Lake Cathie Public School Redevelopment

State Significant Development Assessment (SSD 9491) January 2020
January 2020

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Cover photo

Aerial photomontage of proposed development (Source: Applicant’s Environmental Impact Statement, 2019).

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## Glossary

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<td>AAR</td>
<td>Arboricultural Assessment Report</td>
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<td>AHD</td>
<td>Australian Height Datum</td>
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<td>AIA</td>
<td>Acoustic Impact Assessment</td>
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<td>AQF</td>
<td>Australian Qualification Framework</td>
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<td>BAM</td>
<td>Biodiversity Assessment Method</td>
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<td>BAR</td>
<td>Bushfire Assessment Report</td>
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<td>BCA</td>
<td>Building Code of Australia</td>
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<td>CEMP</td>
<td>Construction Environmental Plan</td>
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<td>CTMP</td>
<td>Construction Traffic Management Plan</td>
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<td>CIV</td>
<td>Capital Investment Value</td>
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<td>Consent</td>
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<td>Council</td>
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<td>Department</td>
<td>Department of Planning, Industry and Environment</td>
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<td>EEC</td>
<td>Endangered Ecological Community</td>
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<tr>
<td>EESG</td>
<td>Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>EPA</td>
<td>Environment Protection Authority</td>
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<td>Ecologically Sustainable Development</td>
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<td>Government Architect NSW</td>
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<td>ITE</td>
<td>Institution of Transport Engineers</td>
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<td>LGA</td>
<td>Local Government Area</td>
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<td>LOS</td>
<td>Level of Service</td>
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<td>Term</td>
<td>Description</td>
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<td>Minister</td>
<td>Minister for Planning and Public Spaces</td>
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<td>NSW RFS</td>
<td>NSW Rural Fire Service</td>
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<td>Planning Secretary</td>
<td>Secretary of the Department of Planning, Industry and Environment</td>
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<td>Port Macquarie-Hastings Development Control Plan</td>
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<td>State Environmental Planning Policy</td>
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<td>SRD SEPP</td>
<td>State Environmental Planning Policy (State and Regional Development) 2011</td>
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<td>SSD</td>
<td>State Significant Development</td>
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<td>TfNSW</td>
<td>Transport for New South Wales</td>
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<td>TfNSW (RMS)</td>
<td>Transport for NSW (Roads and Maritime Services)</td>
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<tr>
<td>TPA</td>
<td>Traffic and Parking Assessment</td>
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<td>VMP</td>
<td>Vegetation Management Plan</td>
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Executive Summary

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Lake Cathie Public School (SSD 9491). The site is located at 1240 Ocean Drive, Lake Cathie. The Applicant is the Department of Education and the proposal is located within the Port Macquarie-Hastings Local Government Area (LGA).

The Department considers the application is consistent with the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the North Coast Regional Plan 2036. The Department is satisfied the subject site is suitable for the proposal and would provide improved educational facilities for existing and future students of Lake Cathie Public School. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The Department is satisfied that the key issues (built form, building height, urban design, landscaping, biodiversity, and traffic and transport impacts) have been sufficiently addressed by the Applicant or through recommended conditions of consent.

In summary, the proposal comprises of the construction of 17 new classrooms within buildings of one to two storeys in height, relocation of an existing covered outdoor learning area, reconfiguration of car pick-up/drop-off arrangements including the provision of a double width bus bay along the adjoining unnamed Collector Road, and landscaping works including tree removal. The proposal would increase the capacity of the school by 217 students and 16 full time equivalent staff, taking the overall school capacity to 430 students and 35 FTE staff. The existing school would remain operational during the construction works using temporary demountable buildings located in the northern section of the site.

The proposal has a Capital Investment Value (CIV) of $23,561,761 and would generate up to 150 construction jobs and 16 additional FTE operational jobs. The proposal is SSD under clause 15 of Schedule 1 of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development with a CIV of more than $20 million for the purpose of alterations and additions to existing school. Therefore, the Minister for Planning and Public Spaces is the consent authority.

The application was publicly exhibited from 4 April 2019 until 1 May 2019 (28 days). The Department received a total of seven submissions, comprising six submissions from public authorities and one submission from the general public. The Applicant’s Response to Submissions included an updated ACHAR, amended travel survey data/analysis, options analysis for pick-up/drop-off facilities, amended biodiversity assessment report, updated Green Travel Plan, amended vegetation management plan and an updated Koala Plan of Management.
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This report provides an assessment of a State significant development (SSD) application that seeks consent for the redevelopment of Lake Cathie Public School (SSD 9491) under the Environmental Planning and Assessment Act 1979 (EP&A Act). The site is located at the corner Ocean Drive and an unnamed collector road in Lake Cathie, on the existing Lake Cathie Public School site.

The application has been lodged by the Department of Education (the Applicant).

1.1 Site description

The site is located at 1240 Ocean Drive, Lake Cathie (formerly Rainbow Beach Drive) within the Port Macquarie-Hastings Local Government Area (LGA), on the mid-north coast of New South Wales 16 kilometres (km) south of Port Macquarie (as shown in Figures 1 and 2). The site is legally described as Lot 2 in DP 1193553 and has an area of 39,600 square metres (sqm).

The site has frontages to Ocean Drive to the west and north-west and an unnamed collector road to the north-east and east. The site is well connected to the local and regional road network and well serviced by bus services.

Figure 1 | Regional context of the site (Source: Nearmap 2019).
The existing school buildings in the south-eastern corner of the site include several permanent and demountable single storey buildings. The existing school was established in 2015.

Vehicular access to the site is currently off Ocean Drive, which connects to a drop-off/pick-up area and a staff car parking area along the southern side of the school buildings. At present, pedestrian access is generally not available to the school site with all students, visitors and staff arriving via bus or private vehicle due to the isolated location of the school site.

The site is mostly dominated by exotic grasslands and historically planted native vegetation with scattered ornamental exotic shrubs and trees planted around the school buildings and driveways. Native vegetation (including Koala feed trees) is concentrated on the western side and is largely comprised of native canopy species representative of the historically occurring Swamp Sclerophyll Forest. One Plant Community Type (PCT) ‘Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion’ has been identified on the site.

Vegetation along the northern and western boundaries of the site include significant vegetation buffers required under the original development consent (DA2013/491) for the school. There is a Certificate of Title restriction placed on the use of the north west corner of the site, protecting the significant ecological values in this area. The western part of the site is also identified as a coastal wetland under State Environmental Planning Policy (Coastal Management) 2018, with most of the balance of the site being identified as within proximity of a coastal wetland.

The school incorporates Out of Hours Services (OOSH) currently incorporating 64 spaces.
Images of the existing school site are shown in Appendix C.

1.2 Surrounding development

The land surrounding the site, comprising the suburbs of Lake Cathie and Bonny Hills, is undergoing significant change. Whilst much of the land surrounding the site is currently vacant, the land has been identified for future residential and recreational use and a large-scale residential subdivision was recently approved to the north-east and east of the site.

The expected layout of the future residential development adjoining the site is shown in Figure 3 below.

Figure 3 | LCPS site and surrounding subdivision pattern (Source: Applicant’s EIS 2019).
2. Project

The proposal for the redevelopment of Lake Cathie Public School includes site preparation works, construction of 17 permanent home base units, two special education units, removal of 14 demountable classrooms, reconfiguration of existing school buildings, removal of the existing access road from Ocean Drive, and construction of a new entrance to the unnamed collector road. The proposal would result in an increase of capacity of 217 students and 16 Full Time Equivalent (FTE) staff, resulting on an overall capacity of 430 students and 35 staff at completion.

The key components and features of the proposal, as refined in the Applicant’s Response to Submissions (RtS), are provided in Table 1 below.

Table 1 | Main components of the project

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition/site preparation</td>
<td>Removal of 12 trees, grading of site, removal of 14 demountable buildings, partial demolition of existing buildings (Block B and C) and removal of cricket nets.</td>
</tr>
<tr>
<td>Built form</td>
<td>• Construction of 17 permanent classroom buildings ranging from one to two storeys in height.</td>
</tr>
<tr>
<td></td>
<td>• Relocation of an existing COLA and construction of an outdoor amphitheatre.</td>
</tr>
<tr>
<td></td>
<td>• Reconfiguration of existing Blocks B and C.</td>
</tr>
<tr>
<td>Site area</td>
<td>39,600sqm.</td>
</tr>
<tr>
<td>Gross floor area (GFA)</td>
<td>3540sqm.</td>
</tr>
<tr>
<td>Uses</td>
<td>Educational Establishment.</td>
</tr>
<tr>
<td>Access</td>
<td>Existing vehicular access is achieved from Ocean Drive. The existing is to be removed and a new access provided to the unnamed collector road. Pedestrian access would be provided at multiple points along the unnamed collector road frontage.</td>
</tr>
<tr>
<td>Car parking</td>
<td>• Retention of 25 car parking spaces located within the southern section of the site.</td>
</tr>
<tr>
<td></td>
<td>• Retention of existing 36 pick-up and drop-off spaces within the existing internal carpark in the southern section of site.</td>
</tr>
</tbody>
</table>
• Provision of three new double width bus bays along the unnamed collector road.

<table>
<thead>
<tr>
<th>Bicycle parking</th>
<th>Retain 26 existing bicycle parking spaces on the site.</th>
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<tr>
<th>Public domain and landscaping</th>
<th>Provision of new landscaped areas including:</th>
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<tr>
<td></td>
<td>• reconfigured open space.</td>
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<tr>
<td></td>
<td>• hard and soft landscaping surfaces.</td>
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<td></td>
<td>• new gathering and outdoor seating areas.</td>
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<tr>
<td></td>
<td>• new sports facilities.</td>
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<td></td>
<td>• rain gardens.</td>
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<table>
<thead>
<tr>
<th>Hours of operation</th>
<th>No changes proposed to existing hours of school operation as follows:</th>
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<tbody>
<tr>
<td></td>
<td>• before school service at the OOSH from 7am to 8:45am.</td>
</tr>
<tr>
<td></td>
<td>• school hours between 8:45am to 2:45pm.</td>
</tr>
<tr>
<td></td>
<td>• after school service at the OOSH from 2:45pm to 6pm.</td>
</tr>
<tr>
<td></td>
<td>• vacation care at the OOSH from 7am to 6pm.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Signage</th>
<th>• One digital ‘school identification’ sign located on the corner of Ocean Drive and the unnamed collector road.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• One school identification sign and logo located on the aspect elevation of Block G.</td>
</tr>
<tr>
<td></td>
<td>• One school identification sign located at the vehicular entrance.</td>
</tr>
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<tr>
<th>Jobs</th>
<th>• Up to 150 construction jobs.</th>
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<td></td>
<td>• 16 additional FTE operational jobs.</td>
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<tr>
<th>Capital Investment</th>
<th>$23,561,761</th>
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</table>

**2.1 Physical layout and design**

The proposed new school buildings would be located to the north of the existing school buildings and be one to two storeys in height. The proposal would not alter the western edge of the site which would remain undeveloped and be maintained as a vegetated corridor.

The proposed main entrance would be to the unnamed collector road to the east of the site and provide direct access to and from the proposed residential areas and the proposed double width bus bays. The existing pick-up/drop-off facilities on the southern section of the site would be retained. The physical layout of the proposed built form is shown in Figures 4 to 11.
Figure 4 | Site demolition plan (Source: Applicant's RtS 2019).

Figure 5 | Proposed site plan (Source: Applicant's RtS 2019).
**Figure 6** | Aerial photomontage of built form looking southeast (Source: Applicant’s EIS 2019).

**Figure 7** | Looking to the south across the proposed development (Source: Applicant’s EIS 2019).
Figure 8 | Layout of built form viewed from open space into school (Source: Applicant’s EIS 2019).

Figure 9 | Photomontage looking at reconfigured Block B (Source: Applicant’s EIS 2019).
2.2 Uses and activities
The proposal seeks the ongoing use of the site as a public school, including the before and after school hours care and out of school hours extracurricular activities in the school hall.

2.3 Timing
The proposed development would be constructed within four stages (over one year) to minimise disruption to the operation of the existing school. The stages include:

- stage one: road and access works – the new access to the unnamed collector road would be constructed and the existing entry from Ocean Drive would subsequently be removed. The
proposed double width bus bays and short-term parking would also be constructed along the unnamed collector road. The existing school entry and forecourt on the western side of the school buildings would be maintained and used until stage four.

- stage two: construction on northern side of site – construction of the new classroom buildings on the northern side of the site and demolition of the existing COLA. The existing demountables would be retained during this stage and the school would continue to operate out of the existing facilities (excluding the COLA).
- stage three: construction on southern side of site – removal of the existing demountables, construction of the sports hall and reconfiguration of the existing hall to form a library.
- stage four: entry and forecourt – construction of the new entry and forecourt area from the unnamed collector road.

2.4 Related development

There are a number of previous approvals for the locality and site that are relevant to the proposed development. A Part 3A Concept Approval (MP06_0085) was issued on 1 March 2012 by the then NSW Department of Planning and Infrastructure for land surrounding and including the site for a residential subdivision, two school sites, playing fields and open space, a constructed wetland, a business/retail centre and an ecotourist site. An extract of the approved layout plan is shown in Figure 12 below.
A local consent was issued by Council on 4 December 2013 (DA2013/0358) for the subdivision of the land, including the subject site, construction of the unnamed collector road and earthworks.

The Northern Region Joint Regional Planning Panel issued a local development consent for the construction of Lake Cathie Public School on 23 January 2014 (DA2013/0491), along with the construction of a temporary access road and intersection to Ocean Drive, with the intention that the access would be closed upon construction of the unnamed collector road.
3. **Strategic Context**

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019 – 2020 than they were in 2015 – 2016. In response to the need for additional public education infrastructure as a result of increased demand, the Department of Education is investing $6.7 billion in new schools and upgrading existing schools to meet this demand.

The Department considers that the proposal is appropriate for the site given:

- it is consistent with the NSW State Priorities as it provides new employment opportunities, provides for new infrastructure and would aid in the improvement of better education results through improved facilities for students.
- it is consistent with the North Coast Regional Plan 2036 as it:
  - enhances biodiversity on the site through the maintenance and further provision of the Koala Plan of Management and Vegetation Management Plan areas along the western boundary of the school site.
  - aids in the development of healthy, safe and socially engaged and well-connected communities.
  - respects and protects the North Coast’s Aboriginal heritage.
  - aids in the coordination of local infrastructure.
- it is consistent with the NSW Future Transport Strategy 2056, as it would provide an improved educational facility in an accessible location and provide access to additional new employment opportunities close to existing and future public bus services.
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes:
  - an expansion to the existing school capacity and function.
  - facilities to support the growth in demand for primary student enrolments.
  - a school designed to accommodate infrastructure and potential facilities sharing with communities.
- it would provide direct investment in the region of $23,561,761 which would support up to 150 construction jobs and 16 new FTE operational jobs.
4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of $20 million and is for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister of Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act.

In accordance with the then Minister for Planning’s delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Infrastructure Assessments may determine this application as:

• the relevant Council has not made an objection.
• there are less than 25 public submissions in the nature of objection.
• a political disclosure statement has not been made.

4.2 Permissibility

The site is zoned R1 – Low Density Residential under the Port Macquarie-Hastings Local Environmental Plan 2011 (PMHLEP). The proposed alterations and additions to an existing educational establishment are permissible with consent.

Therefore, the Minister for Planning and Public Spaces or delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the Roads Act 1993).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see Appendix B).
4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments
Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in Appendix B and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act
The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/appraisal) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at Table 2.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

<table>
<thead>
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<th>Objects of the EP&amp;A Act</th>
<th>Consideration</th>
</tr>
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<tbody>
<tr>
<td>(a) to promote the social and economic welfare of the community and</td>
<td>The proposal would ensure the proper management and development of suitably zoned land in a manner that would promote the social welfare of the community and state. In addition, the proposal would provide new employment opportunities and additional student enrolment capacity close to residential land and public transport. The proposed development would not adversely impact on the state’s natural and other resources.</td>
</tr>
<tr>
<td>a better environment by the proper management, development and conservation of the State’s natural and other resources</td>
<td></td>
</tr>
<tr>
<td>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</td>
<td>The proposal includes measures to deliver Ecologically Sustainable Development (ESD) principles (see Section 4.4.3).</td>
</tr>
</tbody>
</table>
(d) to promote the delivery and maintenance of affordable housing, Not applicable.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, Subject to conditions, the proposal would not detrimentally impact upon threatened species, vulnerable species, significant habitats, populations or ecological communities. The proposal includes new landscaping works that would provide for new habitat opportunities.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by the Applicant concludes that the site's redevelopment is unlikely to have any impacts on Aboriginal cultural heritage.

The proposal would not impact on the significance of the adjoining heritage items, or on any items of heritage significance on the site.

(g) to promote good design and amenity of the built environment, The proposal has been designed to minimise potential amenity impacts while maximising its internal amenity and achieve good design outcomes (see Section 6.1).

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, The proposal involves the construction of new and modern education buildings and associated infrastructure. The design of the proposal incorporates energy and water efficient design initiatives that would minimise the consumption and use of natural resources. The proposal has been designed to ensure compliance with minimum building standards required to ensure the health and safety of primary school students and other children under care onsite.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment. The Department publicly exhibited the proposal as outlined in Section 5.1, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department’s website and at Port Macquarie-Hastings Council (Council) during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant has identified a range of ESD initiatives within the design of the project to enable the proposal to achieve outcomes reflective of industry best practice in sustainable design and construction. This is based on the following initiatives:

- classrooms have been oriented to provide a good level of solar access in mid-winter, providing passive heating and improving daylight penetration in the winter months.
- selection of robust building materials that reduce ongoing maintenance requirements.
- building fabric is designed to achieve industry standard insulation values to reduce heat transfer, improving thermal comfort.
- daylight sensors to reduce light output or turn off lights when sufficient daylight is provided.
- photovoltaic (PV) solar power grid-connect rooftop system to be installed to offset power consumption at the school.
- efficient water-using appliances, shower heads, taps and toilets.
- retention or detention of stormwater runoff from constructed impervious surfaces, including roof water tank, grass swales, end-of-line sand filter and control of pollutants at their source.
- energy consumption at each building is monitored individually to allow for educational opportunities. i.e. inter-building/classroom competition and real-time monitoring of power consumption and lighting usage.
- establish vegetable gardens so students appreciate where food comes from and understand the lifecycle of plants.

In accordance with the Department of Education’s Educational Facilities Standards Guideline (EFSG), the school would target a minimum 4-star Green Star Rating. The Department has recommended a
condition that requires the Applicant to register for a minimum 4-star Green Star rating with the Green Building Council Australia prior to the commencement of building works, unless an alternative certification process is agreed to by the Planning Secretary.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Section 6.4 and Appendix O of the Applicant’s EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000
Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary’s Environmental Assessment Requirements
The EIS is compliant with the Planning Secretary’s Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration
Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in Section 6 (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

<table>
<thead>
<tr>
<th>Section 4.15(1) Evaluation</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)(i) any environmental planning instrument</td>
<td>Satisfactorily complies. The Department’s consideration of the relevant EPIs is provided in Appendix B of this report.</td>
</tr>
<tr>
<td>(a)(ii) any proposed instrument</td>
<td>The Department’s consideration of the draft EPIs is provided in Appendix B of this report.</td>
</tr>
<tr>
<td>(a)(iii) any development control plan (DCP)</td>
<td>Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding this, consideration has been given to the relevant DCP at Appendix B.</td>
</tr>
<tr>
<td>(a)(iii) any planning agreement</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>(a)(iv) the regulations</td>
<td>The application satisfactorily meets the relevant requirements of the EP&amp;A Regulation, including the procedures relating to applications (Part 6 of the EP&amp;A Regulation), public participation procedures for SSD and Schedule 2 of the EP&amp;A Regulation relating to EIS.</td>
</tr>
<tr>
<td>Refer Division 8 of the EP&amp;A Regulation</td>
<td></td>
</tr>
<tr>
<td>(a)(v) any coastal zone management plan</td>
<td>Appropriately mitigated or conditioned - see Section 5.</td>
</tr>
<tr>
<td>(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</td>
<td>The site is suitable for the development as discussed in Sections 3 and 5.</td>
</tr>
<tr>
<td>(c) the suitability of the site for the development</td>
<td>Consideration has been given to the submissions received during the exhibition period. Refer to Sections 4 and 5.</td>
</tr>
<tr>
<td>(d) any submissions</td>
<td>Refer to Section 5.</td>
</tr>
<tr>
<td>(e) the public interest</td>
<td>Satisfactorily complies, the proposal seeks to redevelop an existing public school providing improved educational facilities to the locality.</td>
</tr>
</tbody>
</table>

**4.4.7 Biodiversity Conservation Act 2016**

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and amended in the RtS. The amended BDAR has been considered in detail and it is considered that biodiversity values would not be detrimentally impacted on by the proposal subject to the retirement of ecosystem/species credits and for the implementation of management strategies (see Section 6.2.3).
5. Engagement

5.1 Department’s engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Thursday 4 April 2019 until Wednesday 1 May 2019 (28 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Council’s office.

The Department placed a public exhibition notice in the Port Macquarie News on Thursday 4 April 2019 and notified adjoining landholders and relevant state and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (Section 6) and/or by way of recommended conditions in the instrument of consent at Appendix C.

5.2 Summary of submissions

The Department received a total of seven submissions, comprising six submissions from public authorities and one submission from the public. A summary of the issues raised in the submissions is provided at Table 4 and 5 below and copies of the submissions may be viewed at Appendix A.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at Table 4 below and copies of the submissions may be viewed at Appendix A.

Table 4 | Summary of public authority submissions to the EIS exhibition

<table>
<thead>
<tr>
<th>Council</th>
</tr>
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</table>

Council stated its support for the proposal, subject to the following concerns:

- the proposals reliance on the unnamed collector road for the drop-off and pick-up of students via bus and private car is not supported and represents an unacceptable public safety risk. Being a greenfield site, there is not any justification to provide an on street facility as proposed.
- the unnamed collector road would ultimately carry a substantial amount of traffic and is designed to facilitate the flow of this traffic. Proposed on street parking, bus pick-up and drop-off, cycleway, opposing intersections and proximity to Ocean Drive would result in traffic congestion, potential conflict points and compromise pedestrian safety.
- recently approved educational establishments in the LGA have provided for off street drop-off and pick-up facilities. It is requested that the facility be redesigned to also provide for this outcome.
• noting the proposed staff and student numbers, there is an insufficient supply of off street parking.

Council provided recommended conditions of consent, subject to the above issues being satisfactorily addressed.

**NSW Rural Fire Service (NSW RFS)**

NSW RFS reviewed the EIS and recommended conditions of consent in relation to the following matters:

- asset protection zones – implementation and management of inner protection areas and a bushfire management plan.
- water and utilities – provision of adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.
- access – provision of internal roads to provide safe operational access for emergency service personnel in suppressing a bush fire, while residents are accessing or egressing an area.
- evacuation and emergency management – preparation and implementation of a suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.
- design and construction – buildings to be designed and constructed to withstand the potential impacts of bush fire.

**Transport for NSW (TfNSW)**

TfNSW reviewed the EIS and required the following matters be addressed:

- preparation, implementation and annual update of a detailed Green Travel Plan (GTP) for the operation of the school.
- the Applicant to provide details of bicycle parking facilities currently provided at the school.
- traffic and parking assessment to be updated to accurately reflect the traffic distribution under consideration.

TfNSW also requested that the Department consider assumptions made regarding the behaviour or parents and guardians using pick-up and drop-off facilities.

**Transport for NSW (Roads and Maritime Services) TfNSW (RMS)**

TfNSW(RMS) advised that the impact of the proposal is considered acceptable, subject to all vehicular access to the school being provided from the unnamed collector road and that the current direct vehicular access to Ocean Drive is removed.

**Environment, Energy and Science Group of the Department of Planning, Industry and Environment (EESG)**
EESG made the following recommendations:

- the BDAR should be revised to:
  - account for clearing and modification of all areas identified as offset areas (i.e. a total of 105 hectares). This may require recalculations for all ecosystem species and species credit species.
  - consider prescribed impacts on loss of connectivity, movement and the impacts of vehicle strikes on Koalas.
- the vegetation management plan (VMP) and Koala Plan of Management be revised to:
  - provide additional actions to those offset measures already in place for koalas. Additional measures may include supplementing actions by Council that would facilitate safer koala passage in the area, habitat offset areas and tree planting in offsite areas.
  - include all existing prescriptive measures for the retained vegetation area including a revised registered covenant with Council and full restoration in the Phase 2 area not required for the new bush fire asset protection zone.
- the BDAR and VMP / Koala Plan of Management be revised to include additional mitigation measures to manage the impacts arising from reducing the width of rehabilitation area, the relocation of nest/habitat boxes and the delay in restoration of this area.
- the Applicant complete the Aboriginal consultation process required by the SEARs and carry out a new ACHAR that is compliant with the SEARs.

Environment Protection Authority (EPA)

EPA reviewed the EIS and recommended conditions of consent relating to the following matters:

- water quality.
- air quality.
- odour management.
- noise.
- waste management.
- bunding.

5.4 Public submissions

The one public submission provided comments on the application and raised the following matters:

- the width of the unnamed collector road has been incorrectly detailed in the application as it has already been constructed to a 9m wide carriageway, rather than 11m as detailed in the application.
- the traffic and parking assessment report does not provide any information with respect to the parking demand currently experienced at the school. The report also does not provide any detailed analysis or commentary to support the proposed reduction in on site parking or that 18 on street parking spaces is sufficient to cater for demand.
- further information is sought with respect to how the anticipated drop-off and pick-up demand has been determined.
the proposed site plan for the school redevelopment indicates that the pedestrian entry to the school, and the associated pedestrian crossing of the unnamed collector road, is to be situated between the second and third subdivision roads from Ocean Drive. For coordination purposes, this location is not consistent with the location anticipated in the approved subdivision for the area which indicates the pedestrian crossing to be situated one street block further north.

5.5 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On Wednesday 4 September 2019, the Applicant provided a RtS (Appendix A) on the issues raised during the exhibition of the proposal.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. The Department received an additional four submissions from public authorities in response to the RtS.

A summary of the public authority and public submissions is provided at Table 5.

Table 5 | Summary of public authority submissions to the RtS

<table>
<thead>
<tr>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council reviewed the RtS and stated that the amended bus bay location still results in a poor planning outcome that has the potential to compromise public safety in the future. Council also stated that there are no sufficient barriers to providing a bus bay that is located further into the site and separated from the unnamed collector road. Council also requested that the Applicant give further consideration to the initially proposed road dedication from the existing roundabout to the proposed sporting fields car park access. This dedication would enable improved field and clubhouse layout which would assist in providing a dual use car park facility.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TNSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>TNSW reviewed the RtS and provided the following to be considered as part of the assessment:</td>
</tr>
<tr>
<td>• the recommended ongoing implementation of the GTP as a condition of consent.</td>
</tr>
<tr>
<td>• the RtS states that “bicycle parking is provided on-site in a secure location”, however it is unclear on the proposed site plan (as revised) as to the quantity or location of bicycle parking spaces that is to be provided.</td>
</tr>
<tr>
<td>• in the absence of any analysis to determine a suitable supply of bicycle parking spaces, the Department should condition the Applicant to provide spaces in accordance with Table 11 of the Cycling Aspects of Austroads Guide (2017) for school developments. This table recommends that 1 space is provided per five pupils over year four.</td>
</tr>
</tbody>
</table>
TfNSW (RMS) reviewed the RtS and requested the following to be considered as part of the assessment:

- it is unclear when the new road shown in Figure 3 of the RtS would be dedicated to Council. It is suggested that the timing for that action should be clarified and included into any conditions of approval.
- the closure of the temporary access to the school from Ocean Drive is to be closed as soon as possible. That action is supported by RMS; however, the timing of that closure has not been clarified in the documents provided.
- management of behaviour of the school community in respect to road safety, during both construction and post construction, should be considered and management measures identified should be addressed in conditions of any approval.
- preparation of a Traffic Management Plan to include pedestrian safety and vehicle movement plans, initiatives to encourage bus patronage and active transport modes, and educational programs emphasising safe travel behaviour should be included. The plan should be subject to regular review over the life of the development.
- the adoption of a GTP and supporting Action Plan Checklist would be supported and the checklist should be developed to provide detail of targets and consideration of the likely costs for identified actions. The GTP could identify alternative actions to be implemented where targets are not achieved. The document should be subject to ongoing monitoring and review for a minimum of five years from occupation of the proposed development.
- the Department and Council need to be satisfied that there is sufficient room in the bus storage area along the unnamed collector road to service the needs of the school community.

EESG

Further to comments made to the EIS, EESG recommends the following in response to the RtS:

- the proposed phase 2 offset planting area should be retained and protected in perpetuity to provide a Koala foraging area.
- the conditions of consent should include the requirement for a registered covenant with Council for the full restoration of the Phase 2 area with a surveyed plan of the area and with the restriction to benefit Council.
- consideration be given to requiring the Applicant to provide monitoring reports to Council every five years with an ability to take corrective action if the area is not maintained appropriately.
- the VMP and Koala Plan of Management should be revised to include a diagram showing the Koala proof fencing and Koala friendly fence crossing locations. Fencing for the area should also be provided along the boundary to the bush fire asset protection zone.
- consideration be given to planting 10 individual *Viola betonicifolia* in a maintained landscaped area rather than in Management Zones 1 and 1a, as it would not have the same competition from other plants and could be more effectively managed over time.
6. Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant’s RtS in its assessment of the proposal. The Department considers the key issues are:

- built form and urban design.
- tree removal, biodiversity and landscaping.
- traffic and transport.

Each of these issues is discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed at Section 6.4.

6.1 Built form and urban design

6.1.1 Building height

The proposal would have a maximum building height of 9.72m (Block G). Under clause 4.3 of the PMHLEP 2011, the site is subject to a building height control of 8.5m, shown in Figure 13 below.

![Figure 13](image-url)  
*PMHLEP building height map, with site outlined in yellow dashed line (Source: DPI&E 2019).*
Consequently, the proposal exceeds the permissible building height by 1.22m, as shown in Figure 14. Block G is the northernmost proposed building of the site, fronting towards the unnamed collector road. The remainder of proposed buildings on the site are below the building height control.

![Figure 14](image_url) | Locations of building height non-compliance (8.5m dashed in red) (Source: DPIE 2019).

Clause 42 Education SEPP provides that development consent may be granted for the purpose of a school that is SSD, even though that development would contravene a development standard imposed by the Education SEPP or any other EPI.

The Department notes that no objections to the proposed building height were raised by Council, the Government Architect NSW (GANSW), or the public. The proposal underwent several reviews through a State Design Review Panel (SDRP) convened by GANSW, where it was concluded that the proposal could achieve design excellence, subject to consideration of SDRP’s comments.

Notwithstanding, the Department has considered the provisions under clause 4.6 of the PMHLEP 2011 as a guide in its assessment of the proposed building height. It has also considered the merits of the proposal and the impacts of the height variation on surrounding areas in assessing whether to support the variance.

The Applicant did not submit a clause 4.6 variation request as clause 42 Education SEPP applies; however, the EIS provides justification for the proposed variation. The Applicant argues that strict compliance with the development standard is unreasonable and unnecessary as the:

- development is consistent with the objectives of the development standard provided in clause 4.3(1) PMHLEP 2011.
- proposal complies with the objectives of the R1 Low Density Residential zone, as the proposal would satisfy the educational and recreational needs of the current and future population in Lake Cathie and provide 16 additional FTE teaching and support staff job opportunities.
- proposal is in keeping with the future residential character of the area and would support the growth of the surrounding area. The redevelopment would foster the relationship between the community and the continuing school use.
additional height would provide high-level windows to add natural cross ventilation and solar access (shown in Figure 13), which would promote the ESD capabilities of the proposal.

proposed built form would not result in any adverse environmental effects including visual privacy concerns, view loss, overshadowing to any surrounding properties or future sports grounds to the south of the site.

The Department has assessed the proposed height variation and considered the Applicant’s proposal and its justification for the proposed building height variation having regard to the established principles in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009. Consistent with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant to justify the proposed variation to the development standard.

The Department notes that the site and surrounds are currently undeveloped but would eventually predominately be characterised by one to two storey buildings. The siting of the proposed development and grouping of buildings means the way in which bulk and scale would be perceived from the streetscape would be similar to the existing school buildings on site.

The Department has also considered the proposed height non-compliance, regarding the objectives outlined in clause 4.3 PMHLEP 2011. The Department is satisfied that the Applicant has demonstrated compliance with the building height development standard is unnecessary under the circumstances, as the:

- exceedance to the building height control by 1.2m is minor.
- additional height would provide improved amenity for occupants through greater provision of natural light and ventilation.
- available developable area on the school campus site is highly constrained and the proposal aims to maximise the developable potential.
- height of the proposal provides a contextual response to the future surrounding built environment and locates the largest built form away from the streetscape to minimise potential off-site amenity impacts.
- height non-compliance would not result in unreasonable or detrimental environmental amenity impacts to the existing school site or on the surrounds.

Overall the Department is satisfied that the bulk and scale of the proposal has been appropriately arranged on the site to ensure that off-site amenity impacts are minimised, while providing a balanced response to the need to provide for the demand for additional and improved education facilities. Consequently, the Department supports the proposed height of the buildings.

6.1.2 Built form and Urban Design

The proposed new buildings (Blocks E, F and G) are situated in the north-eastern section of the site (as shown in Figure 15) and would be connected by a series of undercover walkways.
The Applicant’s EIS highlights that the proposed built form has also been designed to follow the topography of the site, maximise natural light, ventilation, solar access and protection to the classroom hubs, and integrate landscaping with Water Sensitive Urban Design (WSUD) features. These measures seek to achieve a sustainable built form whilst maximising occupant amenity. The proposed passive play area corridors and relocation of the COLA to the unnamed collector road frontage, celebrates the entry to the new school and creates a sense of arrival for students and visitors, while providing additional respite from inclement weather during school times and pick-up/drop-off peaks times.

The Applicant advises that the proposed arrangement and use of the rectangular forms for the classroom hubs allow for future expandability/adaptability on the site should demand for classrooms increase. Figure 16 that shows how future expansion can occur to classroom hubs.
The Applicant’s built form design strategy is guided by five principles to ensure that the proposed development is appropriate from a contextual built form and landscaping perspective. The five principles (diagrammatically represented in Figure 17) are:

1. built form to suit existing context – the simple skillion roof form of the existing school buildings is expressed throughout all the proposed learning neighbourhoods. The use of simple trapezoidal form provides a familiar pattern of learning areas for students.
2. openings and fenestrations – openings are cut into classroom hub forms, providing natural cross ventilation to each learning area.
3. passive solar design – further openings for passive ventilation and natural light areas, created from highlight clerestory windows.
4. transitional built form – repetition of simple built form, clad in alternative materials provides students with a transitional space easily associated for different learning activities.
5. sustainable school – alongside the solar panels, external shading and cooling devices, each learning neighbourhood provides students with areas that are naturally cooled and ventilated for all conditions.

Figure 16 | Potential area of expansion to classroom hubs (Source: Applicant’s EIS 2019).
External materials proposed to be used include concrete tiles and formwork, glazed bricks and timber soffits and battens, and prefinished powder coated facade elements. Colours predominately used are soft and natural tones, to ensure that the proposed built form is recessive when viewed from site frontages while maintaining continuity with existing surrounding landscape features.

The Department notes that no objections were received regarding the proposed built form from Council, other public agencies or the public. In response to the EIS, GANSW provided comments outlining that it was not clear how the urban design and master planning scheme appropriately addressed the comments raised in the SDRP process. The Applicant’s RtS specifically identified how elements of the scheme responded to comments raised during the SDRP process and detailed why certain measures were undertaken (in context of the SDRP comments). GANSW provided no further comments in relation to the Applicant’s RtS.

The Department has considered information provided by the Applicant and advice of GANSW, and considers that the proposed built form would not result in any detrimental impacts on privacy, overshadowing or view loss. The coverage of built form across the site remains substantially the same as the existing (following the demolition / removed of existing buildings) and shadows generated by the proposal would fall within the site. Any views outward from the school provided by the increased building height would be substantially similar to existing views and would be further obstructed by the proposed expansion of the vegetated areas and buffer to the edges of the site.

The Department considers that the proposed built form would provide a positive aesthetic contribution to the school campus and streetscape, particularly given the new entrance forecourt that fronts the
No objections were received from the public or agencies objecting to the removal of trees. Council recommended conditions of consent to require the inspection of native trees and the safe relocation for any Koala or other fauna found in trees to be removed or relocated. Council also recommended a
1. Forest Revegetation Zone (FRZ) along the western edge – the objective of this zone is to revegetate and rehabilitate a portion of the site, extending the adjoining revegetation corridor and creating a visual and acoustic buffer to Ocean Drive (to the western boundary of the site).

2. Koala Plan of Management Zone located immediately east of the FRZ – the objective of this zone is to enhance and support the FRZ by creating a natural buffer between the FRZ and the school. The revegetation zone comprises preferred Koala Feed Trees and is integrated with a required bush fire asset protection zone, creating a managed environment that merges the FRZ with the playground.

3. Bio Swale and Basin located along the outside of the above zones – the objective of this zone is to create a natural landscaped element for outdoor play, while capturing water that may otherwise flow across the site. This water would feed a bio retention basin and provide an opportunity to re-establish aspects of the historic wetland environment.

![Diagram](image-url)

**Figure 19 | Proposed landscape spine and bio swale (in colour) (Source: Applicant’s EIS 2019).**

The built form landscaping elements focussed around the existing and proposed school buildings include:

- main entrance and COLA.
- seating and study areas.
- planted sections with timber and natural sandstone seating pods.
- central landscape spine creating a green active space.
- use of tactile plants and surface materials.

The Department considers that the landscape design provides additional and varied landscaped areas adjacent to the proposed new teaching and learning spaces, that can be used as protected outdoor play areas that incorporate soft and porous surfaces. The proposal seeks to retain as many trees as possible (where unaffected by the development) and incorporates the existing trees and proposed tree and shrub and ground cover planting into the student environment.

Overall it is considered that the proposed integrated landscape scheme would provide for additional outdoor play facilities for students and the improved ongoing management of the natural landscaped areas of the site.

6.2.3 Biodiversity

Under section 7.9(2) of the BC Act, SSD applications are to be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR was provided with the EIS which included an assessment of the biodiversity values on the site in accordance with the BC Act. In response to EESG’s comments on the exhibition of the EIS and the redesigned bus bay in the supplementary RtS, the BDAR was amended to broaden assessment scope for impacts on biodiversity values.

The amended BDAR identified that the proposed development is expected to result in impacts to one Plant Community Type (PCT). The impacts comprise the removal of 1.17 hectares (ha) of PCT 1230 - Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion. The area of this PCT within the site comprises an occurrence of Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions, which is listed as an Endangered Ecological Community (EEC) under BC Act. The total of 1.17 ha was calculated by combining the existing native vegetation observed within the site with two offset planting areas proposed to have been installed by the school and removing all areas of overlap.

In addition, the proposed development would also result in the removal of habitat for the Southern Swamp Orchid (*Phaius australis*), is listed as a species credit entity according to the Biodiversity Assessment Method (BAM) Calculator.

The BDAR included an assessment of the direct impacts using the BAM. This determined that a total of 17 ecosystem credits would be required to offset the biodiversity impacts of the proposed development on PCT 1230 and a total of 15 species credits would be required to offset the biodiversity impacts to the Southern Swamp Orchid.

EESG provided no further comments to the amended BDAR.
The Department has considered the information provided by the Applicant and the advice of EESG and considers that the amended BDAR has undertaken an appropriate assessment of the impacts upon biodiversity values. The amended BDAR has identified appropriate management and mitigation measures to ensure that no further impacts would be created from the proposal on biodiversity values of the site.

The Department has recommended conditions of consent requiring the retirement of ecosystem and species credits, as well as for the implementation of management and mitigation measures outlined in the amended BDAR. The Department has also recommended conditions relating to replacement planting, adoption of tree retention and protection strategies within the AAR and protection of fauna habitats on the site (such as installation of additional nest boxes).

Subject to these conditions, the Department considers that the proposal would result in greater amenity for the school site in addition to ensuring that there are no detrimental impacts on account of tree removal or biodiversity values.

6.3 Traffic and Transport

The Applicant’s RtS included an amended Traffic and Parking Assessment (TPA) and a draft Construction Traffic Management Plan (CTMP), which provided an assessment of the proposal’s potential traffic, transport and parking related impacts. The application also included a draft Green Travel Plan (GTP) that proposes a range of initiatives to increase the mode share of alternate methods of transport.

6.3.1 Construction traffic and parking

The CTMP considers the construction traffic associated with the proposed development given that the school would remain open during construction works. Construction vehicle access and egress from the site would be from the existing Ocean Drive entry to the site.

The CTMP identifies that there would be no on street parking impacts from construction works, as all vehicles associated with the construction site are to park within designated off-street construction vehicle parking zones. As shown in Figure 20, the construction routes to and from the site are to use primary roads. Neither the unnamed collector road or any local roads are proposed to be used.
The CTMP identifies there would be a maximum of 30 workers on site during the construction period (anticipated to be January 2020 - January 2021). It is expected these workers would predominately arrive by private vehicle and park within designated areas on the site. The TPA expected worker vehicle trips would equate to 25 vehicle trips per hour (vtp/h) during the AM and PM peak periods. Truck movements associated with material deliveries and concrete pours would also add to traffic during the peak periods and could add a further 10 vtp/h during the AM peak. Therefore, the overall peak construction traffic generation impacts would be in the order of 35 vtp/h during the AM peak periods. The TPA also considered traffic generated by potential subdivision road works required for the residential surrounds that could result in a total of up to 70 construction vtp/h during the AM peak.

The TPA concluded that the road network has capacity to accommodate traffic generated by the proposed development. The TPA further identifies spare capacity on the local two-way road network in excess of 1,000 vtp/h. Further, modelling of the Ocean Drive/Houston Mitchell Drive roundabout (discussed in the following section) shows it is currently operating at 30% capacity overall.

No changes to external road infrastructure would be required, as materials handling and vehicle turning can be handled on site, ensuring the safe entry and exit of construction vehicles in a forward and efficient manner. A management system would be implemented that includes the coordination of heavy vehicle movements in a staged manner as heavy vehicle queuing would not be permitted under...
the CTMP. The construction vehicle movements would not detrimentally impact upon existing vehicle, cyclist, bus or pedestrian movements and appropriate separation would occur through traffic management measures.

Council, TfNSW and TFNSW(RMS) did not raise any objections to the proposed vehicle routes, traffic generation or impacts from heavy vehicle movements associated with construction works.

The Department has reviewed the information provided by the Applicant and considers that the surrounding network has sufficient capacity to deal with the short term increase in construction vehicle traffic and there would be no detrimental impacts. The Department concludes that there would be no detrimental impacts to the locality, subject to the implementation of the recommended conditions of consent and the preparation and implementation of a final CTMP.

### 6.3.2 Operational traffic and parking

#### Active Transport

The site and surrounds have access to public transport, cycling and pedestrian infrastructure as detailed in Section 1. The proposed bicycle path network is shown in Figure 21.

![Figure 21 | Port Macquarie-Hastings Bike Plan 2015 (Source: Council 2015).](image-url)
The site currently contains 26 bicycle parking spaces consolidated within a secure area. The Applicant’s RtIS included a draft GTP that provided measures for staff and students to encourage more active modes of transport to:

- increase the use of public and other alternate modes of transport.
- establish benchmarks for future analysis.
- specify targets for improved sustainable mode share.
- identify the role of a travel plan coordinator/committee.
- implement staging and hierarchical approach to action (walking, cycling, public transport/private bus service, car pooling, kiss and ride and private vehicles).
- implement marketing strategies to promote use of active transport.
- provide for constant review of policies and planning documents to evaluate targets.
- ensure that a monitoring and review strategy is implemented.

TfNSW and Council did not raise any concerns about the existing public transport network’s ability to cater for the increase in student and staff population and had no other requirements subject to the implementation and annual review of the GTP recommended as a condition of consent.

The Department considers that the existing non-vehicular provisions in and around the site are sufficient to cater for the expansion of the school. The implementation of a formal GTP that includes specific mode share targets, in combination with the improved ability to walk and ride to school, would encourage students and staff to choose active transport modes for their journey (especially in the context of future residential development in the surrounding locality). The Department has recommended a condition requiring the GTP to be implemented at commencement of operation and reviewed and updated annually.

**Traffic Generation**

The proposed development would result in an increase in potential traffic impacts as a result of the increased 217 student capacity as well as an additional 16 FTE staff.

The TPA assumes that the peak traffic generation would occur between 8am – 9am (AM peak) and 2:30pm – 3:30pm (PM peak). The Applicant’s TPA included a detailed analysis of the expected traffic generation considering the existing and proposed scenarios, and concluded that the proposed development would not result in significant additional traffic generation to the site.

In the absence of data to determine educational use traffic generation within the NSW RMS’ RTA’s Guide to Traffic Generating Development, requirements of the Institution of Transport Engineers (USA)(ITE) were used to determine the peak hour traffic generation rates. The ITE estimates that peak hour generation would be equal to 0.16 vtph per student. Based on this rate, the assumed AM and PM peak hour traffic generation rate for the proposal would be calculated as 137.6 vtph.

In addition to the ITE calculation, counts were also undertaken for the existing vtph at the school and identified 233 vtph during the AM peak and 146 vtph during the PM peak. Whilst the PM peak volumes correlate well with the ITE rates, the AM peak is significantly higher and indicates a heavy reliance on vehicle travel to the site. The lower volume found in the PM peak indicates higher vehicular occupancy.
may be occurring (i.e. shared pick-up) or that the pick-up period is over a longer period due to after school activities or operation of the OOSH.

The application was supported by SIDRA traffic modelling undertaken on the key intersection at the roundabout at Ocean Drive/Houston Mitchell Drive/unnamed collector road that would be impacted upon by the proposed development. The existing (plus proposal) and post development intersection performance (upon completion of all surrounding residential development) is outlined in Table 6 below. This concluded the intersection would have satisfactory performance with a Level of Service (LOS) LOS A.
Table 6 | Traffic modelling results Ocean Drive/Houston Mitchell Drive/unnamed collector road (Source: Applicant’s RtS 2019)

<table>
<thead>
<tr>
<th>Model Scenario</th>
<th>Degree of Saturation (v/c)</th>
<th>Average Delay (s)</th>
<th>Level of Service (LOS)</th>
<th>95% back of Queue Length (cars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 AM + development</td>
<td>0.332</td>
<td>6.6</td>
<td>A</td>
<td>1.5</td>
</tr>
<tr>
<td>2029 AM + development</td>
<td>0.425</td>
<td>7.0</td>
<td>A</td>
<td>2.2</td>
</tr>
<tr>
<td>2019 PM + development</td>
<td>0.252</td>
<td>6.4</td>
<td>A</td>
<td>1.5</td>
</tr>
<tr>
<td>2029 PM + development</td>
<td>0.319</td>
<td>6.7</td>
<td>A</td>
<td>2.1</td>
</tr>
</tbody>
</table>

TFNSW(RMS) and Council did not raise any concerns relating to traffic generation in response to the Applicant’s RtS. No public submissions were received regarding congestion on the surrounding network during peak periods. However, TfNSW and TfNSW(RMS) did recommend conditions of consent relating to the preparation of a traffic and parking management plan and GTP to ensure there would be no detrimental actual or potential road safety risks from the additional traffic generated by the proposal.

The Department has considered the results of the Applicant’s SIDRA analysis and acknowledges that it demonstrates that there would be no substantial decrease in LOS or significant increase in the Degree of Saturation. Therefore, the Department considers that the proposed development would have negligible impacts on the peak hour traffic movements of the surrounding road network and that the road network would have capacity to accommodate the proposed development.

The Applicant submitted a draft GTP as part of the TPA, to influence a shift in mode share to reduce reliance on private vehicle trips to and from the school by targeting increases in the use of bus, walking and bicycle trips. These future improvements to the mode share by reducing private vehicle trips would further limit the impact on future intersection performance. The Department has recommended conditions relating to provision of bicycle parking on site and the preparation and implementation of a GTP at commencement of operation.

**Pick-up/drop-off facilities**

The Applicant’s EIS proposed to relocate the existing pick-up and drop-off facilities and bus bays from within the site to along the unnamed collector road adjacent to the northern boundary of the site, shown in Figure 22.
In response to the above proposed pick-up and drop-off arrangements, the Department, Council and the public submission all raised concerns about the potential public safety risks and conflict between the shared bicycle/pedestrian footpath, bus bays and pick-up/drop-off spaces along the unnamed collector road. Council stated suitable justification had not been provided to warrant the spaces to be provided outside of the school site, noting recently approved educational establishments in the LGA have provided for off-street pick-up/drop-off facilities. The one public submission stated that the facilities should be provided within the site rather than on street.

The RtS included an options analysis (10 options identified, A to J) which examined all potential options of pick-up and drop-off and bus bay arrangements for the proposal (noting the constrained nature of the site). The RtS also included a road safety review and audit of options put forward and identified management/mitigation measures to ensure risks to safety and interface (pedestrian, cycling, car and bus) conflicts are identified.

The options analysis concluded that the options that included the use of the future Council car park to the southern boundary of the site were the most desirable due to high accessibility, safety, functional and urban outcomes. However, Council did not support these options in discussions between the
Applicant and Council when preparing the RtS. Out of the options that did not utilise the Council carpark to the south, option I, was deemed to be the most suitable. This option retains the use of the existing pick-up and drop-off facilities along the southern boundary of the school site and includes the provision of three bus bays along the unnamed collector road.

In response to the RtS, Council reiterated that the bus bays must be located further into the site (off-street) with physical separation between the bus bays and boundary (as shown in Figure 23). Council required this in the interest of public safety and efficient operation of the unnamed collector road during peak periods. Council recommended a bus bay design in keeping with other recent approvals in the LGA and would result in a double-width bus bay (that would allow one bus to exit around another parked bus) that is protected by a 1 metre wide median island with pedestrian fence.

Subsequent to further discussions with Council, the Applicant revised the bus bay design to be in accordance with Council’s requirements.

The TPA identified the proposed pick-up and drop-off facility would work efficiently with spare capacity during the AM set-down peak period, which has a five minute dwell time over a 30 minute period. The TPA notes however, that there would be increased demand during the PM peak period due to longer
dwell times. The TPA identified an average 20 minute turnover period over a 30 minute period for the expected 67 afternoon trips would require 45 spaces. Therefore, during the PM peak period there would be insufficient capacity within the pick-up and drop-off area. The TPA identifies this could be offset by the school undertaking an education program for parents and marshalling the pick-up and drop-off area with staff during the PM peak. The enforcement of a five minute kiss and drop rule would ensure that potentially unsafe traffic movements are minimised and would ensure 36 spaces is sufficient to service the PM peak without queuing.

The Department has reviewed the Applicant’s RtS, TPA, safety management measures and existing operational parameters and advice from Council and public agency and public submissions. The Department considers that subject to the proposed mitigation and management measures, the proposed bus bays and the existing 36 pick-up and drop-off spaces would sufficiently cater for the additional needs that would result from the proposal.

A condition of consent has been recommended for the implementation and management of the pick-up and drop-off area in accordance with the TPA, and that the pick-up and drop-off facilities are limited to a five minute dwell period during the PM peak. The Department has also recommended a condition of consent for the technical design and discussions regarding the dedication of road reserve (where required) to be undertaken with Council prior to operation.

Parking facilities
The existing school site contains 25 car parking spaces, located to the north of the pick-up and drop-off area. These spaces are to be retained and used for staff parking only. The proposal would increase the FTE staff total from 19 to 35 and would potentially increase the requirements for car parking spaces. Existing service vehicle arrangements would remain the same.

The Port Macquarie-Hastings Development Control Plan (PMHDCP) 2015 does not prescribe car parking rates for education establishments. However, broadly the PMHDCP does contain the following objective regarding car parking:

- adequate provision is made for off street parking commensurate with volume and turnover of traffic likely to be generated by the development, to ensure no adverse impacts on traffic and road function.

Further, the PMHDCP states that where a proposed development does not fall within any of the listed definitions, a parking demand study should support the proposed level of on site parking.

Following exhibition of the EIS, Council and the one public submission raised concerns about the lack of expansion to the car parking area in consideration of the increase in staff numbers.

The TPA, as amended in the Applicant’s RtS, identifies that existing car parking provision has been satisfactory to date, and notes that teachers are encouraged to car pool, use alternate transport, or be dropped off to reduce peak traffic demand. Further, the TPA states that the continued provision of 26 secure bicycle storage areas and end of trip facilities would reduce the overall demand for parking on site.
The TPA and EIS note that discussions are ongoing between the Applicant and Council about the potential use by the school of a proposed Council car park to be constructed adjacent to a sports oval car park immediately to the south of the site.

No further submissions were made by Council, public agencies or the public submitter (who was notified of the RtS lodgement) in response to the RtS. The Department has considered the information provided by the Applicant and comments made by submitters including Council and the public submitter, and recognises:

- that the site is well connected by regular bus services, serviced by an extensive cycleway network to be further expanded and that future surrounding streets would have capacity to cater for any short fall (for example if required during out of hours events).
- discussions are continuing between the Applicant and Council about the use of a proposed sports oval car park to the south which, when completed, which would provide further parking options.
- additional parking could be made available for part-time staff within the drop-off and pick-up area, subject to suitable management arrangements.
- the GTP submitted with the EIS targets increased alternative mode share to further promote non-private vehicles as a more attractive and accessible option for commuting to school.

Given the highly constrained developable area of the site, the Department considers that the proposed car parking provision is acceptable on balance. The Department has recommended a condition that requires the Applicant to review the performance of the parking arrangements on site within 12 months of the commencement of operation. Where the parking demand is shown to exceed the capacity on site, the Applicant would be required to identify measures to address the demand and avoid impacts onto the surrounding road network.

Notwithstanding the above, the Department considers that there is scope to extend the existing car park from its western edge to provide additional car parking spaces on site to help satisfy future demand. The Department has recommended a condition that requires the Applicant to provide a report to the Planning Secretary within three months of the commencement of construction that considers the option of extending the car park. Where it has been identified that additional spaces could be accommodated, a plan showing the layout is to be provided for the approval of the Planning Secretary. Any additional spaces are to be provided prior to the commencement of occupation of the development.
## 6.4 Other Issues

The Department’s consideration of other issues is provided in Table 7 below.

### Table 7 | Department’s assessment of other issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Findings</th>
<th>Recommended Condition</th>
</tr>
</thead>
</table>
| Site contamination | - As part of the original concept approval of the school site, a phase 1 contamination site investigation was undertaken in 2007.  
                  - This confirmed that localised spots of contamination exist well clear of the proposed school site.  
                  - In addition, the EIS included a Preliminary Site Investigation (PSI) to address any potential contamination that may have resulted in the time between the assessment undertaken in 2007 and the lodgment of the EIS. A hazardous materials survey was also submitted.  
                  - The PSI included additional bore hole sampling and testing to identifying new potential contaminants. The PSI identified potential risks associated with unexpected occurrence but did not identify any significant contamination concerns regarding chemicals, hard metals, asbestos or other harmful substances. Overall, it determined that the contamination risk is low.  
                  - EPA provided comments on the EIS but did not raise any concerns or provide comments regarding site contamination.  
                  - Council identified that the site potentially has rock materials that contain naturally occurring asbestos.  
                  - The PSI recommended the following management and mitigation measures:  
                    - additional targeted testing of natural | - The Department has considered the information provided by the Applicant and comments made by Council.  
                  - The Department considers that the Applicant has demonstrated that the site is suitable for continued use as a school and has recommended conditions of consent requiring:  
                    - the preparation of an Asbestos Management Plan and for the Applicant to undertake works in accordance with the Protection of Environment Operations (Waste) Regulation 2014 and consult with Safework NSW if any asbestos waste is to be handled or disposed of.  
                    - additional targeted testing of Serpentinite rock and associated residual soils prior to the commencement of construction.  
                    - preparation of a Site Audit Report and Section A Site Audit Statement by a site auditor should remediation works be required.  
                    - preparation of an  |
Serpentinite rock and associated residual soils should be conducted to confirm the presence/absence of elevated chromium concentrations. Requirements for remediation/management (if any) would be confirmed following the additional investigation and remediation and validation would be required.

- Incorporation of an unexpected finds protocol into the Construction Environmental Management Plan (CEMP) for the development given the presence of widespread filling of unknown origin.

### Noise and Vibration

- The EIS includes an Acoustic Impact Assessment (AIA), which assesses the potential construction and operational noise and vibration impacts on the nearest sensitive receivers.

- The AIA identifies sensitive receivers would be located within future residential premises surrounding the site.

### Construction Noise

- The AIA established construction noise management levels for the site as perceived at the noise sensitive receivers, in accordance with the Interim Construction Noise Guideline (DECCW, 2009) (ICNG).

- The AIA concluded that construction noise emissions would not exceed the noise management levels on account of the types of machinery used, the locations on site and short duration periods.

### Construction Noise

- The Department notes that there would be no predicted exceedances of established construction noise management levels and that mitigation measures would be implemented to ensure that this outcome is met during construction.

- To ensure that potential construction impacts are appropriately managed, the
• The AIA also concluded that while there would be perceived vibration impacts to classrooms and residential type receivers, these are expected to be compliant with the ICNG.

• The AIA recommends the preparation of a detailed construction noise and vibration management plan to further ensure that there are no significant detrimental impacts from construction noise or vibration.

• Further, the AIA proposed the following construction management strategies to mitigate impacts:
  o notification to receivers before and during construction.
  o utilising best practice construction measures when operating on construction site.
  o complaints handling procedures.

• EPA and Council did not raise any concerns with the proposal, subject to conditions relating to preparation of construction management plans and compliance with standard construction hours.

• Council recommended that construction hours be Monday to Saturday 7am to 6pm and for no work to be carried out on Sunday or public holidays.

Department has recommended conditions of consent requiring the preparation of a detailed Construction and Noise Vibration Management Plan, prior to the commencement works that includes:
  o mitigation measures and notification/complaints arrangements.
  o a requirement that all construction activities comply with best practice vibration management criteria to ensure no adverse impact to existing buildings or structures.
  o the implementation of respite periods during high noise generating construction activities.
  o a requirement for the installation and monitoring of noise monitoring equipment at sensitive receiver locations, including alert triggers to stop works when sensitive receivers become ‘highly noise affected’ as defined by ICNG.
  o a requirement to comply with the ICNG construction noise management levels where feasible and reasonable.

Operational Noise

• The Department is satisfied that the intensified use of the site would not result in adverse
• The AIA established operation noise trigger levels for noise sensitive receivers, in accordance with the Noise Policy for Industry 2017.
• The Applicant’s AIA demonstrates that noise emissions from typical primary school activities are not predicted to result in adverse noise emissions.
• Overall predicted emissions from typical school activities (outdoor play, pick-up/drop-off and mechanical plant) were generally consistent with the existing educational establishment noise environment and would comply with all noise targets.
• The AIA identifies that the school operating hours, use of mechanical plant, out of hours and hall use activities and use of outdoor play areas would remain as existing.
• Predicted noise emissions from school activities within the classrooms and the hall was predicted to comply with the project noise trigger levels, as the noise attenuation measures recommended ensure that greater acoustic performance would be achieved.
• The Department notes that the school and OOSH operational hours are proposed to continue to operate as they currently do.
• EPA and Council did not raise any concerns or objections regarding operational noise from the school.

amenity impacts, and that the Applicant has satisfactorily demonstrated that the use and operation of the indoor school hall would comply with the established project noise trigger levels, subject to appropriate management.
• The Department notes that noise impacts generated from outdoor play areas is established, the proposal does not involve any physical or use changes to the perimeter of the school site.
• As confirmed by the Applicant’s AIA, the additional students in outdoor play areas would not result in perceivable intrusive noise impacts.
• The proposed use of the outdoor sports courts and field for school related activities is reasonable and no out of hours use is proposed for these facilities.
• The Department has recommended conditions of consent requiring:
  o compliance with the recommendations in the AIA.
  o proper maintenance of plant and equipment.
  o noise associated with plant, machinery or other equipment does not exceed the established project noise trigger levels.
  o the provision of noise attenuating measures should noise monitoring
<table>
<thead>
<tr>
<th>Aboriginal Cultural Heritage</th>
<th>The Department considers that the above conditions would ensure that there are no significant detrimental amenity impacts to the future surrounding residential properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A draft ACHAR was prepared as part of the EIS and finalised as part of the RtS, to ensure that all Aboriginal cultural heritage values have been appropriately addressed.</td>
</tr>
<tr>
<td></td>
<td>The ACHAR concludes that the site’s redevelopment is unlikely to have any impacts on Aboriginal cultural heritage given previous significant disturbances across the site, subject to recommendations such as the implementation of an unexpected finds protocol, increasing student/school awareness and halting work should any Aboriginal objects be detected.</td>
</tr>
<tr>
<td></td>
<td>EESG supported the recommendations contained in the ACHAR and requested that they be imposed as conditions of consent.</td>
</tr>
<tr>
<td></td>
<td>The Department supports the findings of the ACHAR and concurs with EESG’s recommendations.</td>
</tr>
<tr>
<td></td>
<td>The Department has recommended conditions of consent requiring the implementation of an unexpected finds protocol.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bush fire</th>
<th>The site is located on bushfire prone land. A Bushfire Assessment Report (BAR) was submitted with the EIS and amended as part of the RtS.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In response to the EIS, NSW RFS recommended conditions of consent relating to the suitable provision of asset protection zones (inner protection areas), the implementation of a bush fire management plan and for utilities, internal roads, evacuation/emergency management and design/construction.</td>
</tr>
<tr>
<td></td>
<td>The Department notes the comments made in regard to bush fire management and protection from the Applicant and the NSW RFS and has recommended conditions requiring compliance with RFS requirements.</td>
</tr>
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</table>
to comply with relevant controls including, but not limited to, *Planning for Bush Fire Protection 2006*.

- In response to the RtS, the NSW RFS advised that the turning area provided on site at the end of the internal road should have a diameter of 12m to cater for NSW RFS turning requirements and that it should be greater than seven metres from remnant vegetation to the western edge of the site.

### Stormwater management

- The EIS and RtS advise that stormwater runoff from roof and hard surfaces would be collected by building hydraulic systems and conveyed to local stormwater drain pits.
- A natural bio swale running north to south on the western section of the site would also collect stormwater runoff.
- Council provided recommended conditions of consent for approval of stormwater infrastructure design under section 68 *Local Government Act 1993*.

- The Department considers that the proposed stormwater provisions would be sufficient for the existing site and proposed development.
- The Department has recommended conditions of consent for the development to comply with the provided stormwater design, for appropriate approvals to be sought from Council and be compliant with Australian Standards and industry best practice guidelines.

### 6.5 Public Interest

On balance, the Department is satisfied that the proposal would be in the public interest. The proposal would deliver additional and enhanced teaching facilities and would provide improved amenities for the school and public use. The redeveloped school would provide new facilities which would result in improved educational outcomes for the region. It would also provide direct investment of $23,561,761, and support up to 150 construction jobs and 16 new FTE operational jobs.
The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council, comments made in the public submission and environmental issues associated with the proposal have been thoroughly addressed.

The Department concludes the impacts of the proposal would not have significant detrimental impact, and that impacts can be appropriately managed through recommended conditions of consent. The proposal would provide significant public benefit to the immediate local and surrounding district through the provision of new and improved education facilities and cater for a growing population.

The proposal is considered to be in the public interest as it would provide public benefits including:

- delivery of increased new and improved education and recreational facilities to cater for increased demand in the Port Macquarie-Hastings LGA.
- consolidation and provision of further investment in infrastructure in a developing suburb, well connected to existing and developing public transport facilities.
- a capital investment value of $23,561,761 that would provide new and improved educational facilities to support the local community.
- delivery of approximately 150 new construction jobs and 16 additional full-time equivalent operational jobs.

The proposal is consistent with the objects of the EP&A Act (including ecologically sustainable development) and is consistent with the State’s strategic planning objectives for the area as it would create jobs and provide for better access to improved education facilities.

The proposal is suitable for the site and key issues in relation to built form and urban design, traffic impacts, landscaping and biodiversity have been satisfactorily addressed in the context of the benefit the proposal would provide for the school and general community. The Department has recommended conditions to manage the potential impacts of the proposed development during construction and operation on the surrounding land uses.
8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of the redevelopment of Lake Cathie Public School Redevelopment (SSD 9491).
- **signs** the attached development consent and recommended conditions of consent (**Appendix B**).

Recommended by:

Navdeep Shergill  
Planning Officer  
School Infrastructure Assessments

Jason Maslen  
Team Leader  
School Infrastructure Assessments
9. Determination

The recommendation is: **Adopted** / Not adopted by:

David Gainsford
Executive Director
Infrastructure Assessments

30/11/20
Appendix A - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)
To satisfy the requirements of section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department’s environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44).
- Port Macquarie - Hasting Local Environmental Plan (PMHLEP) 2011.

COMPLIANCE WITH CONTROLS
State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table C1 | SRD SEPP compliance table

<table>
<thead>
<tr>
<th>Relevant Sections</th>
<th>Consideration and Comments</th>
<th>Complies</th>
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</thead>
<tbody>
<tr>
<td>3. Aims of Policy</td>
<td>The proposed development is identified as SSD.</td>
<td>Yes</td>
</tr>
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<td>(a) to identify development that is State significant development</td>
<td></td>
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<tr>
<td>8. Declaration of State significant development: section 4.36</td>
<td>The proposed development is permissible with consent.</td>
<td>Yes</td>
</tr>
<tr>
<td>(1) Development is declared to be State significant development for the purposes of the Act if:</td>
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<td>(a) the development on the land concerned is, by the operation of an environmental planning</td>
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(b) the development is specified in Schedule 1 or 2.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Educational establishments are no longer covered in the traffic generating provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding, the application was referred to Transport for NSW (Roads and Maritime Services) for comment.

The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of the consent.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and construction requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 Education SEPP states that development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The site is subject to a maximum height limit of 8.5m. The proposed building height exceeds that limit as it has a maximum height of 9.72m. The building height of the proposed school buildings have been assessed as satisfactory under this clause.

Clause 35(6)(a) requires that the design quality of the development should evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in Table C2 below.
### Table C2 | Consideration of the Design Quality Principles

<table>
<thead>
<tr>
<th>Design Principles</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Context, built form and landscape</strong></td>
<td>The site planning provides good aspect for the classrooms and for maximising light to recreation and breakout spaces. While the height limit of the proposed built form is greater than existing school buildings, it remains substantially the same as the existing built form context and would be interpreted as a gradual transition along the streetscape. The redevelopment of the school has been designed to fit into the natural landscape, future surrounding residential developments and the existing school (which itself is part of the built form and streetscape).</td>
</tr>
<tr>
<td><strong>Sustainable, efficient and durable</strong></td>
<td>The proposal includes ecologically sustainable development elements enough to achieve 4-star Green Star rating. The materials chosen are durable and require low maintenance. Bicycle parking is provided within the school site and a draft green travel plan submitted which encourages sustainable travel modes.</td>
</tr>
<tr>
<td><strong>Accessible and inclusive</strong></td>
<td>Accessible travel paths and facilities (including lifts) are provided where required on the site and within proposed buildings. The school hall could also be used for community activities after school and during weekends.</td>
</tr>
<tr>
<td><strong>Amenity</strong></td>
<td>The proposal creates a variety of interesting and useable playground spaces and enhance the amenity of the internal spaces by guaranteeing light and winter sun access.</td>
</tr>
<tr>
<td><strong>Health and Safety</strong></td>
<td>There are no substantial changes to the existing access arrangements. The proposal would increase the amount of open space and active areas on the site and therefore promote health by providing additional active areas on the site.</td>
</tr>
<tr>
<td><strong>Whole of life, flexible, adaptable</strong></td>
<td>The proposed learning areas are flexible, would allow future expansion and provide adaptable presentation areas throughout the learning hub buildings.</td>
</tr>
</tbody>
</table>
Aesthetics

The proposal evokes design enhancement by proposing appropriate articulation of buildings and integration with existing buildings on the site and within the streetscape.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state-wide approach to the remediation of contaminated land. SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The Applicant submitted a Phase One Preliminary Site Investigation (PSI) in addition to a hazardous materials survey. The assessment did not identify any significant contamination concerns regarding chemicals, hard metals or substances on the site and concluded that the risk for contamination is low.

The Department considers in accordance with clause 7 SEPP 55, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the continued use. The Department has recommended a condition requiring compliance with the recommendations of the PSI for additional testing for Serpentinite rock to occur prior to construction in addition to conditions related to establishing an unexpected finds protocol, asbestos management and the preparation of a Section A Site Audit (if deemed necessary).

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP would retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP would require all remediation work that is to carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal would be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and the Wouldandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP would replace seven existing SEPPs.
The proposed SEPP would provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they would be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development would generally be consistent with the provisions of the Draft Environment SEPP.

**State Environmental Planning Policy No. 44 – Koala Habitat Protection**

SEPP 44 aims to encourage proper conservation and management of natural vegetation areas that provide habitat for Koalas. The identification of an area of land subject to SEPP 44 is determined by the presence of Koala feed tree species as listed within schedule two of SEPP 44 and with an area greater than one hectare.

The Applicant submitted a Biodiversity Assessment Report (BDAR), amended by the RtS, which identified that there were two schedule two feed trees on the site. The concentration of the oala feed trees comprises of greater than 15% of the total number of trees within the site and therefore the site falls within the definition of ‘Potential Koala Habitat’ under SEPP 44.

The BDAR concluded that based on an analysis of vegetation, historical records of Koala presence within 10km of the site and mapping under Council’s Draft Koala Plan of Management (2018), the site does not constitute ‘core Koala Habitat’, and an assessment is not required under SEPP 44.

Despite this, in addition to the mitigation measures in the BDAR, the Applicant submitted an independent Koala Plan of Management for the site which outlines the remediation and management required to rehabilitate the potential Koala habitat area impacted by the proposed development. The Department considers that the Koala habitat factors have been appropriately addressed by the proposal and has recommended conditions of consent for the development to be undertaken in accordance with the BDAR and the Koala Plan of Management.

**Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011**

The PMHLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Port Macquarie – Hastings LGA. The PMHLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the PMHLEP and those matters raised by Council in its assessment of the development (Section 5). The Department concludes the development is consistent with the relevant provisions of the PMHELP 2011 is provided in Table 9 below.
Table 9 | Consideration of the PMHLEP

<table>
<thead>
<tr>
<th>PMHLEP</th>
<th>Department Comment/Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 2.3 – Zone</td>
<td>The continued use as an educational establishment is permissible with development consent in the R1 General Residential zone.</td>
</tr>
</tbody>
</table>
| Clause 4.3 - Building height  | A building height of 8.5m applies to the site. The objectives of this control relate to ensuring that buildings are compatible with the bulk, scale and character of the locality, as well as minimising adverse amenity impacts to surrounding development. 
The proposed works have a maximum building height from existing ground level of 9.72m and would contravene this standard. The Department has considered the proposed variation in Section 6. |
| Clause 4.4 – Floor Space Ratio (FSR) | A floor space ratio of 0.65:1 applies to the site. The proposal results in a compliant FSR of 0.09:1.                                                                                                                           |
| Clause 4.6 – Exceptions to Development Standards | The proposal includes a variation to clause 4.3 building height. The maximum building height allowed within the subject site is 8.5m. The proposal includes a building envelope with a maximum height of 9.72m, which proposed a variation to the control by 1.22m. 
Assessment of the variation to the building height control was provided in Section 6. |
| Clause 7.1 - Acid Sulfate Soils | The proposed development works are not expected to lower the groundwater on any adjacent sites. As such, the water level would not be lowered below RL 1m AHD on adjacent Class 1, 2, 3 or 4 land. |
| Clause 7.5 – Koala Habitat    | The vegetation management area within the western section of the site is classified as a Koala habitat area. The proposal maintains this habitat area and provides additional Koala feed tree provisions. 
Further, a Koala Plan of Management has been prepared to ensure that Koala habitat on the site would not be detrimentally impacted by the proposal and maintained into the future. The proposed development complies with the requirements of the clause. |

Other policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives of relevant controls under the Port
Macquarie – Hastings Development Control Plan 2013, where relevant, have been considered in **Section 6** of this report.
Appendix B - Recommended Instrument of Consent/Approval
Appendix C – Photos of existing site and surrounds

Figure C1 | View to north of the site from internal road (Source: DPIE 2019).

Figure C2 | Looking east to existing buildings and internal roundabout (Source: DPIE 2019).
Figure C3 | Existing Block B (to be retained as part of proposal) (Source: DPIE 2019).

Figure C4 | Existing COLA (to be relocated) (Source: DPIE 2019).
**Figure C5** | View of rehabilitation area and northern site boundary (Source: DPIE 2019).

**Figure C6** | Looking across playing fields to Ocean Drive (Source: DPIE 2019).
Figure C7 | Existing demountables (Source: DPIE 2019).

Figure C8 | Looking east towards COLA, Block C (to be retained) and demountables (Source: DPIE 2019).
Figure C9 | Existing school entrance (Source: DPIE 2019).

Figure C10 | Looking at existing nest boxes on western edge of site (Source: DPIE 2019).
**Figure C11** | Looking at school site from existing entry (Source: DPIE 2019).

**Figure C12** | Looking across northern boundary (currently undeveloped) (Source: DPIE 2019).
Figure C13 | Looking southwards along Ocean Drive (Source: DPIE 2019).

Figure C14 | Looking northwards along Ocean Drive (Source: DPIE 2019).
Figure C15 | View across the LCPS site on Ocean Drive (Source: DPIE 2019).

Figure C16 | Existing school frontage along Ocean Drive (Source: DPIE 2019).