p> <p><i>3.9 Students with driving Permits</i> <i>3.9.1 Students with driving permits are not permitted to drive a vehicle to and from school.</i> <i>3.9.2 Students are not permitted to drive a vehicle to school. All excursions are designed to leave from and return to the College and so it is important that the student remains a part of the school group for insurance purposes.</i></p> <p>All students access public transport to and from the campus. Due to the location of students, transport is by a variety of means.</p>
<p>Pedestrians and Cyclists</p>	

<p>From the information provided in the EIS, it would appear that that majority of students will utilise public transport. To facilitate connection from the transport stops on Lake Road, a 1.2m wide concrete footpath is required from the site, along the northern side of James Street and the eastern side of Victoria Street. These footpaths should connect to the existing footpath, which currently terminates at Robert Street. Kerb ramps are to be provided at all road-crossing points of the footpath.</p>	<p>While it is noted that the site does not currently benefit from any footpaths, the local area also is devoid of any pedestrian footpath infrastructure.</p> <p>In the immediate area, the Argenton Public School, Argenton Football Club and Lake Macquarie BMX club all currently operate with no pedestrian facilities.</p> <p>The road verges in this area are wide and clear. Requiring a lessee to provide for some 350m of pedestrian and cycle footpath infrastructure would be cost prohibitive for a not for profit organisation that has limited avenues of raising capital.</p> <p>It is requested that like other local operations, that consideration be given to waiving any requirement for footpaths.</p>
<p>Accessibility</p> <p>The building should comply with Access to Premises Standards 2010. Additionally, a Disability Access Audit is required in accordance with Part 3, section 4.12 of DCP 2014, to demonstrate compliance with relevant standards and regulations to ensure non-discriminatory access and use. The audit needs to be prepared by an accredited access consultant and cover:</p> <ul style="list-style-type: none"> • Dimensions of accessible car parking bay and path of travel to link to building entry • Gradients/width of path of travel to entry • Measurements of doorways and circulation space around doors 	<p>It is requested that this level of detail be provided prior to any occupation certificate being issued.</p>

• Dimensions of accessible and ambulant toilet facilities	
<p>Landscape Design</p> <p>No detailed site-wide landscape strategy has been provided as per the NSW Government Planning Secretary's Environmental Assessment Requirements. The area allocated for landscape planting is approximately 10.6% of the site. Given the importance of external learning spaces to wellbeing and outlook from the school building, a Landscape Plan addressing the design quality principles in SEPP 2017 is required to demonstrate how the landscaping compliments the site as a learning environment. In this regard, it is noted that the site has limited capability to accommodate adequate landscaping.</p> <p>Both outdoor spaces are bordered by 1800mm Colorbond fence which is a harsh and unsympathetic boundary definition. Minimum 1m wide planting areas are recommended for the establishment of soft landscape including trees that provide amenity, outlook, shade and create an attractive and pleasant learning environment. The location of the existing tree to the rear is to be accurately identified and the landscape design should cater for the long-term viability of this tree.</p> <p>It appears that the proposed disabled car park could be located in line with existing car park bays, allowing further space to be recovered for outdoor learning space.</p>	<p>It is proposed to retain vegetation existing vegetation on the site.</p> <p>Planting is proposed to soften the impacts of the colourbond fencing and to also provide an increased buffer to adjoining residential properties.</p> <p>A full landscape design can be conditioned prior to Occupation Certificate if deemed necessary.</p> <p>Landscaped areas and fence alterations are noted on the plan contained within Attachment E.</p>
Fire Safety Audit	

<p>A current Annual Fire Safety Statement will be required for the proposed change of use.</p>	<p>Fire Safety Documentation is provided in attachment B.</p>
<p>Stormwater Management</p> <p>The stormwater from the site drains into a pit in the northern corner. Two of the outlets from this pit are directed towards the adjoining property to the rear (140 Montgomery St). It is recommended that legal rights to drain over this property be demonstrated.</p>	<p>The proposed change of use does not seek to alter the existing stormwater on site, nor are any additional structures to be constructed.</p>
<p>Social Impact Assessment</p> <p>Part 3, Section 2.17 of DCP 2014 requires a Social Impact Assessment (SIA) to be prepared in accordance with Council's SIA guidelines for Educational Establishments. For reasons mentioned previously, the proposal is considered to be in conflict with the locality and as such, a SIA is required to identify the impacts of the development on the community.</p>	<p>A Social Impact Assessment is attached to this submission (Attachment D) that demonstrates the developments positive impact on the community.</p> <p>The report concludes that the positive outcomes including the positive contributions this will have for local communities and future generations, lessening the likelihood of school dropout and the issues that can be a result of this such as long-term unemployment and disadvantage outweigh any perceived negatives from traffic and noise.</p>
<p>Safety and Security</p> <p>There is limited information in the EIS to demonstrate how the development complies with the principles of Crime Prevention Through Environmental Design (CPTED). Section 4.13 in Part 3 of the DCP warrants a Crime Risk Assessment for Educational</p>	<p>The school is small in physical size and proposed to be fully fenced with the ability to not only lock the site after school hours, but also during the school day.</p>

<p>Establishments. Apart from the safety and security of the site, active surveillance and measures to minimise vandalism on adjoining residential properties should be duly considered in the assessment.</p>	<p>The small nature of the school and small outdoor spaces, coupled with ability to lock the gates does not lend itself to people loitering in the area or attending the site after hours.</p> <p>The school does not tolerate students undertaking anti-social behaviour at or around the school. Students undertaking this type of behaviour risk expulsion from the school.</p> <p>A full CPTED at this stage is not considered to be warranted.</p> <p>Crime prevention on site has been considered and the following will be implemented to mitigate against any crime or antisocial behaviour.</p> <p>Alesco Senior takes the security of their buildings seriously and employs a security company to protect the premises as well as installing security fencing around the school entry points. Staff constantly supervise students at all times and at all break. Any complaint by external stake holders are managed quickly and thoroughly.</p> <p>Alesco senior College has a strict policy around behaviour and what is acceptable. Students are withdrawn for involving themselves in any of the following</p> <ul style="list-style-type: none"> • Drugs/alcohol • Violence • Bullying or Harassment of staff/students • Criminal acts • Vandalism to building or local neighbourhood. <p>It is also our policy that conduct does not cease to be a breach of discipline merely because it takes place elsewhere than on the premises of the School.</p>
--	--

	<p>The principles of CPTED have been considered in this development as the safety of the students and the security of the school are important.</p> <p>When CPTED is put into practice, the resulting environment, including the building and its surroundings, will discourage or impede criminal behaviour, and at the same time encourage citizens to keep a watchful eye.</p> <p>The four main principles of CPTED are:</p> <ul style="list-style-type: none"> • Natural surveillance • Natural access control • Territorial reinforcement • Maintenance <p>These principles were developed with a view to the design of new buildings and facilities, but can be adapted to existing premises.</p> <p>Natural Surveillance of the school is provided from the street and public realm looking into the front carpark area, and from the many internal windows of the school that face external areas. The site is open with minimal hiding areas which discourage the congregation of people in secluded places. As the school is visible from many angles it is not considered that it will attract antisocial behaviour.</p> <p>Access is controlled by the existing and proposed fencing. The access gates will be locked outside of school hours to prevent unauthorised access.</p> <p>Gardens and the surrounds will be maintained. A well-maintained area</p>
--	---

	sends the message that people notice and care about what happens in an area. This, in turn, discourages vandalism and other crimes.
Conclusion Council commends Alesco's initiative to empower youth who are not capable of attending mainstream schooling. However, in reviewing the proposal, it is noted that site's attributes and setting are not conducive to the establishment of a quality learning environment. Unfortunately, in this instance, Council is not convinced that the requirements outlined in this letter can be satisfactorily addressed by the development and therefore the proposal is not supported.	<p>As noted in discussion above, Alesco currently has in operation several other campuses in different LGA's. These campuses all operate with the same model using refurbished existing buildings.</p> <p>Council's concerns are noted, however given the school in its current format operates successfully at several other sites, it is considered that these concerns are alleviated by the recognition and awards received by Alesco.</p> <p>As noted, Alesco Senior College has been awarded</p> <ul style="list-style-type: none"> • Australian Financial Literacy Award • Premier Commendation for service to the community • Finalist in Australian Special education Secondary School of the year (winner not announced yet) <p>These accolades alone will bear testament to the quality of the learning environment provided, and we request that in the assessment of this proposal, the past achievements and track record of Alesco be considered when forming an opinion on the quality of the learning environment provide and the positive social benefits and outcomes stemming from this.</p>
Public Submission (One)	
My Partner and i are the home owners of the property directly behind number 7 James street Argenton and have been for over a	The concerns of the adjoining resident are noted and something that is not taken lightly by Alesco.

<p>year.</p> <p>Over the past 3 months i have noticed an increased level of noise coming from this property as i have a week day off once a fortnight and we have had litter appearing in our back yard also within this time.</p> <p>On the 3rd of July 2019 my partner arrived home approximately 3pm to the shock of finding a chair in our property that did not belong to us, that would have to of been thrown with some substantial force to land where it did in our backyard. My partner went on to inspect our back yard to find more rubbish (cigarette filter packet etc) from the property directly behind ours (7 James street Argenton) then noticed our fence panels had also been damaged (kicked in according to the staff at the facility), in two places (one more significant then the other- images attached). My partner then proceeded to go around to the property to return the chair that had been thrown over and ask why our fence was damaged.</p> <p>My partner arrived at the facility to be greeted by staff members Jo & James who were very apologetic for what had happened. Jo explained they did have an incident with a student that day and was unsure if the student was under the influence that caused the damage to the fence. James said that "the fence had been kicked in by the student. The staff members were unaware of the chair that had been thrown over the fence and were in shock. My partner then went on to exchange his number while the staff member Jo wrote down on a piece of paper a land line number as well as a mobile followed by "Alesco Senior College". (Attached in images)</p>	<p>As noted previously in this submission,</p> <p>Currently the premises is being leased by ATWEA College and Alesco students are accessing community well-being programs that are being held in the existing building. ATWEA College is an adult training college and supports many community programs including lifestyle activities for all ages.</p> <p>Whilst it is disappointing for the resident that there has been some disturbance to their property, it must be noted that Alesco currently has no legal jurisdiction or autonomy over the premises and whilst some Alesco students have been on the property at intervals, there have been a wide ranging amount of uses at the building and we are not able to accurately identify the person for the identified issue.</p> <p>It is expected with the DA approval that Alesco will be able to provide a safe and supportive environment for vulnerable young people. Alesco Senior College has a select enrolment process, whereby students are assessed to their fittingness for the program. Students who have demonstrated a history of violence or criminal activity are not deemed suitable and are not offered a place at Alesco Senior College. Alesco has clear and strict policies and procedures regarding acts of violence, bullying, harassment, drugs and alcohol. Any student involved in any of the preceding transgressions faces immediate withdrawal of placement.</p> <p>Alesco Senior College employs a full-time School counsellor to support and case manage students with mental health issues, but utilises a referral process for any student that may need additional support. Alesco Senior College utilises 'time-out' policies for any student that may be deemed to be in need of intensive health support.</p>
--	---

<p>On Monday the 8th July 2019 as my partner and i were leaving home to go to work we noticed a box of chocolates as well as a note left at our front door. The note saying "Hi James, I have called over a few times to apologize about the incident with the rear fence. I will try & call you this afternoon. Thanks Grant Dennis, Alesco Senior College.(Image of letter attached)</p> <p>After these two occasions we believe that the facility at 7 James street Argenton is already operating as Alesco Senior College which we were unaware of.</p> <p>The reasons why we object to the Alesco Senior College proposal: We believe that this facility is already operating as Alesco Senior College that has not been approved. We believe the fence that separates our property (142 Montgomery street Argenton) from the facility (7 James street Argenton's Alesco Senior College) to not be safe enough to separate our property from 80 students years 10-12 especially students with erratic behavior and under the influence. With the incidents that have occurred we believe that we do not have enough privacy or feel safe from 80 students from years 10-12. We are a young couple wanting to start a family and we would not want to be in the position were objects get thrown over the fence and could cause significant damage to my partner, a small child or myself.</p> <p>Thank you for taking the time to ready this and we hope that our</p>	<p>The approval will also permit the construction of security fencing and monitoring that is consistent with an education facility. Presently the premises does not have a secure perimeter fence and this does not allow the school to determine who is on campus at any given time. The campus will have a high staff to student ratio to support the behaviour and actions of the young people in attendance at the facility. The campus hours of operation are 8-4 and students are on campus from 8-2:30.</p> <p>Alesco Senior College has five existing campuses and have built excellent community relationships with their local neighbourhood. An example is the Raymond Terrace campus that was originally located in a three bedroom house for four years until a suitable premises was found. The local residents were disappointed when Alesco relocated and still visit the new campus regularly and are involved in reading and exam supervision activities with our students.</p>
--	---

concerns are taken on board.	
------------------------------	--

Attachment A – Cost Summary Report.

Attachment B – Fire Safety Audit.

Attachment C – Remedial Action Plan.

Attachment D – Social Impact Statement.

Attachment E – Landscape and Fence Plan.

Attachment F – Alesco Campus Information Packages