



Educational Establishment

**Section 4.55(2) Application to Modify
Development Consent No. D480/01**

Calrossy Anglican School

14 November 2024

→ The Power of Commitment



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Executive summary

GHD has been engaged by Calrossy Anglican School (CAS) to prepare and lodge an application with Tamworth Regional Council (Council) to modify Development Consent No. D480/01 (the consent) under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

On 10 October 2001, the consent was approved by Council for an 'educational establishment'. The consent stipulated that the maximum permitted staff and student numbers on site were 700, and 65 staff. Condition 2.1 enforces that this is the maximum permitted number and highlights that any changes to these numbers would require further consent from Council.

A Development Application was lodged with the Council in 2019 for the construction of the first Multi-Use Classroom (MUC1) on the eastern side of the William Cowper Campus to upgrade teaching facilities for existing student numbers adjacent to the secondary school. The educational facility was designed to complement existing facilities and was in accordance with the school's site planning process. MUC1 has been constructed and is currently operational.

In 2021, CAS implemented changes to William Cowper Campus to accommodate Year 7 to 9 students on the site. Additional teaching spaces were required to support the change, thereby justifying the construction of a second Multi-Use Classroom (MUC2) facility, consisting of a two-storey building which will provide:

- An auditorium
- Music classroom and rehearsal room.
- General and integrated learning centre classroom.

The MUC2 building (DA2022-0278) was approved in January 2023, is currently under construction and is expected to commence operation in Term 1 2025.

Proposed modification

CAS are proposing to increase student and staff numbers on the William Cooper Campus to meet the growth in student enrolment and the wider population growth in Tamworth and its surrounds to a maximum of:

- 850 students; and
- 70 staff

This modified student/staff yield is expected to commence from Term 1, 2025.

This report provides details of the existing approval, the subject site and a description of the proposed modifications sought by CAS and demonstrates the proposed modification is substantially the same development as that approved and modified under the consent. A Traffic Impact Assessment (Appendix A) was undertaken, which is summarised as follows:

Traffic Impact Assessment

The trip generation associated with the CAS student and staff modification has been undertaken on a first principles basis. Assuming an average car occupancy of 1.2 students per car (subject to nominated assumptions and limitations within the report), the school modification is expected to generate an additional 137 vehicle trips. The modification of the student and staff numbers at CAS is expected to have a minor impact on the operation of the adjoining road network, which is expected to continue to operate under free flow conditions.

Based on the current enrolments and the Traffic Impact Assessment prepared by GHD, the formal parking areas provided at CAS include 213 parking spaces. This number meets the 'deemed to satisfy' provisions of the Tamworth Regional Development Control Plan (DCP) 2010. It has been determined the current carparking arrangements comply and exceed the required spaces recommended by the TRDCP 2010 for the current and project student and staff numbers.

Additionally, the modification is expected to have a negligible impact on active transport facilities, public transport services and road safety. Based on the available data and the analysis undertaken in this study, the proposed modification is supported from a traffic and transport perspective.

Conclusion

It is recommended that pursuant to Section 4.55(2) of the EP&A Act, Council support the proposed modification application for the following reasons:

- The proposed increase in student numbers is substantially the same as the development approved under the consent as outlined in D480/01.
- The modification would meet the community's requirements in terms of an increased student numbers accommodated at the educational establishment.
- The modification sought is consistent with the principles of ecologically sustainable development, given that the school is existing, and the proposal represents an efficient reuse of an existing facility.

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1. Introduction

1.1 Overview

GHD has been engaged by Calrossy Anglican School (CAS) to prepare and lodge an application with Tamworth Regional Council (Council) to modify Development Consent No. D480/01 (the consent) under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Purpose of this report

This report provides an outline of the original development approval, subsequent modifications, details regarding the subject site and a description of the proposed modification sought by CAS.

This report demonstrates that the proposed modification is substantially the same development as was approved under the original consent and recommends that pursuant to Section 4.55(2) of the EP&A Act, Council support the proposed modification.

1.3 Application particulars

Table 1.1 Application particulars

Applicant	GHD Pty Ltd on behalf of Calrossy Anglican School
Development	Modification to Calrossy Anglican School - William Cowper Campus, involving an increase in capacity from 700 students and 65 staff to 850 students and 70 staff. No physical works are proposed.
Development Application	D480/01 approved on 10 October 2001
Local Government Area	Tamworth
Consent Authority	Tamworth Regional Council
Land	Lot 62 DP1278645, 242 Moore Creek Road, North Tamworth 2340
Land owner	Calrossy Anglican School
Zoning	R1 General Residential and RU4 Primary Production Small lots under <i>Tamworth Regional Local Environmental Plan 2010</i>

1.4 Background

The consent relevant to the proposed modification is detailed in Table 1.2.

Table 1.2 Development Consent

Date approved	DA number	For
10 October 2001	DAD480/01	Construction of an Educational Establishment comprising- <ul style="list-style-type: none">• Maximum of 700 students and 65 staff <i>Buildings</i> <ul style="list-style-type: none">• 1 x temporary Administration Block• 1 x temporary Specialist Learning Block• 3 x Primary Homesteads• 2 x Early Learning Centres• 1 x Bell Tower• 1 x Tiered Learning Building• 1 x Administration Block• 3 x Senior Homesteads

Date approved	DA number	For
		<ul style="list-style-type: none"> • 1 x Library • 1 x Specialist Learning Building • 1 x Sports Store • 1 x Gymnasium (only for use by students of William Cowper) • 1 x Swimming Centre (only for use by students of William Cowper) • 2 x Maintenance Sheds • 1 x Chapel <p><i>Ancillary</i></p> <ul style="list-style-type: none"> • 6 x Courts • 1 x Senior Oval (only for use by students of William Cowper) • 1 x Primary Sports Field (only for use by students of William Cowper) • 1 x Covered Play Equipment • Access, parking and set-down, pick-up facilities • Earthworks, retaining walls • Pathways and covered ways

1.5 Scope and limitations

This report: has been prepared by GHD for Calrossy Anglican School and may only be used and relied on by Calrossy Anglican School for the purpose agreed between GHD and Calrossy Anglican School as set out in section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than Calrossy Anglican School arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section 1.6 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Calrossy Anglican School and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

1.6 Assumptions

This report relies on the following:

- Development Consent No. DA480/01 remains in force in perpetuity and applies to the site following the issue of Subdivision Certificate No. 2022-0022.
- The assumptions as identified in the Traffic Impact Assessment (Appendix A) prepared by GHD dated 14 November 2024.
- The assumptions based on the Development Applications and construction of the Multi-Use Classrooms 1 & 2 on the subject site.

2. Existing site conditions

2.1 Site overview

The subject site is Lot 62 DP 1278645, 242 Moore Creek Road, North Tamworth, and was created by the subdivision of Lot 451 DP562341 and Lot 420 DP1005750 (Appendix B). This subdivision was registered on 9 February 2022 via Subdivision Certificate No. 2022-0022. An existing educational establishment is located on the site, approved by Development Consent No. DA/ D480/01 as indicated in Figure 2.1 and Figure 2.2. On this basis, the consent remains in force and applicable to the site, and thus a modification to the approved consent can be sought. The site details are described below in Table 2.1.

Table 2.1 Site details

Site information	Comment
Site Description	Lot 62 DP 1278645 242 Moore Creek Road, North Tamworth NSW 2340
Land use	Educational establishment (school)
Site area	10.99 ha
Existing buildings	The site is identified as the Calrossy Anglican School - William Cowper Campus. The Primary School facilities are located in the southern portion of the subject site, while the Secondary facilities are generally located centrally and to the north. An Assembly Hall and sports oval exist in the northernmost area and are utilised by both Primary and Secondary students.
Current operational details	The Calrossy Anglican School - William Cowper Campus is an 'educational establishment' which supports both a Primary and Secondary school and was established in 2001. The school also operates another secondary campus in Brisbane Street where the administration centre is located.
Access	Vehicle access is currently off Moore Creek Road
Surrounding land uses	North: Vacant land and occupied dwelling South: Crown Reserve – vacant land East: Crown Reserve – vacant land West: Crown Reserve – vacant land
Topography	Natural ground level generally slopes from the northwest down to the southeast.
Natural environment	Existing natural vegetation, including several mature native trees, have been retained on the eastern side of the site. Areas surrounding existing buildings have been landscaped with small trees and shrubs, and the remainder of the campus is maintained grassed areas.

2.1.1 Site population

The original DA (D480/01) stipulated that the maximum permitted staff and student numbers on site were 700 students and 65 staff. Condition 2.1 enforces that this is the maximum permitted number and highlights that any changes to these numbers would require further consent from Council.

The William Cowper Campus currently accommodates the following:

- The school provides boarding facilities for students in years 7, 8 and 9.
- The current (2024) population consists of 665 students, as follows:
 - 302 primary school students.
 - 363 high school students.
 - 65 staff members.
- Class sizes are expected to increase from 20 to 25 students in 2025.



Figure 2.1 Aerial image of subject site (Source: NearMaps 4 November 2024)



Figure 2.2 CAS subject site including the new educational facilities (Source: NearMaps 4 November 2024)

3. Modification description

3.1 Overview

The consent stipulated that the maximum permitted student and staff numbers on site were 700 and 65 staff. Condition 2.1 of the consent enforces that this is the maximum permitted number and highlights that any changes to these numbers would require further consent from Council. CAS are proposing to increase student and staff numbers on the William Cooper Campus to a maximum of 920 student including:

- 850 students; and
- 70 staff

CAS annual enrolments is guided by the Somerset Education Financial models for schools which benchmarks the operational viability based on student and staff capacity and educational facilities.

3.2 Need for the modification

CAS seeks a modified consent to meet the growth in student enrolment and the wider population growth in Tamworth and its surrounds. Student numbers have slowly increased since the original consent was issued in 2001. This modification will make CAS compliant with the current operation of the site.

3.3 Conditions of consent review

The consent description requires amendment to enable the continued operation of the school with an increase in allowable student and staff numbers. Table 3.1 below provides the existing description and the proposed amended description. Appendix C provides commentary on the conditions in the consent.

Table 3.1 Consent review

Existing Description	Proposed Description
<p>Construction of an Educational Establishment comprising-</p> <ul style="list-style-type: none"> – Maximum of 700 students and 65 staff <p><i>Buildings</i></p> <ul style="list-style-type: none"> – 1 x temporary Administration Block – 1 x temporary Specialist Learning Block – 3 x Primary Homesteads – 2 x Early Learning Centres – 1 x Bell Tower – 1 x Tiered Learning Building – 1 x Administration Block – 3 x Senior Homesteads – 1 x Library – 1 x Specialist Learning Building – 1 x Sports Store – 1 x Gymnasium (only for use by students of William Cowper) – 1 x Swimming Centre (only for use by students of William Cowper) – 2 x Maintenance Sheds – 1 x Chapel 	<p>Construction of an Educational Establishment comprising-</p> <ul style="list-style-type: none"> – Maximum of 850 students and 70 staff <p><i>Buildings</i></p> <ul style="list-style-type: none"> – 1 x temporary Administration Block – 1 x temporary Specialist Learning Block – 3 x Primary Homesteads – 2 x Early Learning Centres – 1 x Bell Tower – 1 x Tiered Learning Building – 1 x Administration Block – 3 x Senior Homesteads – 1 x Library – 1 x Specialist Learning Building – 1 x Sports Store – 1 x Gymnasium (only for use by students of William Cowper) – 1 x Swimming Centre (only for use by students of William Cowper) – 2 x Maintenance Sheds – 1 x Chapel

Existing Description	Proposed Description
<i>Ancillary</i> <ul style="list-style-type: none"> – 6 x Courts – 1 x Senior Oval (only for use by students of William Cowper) – 1 x Primary Sports Field (only for use by students of William Cowper) – 1 x Covered Play Equipment – Access, parking and set-down, pick-up facilities – Earthworks, retaining walls – Pathways and covered ways 	<i>Ancillary</i> <ul style="list-style-type: none"> – 6 x Courts – 1 x Senior Oval (only for use by students of William Cowper) – 1 x Primary Sports Field (only for use by students of William Cowper) – 1 x Covered Play Equipment – Access, parking and set-down, pick-up facilities – Earthworks, retaining walls – Pathways and covered ways

4. Statutory and planning context

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the statutory basis for planning and environmental assessment in NSW. All development is assessed in accordance with the provisions of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). The EP&A Act institutes a system for environmental planning and assessment, including approvals and environmental impact assessment for proposed developments. The EP&A Act contains several relevant parts that impose requirements for planning approval. Part 4 provides for the control of development that requires development consent.

4.1.1 Assessment under Part 4 of EP&A Act

Section 4.55 of the EP&A Act allows for modifications to be made to a development consent issued by a consent authority, subject to and in accordance with the regulations. Section 4.55(2) states:

*(2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

The modification is substantially the same development as that approved and modified under the consent as detailed in Table 4.1.

Table 4.1 Section 4.55(2) Matters for consideration

Section 4.55(2) Matters for consideration	Comment
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed capacity increase does not represent an essential or material departure from that approved under Development Consent No. DA/ D480/01 and as such the proposed modification constitutes substantially the same development. Further discussion on this matter as discussed in Section 4.1.1 below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Council will refer the modification application to relevant agencies.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modification application will be notified or advertised in accordance with Council's Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Any submissions received by Council can be addressed by this report.
(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.	Consideration has been given to the matters referred to in Section 4.15(1) in Table 4.3 below.
(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.	Noted.

4.1.1.1 Assessment against Section 4.55 (2) (a)

Section 4.55 of the EP&A Act is titled 'Modification of consents — generally'. Clause 4.55 (2) (a) is reproduced as follows:

*(2) **Other modifications** A consent authority may ... modify the consent if—*

*(a) it is satisfied that the development to which the consent as modified relates is **substantially the same development as the development for which consent was originally granted** and before that consent as originally granted was modified (if at all)*

Subsections (1) and (1A) do not apply to such a modification.

When a consent authority is determining a modification application, relevant matters referred to in Section 4.15 (1) must be considered as relevant to the subject development. In addition, the consent authority must consider the reasons for the granting of the consent given by the consent authority.

The consent authority must be satisfied that the proposed modified development is 'substantially the same development' as the originally approved development. The test for the development to be 'substantially the same', is a legal threshold test that must be met before a merit assessment is undertaken.

The focus in this test is on the development. The comparison is made between the proposed development, and the development consent as granted (cf *Scrap Realty v Botany Bay City Council* [2008] NSWLEC 333 at [16]). The result of the comparative test must be that the modified development is essentially or materially the same as the approved development (cf *Moto Developments (No 2) v North Sydney Council* [1999] NSWLEC 280 at [55] (Moto Projects); *Vacik v Penrith City Council* [1992] NSWLEC 8). In Moto Projects, Bignold J described the following test in determining the threshold question:

The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).

Talbot J addressed the question of "substantially the same development" in *Wolgan Action Group Incorporated v Lithgow City Council* (2001):

"In Vacik Pty Limited v Penrith City Council (Stein J, NSWLEC, 18 February 1992, unreported), Stein J adopted a meaning for "substantially" where used in the earlier s 102(1)(a) of the EP&A Act as "essentially or materially or having the same essence". In North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 97 LGERA 433 at 440, Mason P expressly agreed with the view taken by Stein JA. Mason P also said, at p 439, that in the context of s 102 the verb modify meant "to alter without radical transformation" (see Sydney City Council v Ilenace Pty Ltd (1984) 3 NSWLR 414 at 421)". In Standley Stein JA also reiterated the view he expressed in Vacik.

Based on a review of various Land and Environment Court decisions, including those outlined above, the following principles apply when undertaking the substantially the same test:

- The comparative analysis is holistic or general in nature (as opposed to detailed in nature).
- The key question is whether the development is essentially or materially the same as the approved development at a macro level.
- Where impacts (either positive or negative) are minor, the proposed modified development is more likely to be considered essentially or materially the same as the approved development.
- Consideration of the scale of any physical changes to the development, as well as changes to the use of the land are relevant.
- Both a qualitative and quantitative comparison is a requisite undertaking. Notwithstanding, differences in qualitative and quantitative effects do not strictly equate to a material change in the character of the development (cf *Davi Development v Leichardt Council* [2007] NSWLEC 106). Still, where individual changes are significant, the proposed modified development may still be substantially the same (cf *Tyagrah Holdings v Byron Bay Shire Council* [2008] NSWLEC 1420 at [12]).

To assist the Council in undertaking a comparative analysis, Table 4.2 below provides a quantitative comparison of the proposed modifications against the consent.

Table 4.2 S4.55(2) Comparative Analysis

Original Consent	Proposed modification
Development Footprint	No Change
Staff and Student No.s	Staff 70 - an approximate increase of 8% from the original approved consent. Student 850 - an approximate increase of 21% from the original approved consent.

A qualitative comparison of the proposed modifications against Development Consent No. DA/ D480/01 is provided below:

- **Building & Facilities** – Same layout with no building modifications) to that approved under the consent.
- **Acoustic** - It is not anticipated that the relatively minor increase in student no.s (approximately 21%) and staff no.s (approximately 8%) would result in significant changes to acoustic impacts.
- **Traffic** - The TIA states as follows:

“Assuming an average car occupancy of 1.2 students per car, the school modification is expected to generate an additional 137 vehicle trips as follows:

- *AM peak hour*
 - *Staff: five inbound vehicle trips.*
 - *Students: 66 inbound and 66 outbound vehicle trips.*
- *PM peak hour*
 - *Staff: five outbound vehicle trips.*
 - *Students: 66 inbound and 66 outbound vehicle trips.*

The modification of the student and staff numbers at CAS is expected to have a minor impact on the operation of the adjoining road network, which is expected to continue to operate under free flow conditions”.

Having regard to the comparison between the originally approved development, the proposed modified development, the summary provided above of qualitative impacts, and the key principles discussed above, it is submitted that the threshold question is satisfied on the basis that:

- The proposal remains ‘essentially the same’ in terms of the land use and development footprint.
- The development as approved has the singular purpose of providing education to students consistent with the land use definition.
- The power to modify a development consent, is one to be regarded as beneficial and facultative (*North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 475*). There is an implied shift in the persuasive burden to Council to demonstrate why the modification should not be regarded as appropriate (*TL & TL Tradings Pty Ltd v Parramatta City Council [2016] NSWLEC 150 at [84] – [85]*). No additional or significant long term adverse impacts are likely to arise.

Accordingly, it is submitted that the modification will not represent a radical transformation of the originally approved development and would represent substantially the same development as the development for which the consent was originally granted.

Section 4.15 of the EP&A Act outlines the matters that must be taken into consideration by a consent authority when assessing a development application under Part 4 of the EP&A Act.

Table 4.2 provides a summary of matters listed under section 4.15(1) and a reference to where they are addressed in this report.

Table 4.3 Section 4.15(1) of EP&A Act – Matters for consideration

Section 4.15 Matters for consideration	Comments
(a) the provisions of:	
(i) any environmental planning instrument	The land use remains a permissible use within the R1: General Residential and RU4: Primary Production Small Lots zone under <i>Tamworth Regional Local Environmental Plan 2010</i>
(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and	There are no draft environmental planning instruments applicable to the site or the development.
(iii) any development control plan	Refer Section 4.4.
(iii) any planning agreement that has been entered into under section Not applicable – 93F, or any draft planning agreement that a developer has offered to there are no enter into under section 93F, and planning	There are no planning agreements applicable to the site or the development.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates	All relevant regulations are addressed in this report.
(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	The likely impacts of the modification are addressed in Section 5 of this report.
(c) the suitability of the site for the development	The suitability of the site has been demonstrated through the granting of development consent.
(d) any submissions made in accordance with this Act or the regulations	Any submissions received by Council can be addressed by the information contained within this report.
(e) the public interest	The modification is in the public interest as it addresses a demonstrated need for the promotion of sustainability through an efficient reuse of the site to address demand for more student places in the area.

4.2 Environmental Planning and Assessment Regulation 2021

4.2.1 Clause 100 Content of modification application

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) the following information is required to be supplied as part of the proposed modification:

(1) A modification application must contain the following information—

(a) the name and address of the applicant,

(b) a description of the development that will be carried out under the development consent,

(c) the address and folio identifier of the land on which the development will be carried out,

(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,

(e) whether the modification is intended to—

(i) merely correct a minor error, misdescription or miscalculation, or

- (ii) *have another effect specified in the modification application,*
- (f) *a description of the expected impacts of the modification,*
- (g) *an undertaking that the modified development will remain substantially the same as the development originally approved,*
- (h) *for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,*
- (i) *if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,*
- (j) *whether the modification application is being made to—*
 - (i) *the Court under the Act, section 4.55, or*
 - (ii) *the consent authority under the Act, section 4.56.*

The above information has been presented in this report to satisfy Clause 100 of the EP&A Regulation.

4.3 Tamworth Regional Local Environmental Plan 2011

4.3.1 Land Zoning

The subject site is dual zoned being R1 General Residential and RU4 Primary Production Small Lots under *Tamworth Regional Local Environmental Plan* (LEP) 2010. An educational establishment is permitted with consent in both zones.

4.3.2 Bushfire Prone Land

The site is identified as bushfire prone land including Vegetation Category 2,3 and Vegetation Buffer. It is unsure due to the age of D480/01 if referral was made to the NSW Rural Fire Service.

We have assumed the development application for MUC1 was referred to the NSW Rural Fire Service for comment and concurrence.

GHD Pty Ltd prepared the Development Application for MUC2 (DA2022-0278) and prepared a Bushfire Assessment dated 5 October 2021. Council referred the application to the NSW Rural Fire Service and received a concurrence response.

The response was based on the Bushfire Prone map at the time as indicated in Figure 4.1. The site was classified as bushfire prone land due to the presence along the eastern boundary of the site of buffer to mapped bushfire prone Vegetation Category 2. There was bushfire-prone Vegetation Category 1 to the west of Moore Creek Road on adjacent land, however this vegetation or associated buffer did not impact the site.

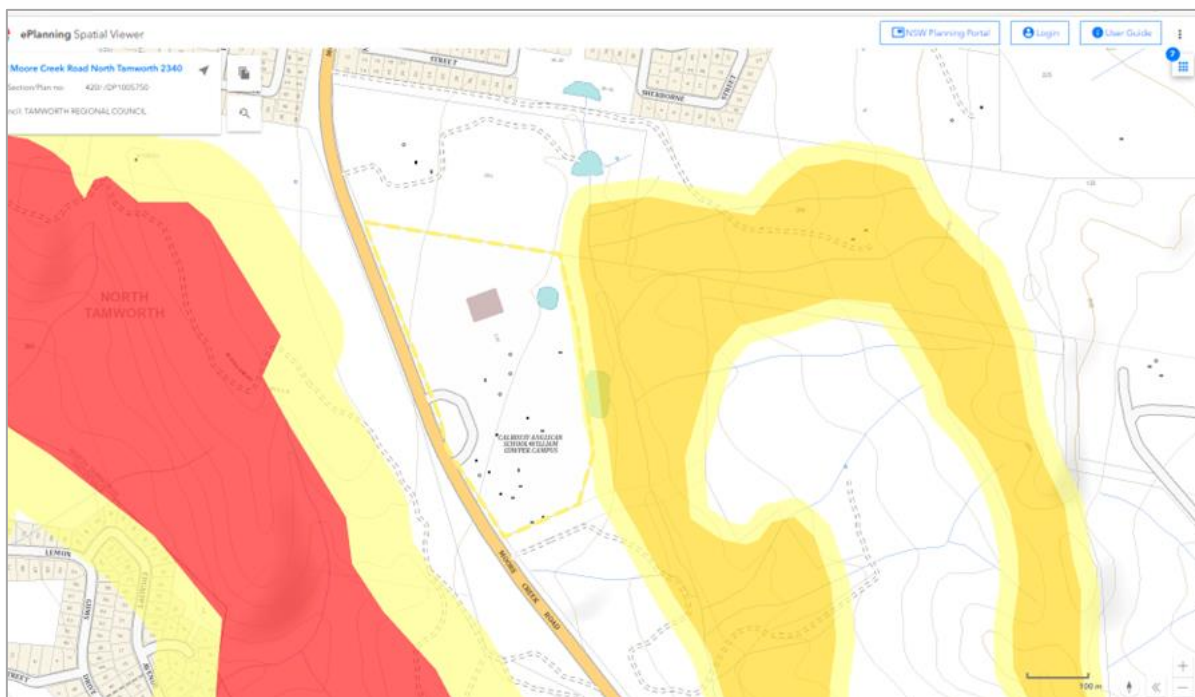


Figure 4.1 Bushfire Prone Land Mapping (ePlanning Spatial Viewer, 2021 – GHD Bushfire Assessment 5 October 2021)

The Bushfire Prone Map has since been updated showing Lot 62 DP 1278645 to be bushfire prone land on the southern portion as indicated in Figure 4.. As the MUC2 (DA2022-0278) was referred to the NSW Rural Fire Service and concurrence was issued, the increase in student and staff numbers has referenced this information pertaining to the MUC2 development.

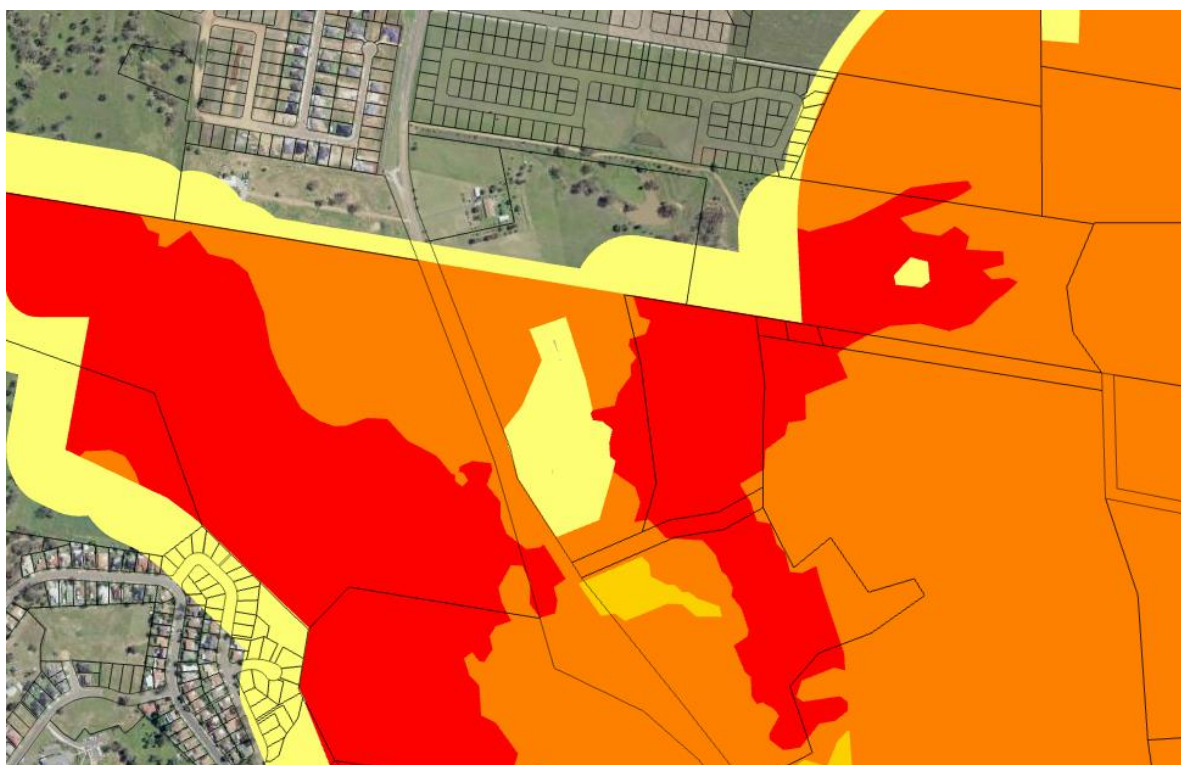


Figure 4.2 Bushfire Prone Land Mapping (ePlanning Spatial Viewer, 2024)

4.4 Tamworth Regional Development Control Plan 2010

One condition of consent for D480/01 refers to parking. Condition 5.1 states:

On-site parking accommodation shall be provided for a minimum of thirty-five (35) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Based on the current enrolments, the Traffic Impact Assessment prepared by GHD states the formal parking areas provided at CAS as follows:

- A southern parking area with 36 parking spaces.
- A northern parking area with 177 parking spaces.

The Tamworth Regional Development Control Plan (TRDCP) 2010 provides controls to manage parking. Table 4.4 provides an overview of the 'deemed to satisfy' carparking controls for the proposed increase in student and staff numbers.

Table 4.4 DCP parking assessment

Control	DCP requirements	Current 665 students 65 staff	Projected 850 students and 70 staff
3 Parking, Traffic and Access Controls	Primary Schools 1 space per staff member (peak staff level) PLUS 1 space per 50 students	302 primary students 65 spaces 6 spaces	*383 primary students 70 spaces 8 spaces
	Secondary Schools 1 space per 2 staff members PLUS 1 space per 50 students PLUS 1 space per 10 students (17 years of age or older)	363 secondary students 32 spaces 8 spaces 6 spaces	*467 secondary students 35 spaces 9 spaces 7 spaces
	Total	117 spaces	129 spaces

**Projected student population based on current growth trend for both primary and secondary students.*

It has been determined the current carparking arrangements comply and exceed the required spaces recommended by the TRDCP 2010 for the current and projected student and staff numbers.

It should be noted there is a gravel area at the rear of the school hall building that is utilised as a carpark for staff and parents providing additional space.

5. Agency consultation

Pursuant to Clause 120 of the EP&A Regulation, Council will need to provide each concurrence agency with a copy of this report as stated below:

(1) As soon as practicable after receiving an application for the modification of a development consent, a consent authority must cause a copy of the application to be given to each concurrence authority and approval body for the development to which the application relates.

(2) If an application to which this clause applies is made about a development consent granted by a regional panel, the council or councils of the area in which the development concerned is to be carried out are to comply with subclause (1) instead of the regional panel.

Given consent for D480/01 was granted on 10 October 2001 and prior to the NSW Planning Portal, it is undetermined what agencies this application was referred to for comment and/or concurrence.

As MUC1 and MUC2 are recent developments on the site, we have assumed the applications were referred to relevant agencies including the NSW Rural Fire Service as the site is identified as bushfire prone land.

6. Conclusion

The modification to Development Consent No. D480/01 to increase the capacity of the student and staff numbers to 850 students and 70 staff remains consistent with the approved land use.

The modification would address the current and future student enrolment needs to address the wider population growth in Tamworth and its surrounds, thus meeting the needs of the community. The modification would:

- Be substantially the same development as that approved under the consent.
- Allow CAS to achieve best practice and triple bottom line outcomes for the LGA.
- The modification sought is consistent with the principles of ecologically sustainable development, given that the school is existing, and the proposal represents an efficient reuse of an existing facility.

Any potential impacts likely resulting from the proposed changes to the development approved under the consent would be insignificant.

It is therefore recommended that pursuant to Section 4.55(2) of the EP&A Act, Council support the proposed modification.

Appendices

Appendix A

Traffic Impact Assessment

Appendix B

Deposited Plans

PM83937 Fd
(Established)

PM182159 Fd
(Established)

FARINGDON
PM182185 Fd
(Established)

PM182530 Fd
(Established)

See
MOORE

61
2.411ha
PM77341 Fd
(Established)
Diagram A

62
18.70ha

CREEK

RM GIP FD Dist
142°03'-13.115 Survey
142°25'-13.125 DP44227

SSM79960 Fd
(Established)

RM SSM79960 FD Dist
132°37'40" ~ 13.685 Survey
132°29'40" ~ 13.85 DP1005750

ROAD

PM77342 Fd
(Established)

3
DP1202683
RM GIP Fd
93°02' ~ 0.61
DP1137069
71
72
RM PM182185 FD
106°49'-28.685 DP1212930
278°10'20"
8°10'20"
33.855
2.5
72

FARINGDON

STREET

RM PM182530 FD
151°42'-11.98 DP1212930
278°10'20"
8°10'20"
31.105
4
45
DP1212930

SHERBORNE
STREET
RM GIP Not Fd
DP1212930

DP1225936

MOORE

61

RM GIP FD
350°27'-21.035 Survey
350°27'-20.88 DP44227

CREEK

PM77341 FD

ROAD

62

(X) LAND EXCLUDES MINERALS & IS SUBJECT TO RESERVATIONS & CONDITIONS IN THE CROWN GRANT - SEE CROWN GRANT(S) COVENANT - N959269
BENEFITED BY:
- EASEMENT FOR ACCESS - DP245173
- EASEMENT FOR ACCESS USE & MAINTENANCE OF A BORE & UNDERGROUND PIPELINE - N959269
- EASEMENT FOR ACCESS USE & MAINTENANCE OF PIPELINE 2.01 WIDE - N959269
- EASEMENT FOR ACCESS & USE OF MAINTENANCE OF RESERVOIR 12 WIDE - N959269
- EASEMENT FOR ACCESS USE & MAINTENANCE OF WATER PIPELINE 3 WIDE - DP637113
- EASEMENT FOR ACCESS USE & MAINTENANCE OF EXISTING WATER PIPELINE 3 WIDE (LIMITED IN TIME) - DP637113

RM GIP FD
56°58'-5.97 DP1005750

RM GIP FD
8°10'-0.75 DP562341

433
DP1054103

PM CONNECTION SCHEDULE				
From	To	Bearing	Distance	Method
PM77341	PM77342	151°22'36"	889.804	Survey
		151°22'34"	889.819	SCIMS
PM77342	SSM79960	323°33'13"	290.038	Survey
		323°32'20"	290.192	SCIMS
SSM79960	PM182530	0°37'24"	728.499	Survey
		0°38'07"	728.416	SCIMS
PM182530	PM182185	277°06'31"	234.605	Survey
		277°06'49"	234.610	SCIMS
PM182185	PM182159	356°54'06"	158.586	Survey
		356°54'10"	158.570	SCIMS
PM182159	PM83937	283°26'26"	192.797	Survey
		283°26'26"	192.792	SCIMS
PM83937	PM77341	157°58'40"	445.402	Survey
		157°58'48"	445.385	SCIMS
PM77342	PM182159	160°33'09"	1218.681	Survey
		160°33'09"	1218.683	SCIMS

CO-ORDINATE SCHEDULE - GDA 2020						
MARK	MGA CO-ORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
SSM83937	300 315.330	6 562 882.834	D	NA	SCIMS	FOUND
PM182159	300 502.844	6 562 838.022	D	NA	SCIMS	FOUND
PM182185	300 511.412	6 562 679.682	D	NA	SCIMS	FOUND
PM182530	300 744.219	6 562 650.628	D	NA	SCIMS	FOUND
SSM79960	300 736.144	6 561 922.248	C	NA	SCIMS	FOUND
PM77342	300 908.600	6 561 688.855	A	0.02	SCIMS	FOUND
PM77341	300 482.320	6 562 469.933	A	0.02	SCIMS	FOUND
Source: M.G.A. CO-ORDINATES ADOPTED FROM NSW LAND REGISTRY SERVICES						
AS AT 25th AUGUST 2021						
COMBINED SCALE FACTOR 1.000012 ZONE 56						
Datum: PM77341-PM77342						

Surveyor : John Bruce Herdegen
Date of Survey : 01.09.2021
Surveyor's Ref : 20203
NSW LRS Ref : 20M (Comp)

PLAN OF SUBDIVISION OF
LOT 451 DP562341 AND LOT 420 DP1005750

LGA: TAMWORTH REGIONAL
Locality : NORTH TAMWORTH
Subdivision No: SC2022-0022
Lengths are in metres. Reduction Ratio 1:4000

Registered



9/02/2022

DP1278645

PLAN FORM 6 (2020)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
<div>Registered:  9/02/2022</div> <div>Office Use Only</div> <div>Office Use Only</div>		DP1278645
Title System: TORRENS		
PLAN OF SUBDIVISION OF LOT 451 DP562341 AND LOT 420 DP1005750		LGA: TAMWORTH REGIONAL Locality: NORTH TAMWORTH Parish: TAMWORTH County: INGLIS
Survey Certificate I, JOHN BRUCE HERDEGEN Of BATH STEWART ASSOCIATES PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on , or *(b) The part of the land shown in the plan (*being/* excluding ** Common boundary between Lots 61 and 62 and connections) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on, 01.09.2021, the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017. Datum Line: PM77341 – PM77342 Type: Urban /*Rural The terrain is *Level-Undulating / *Steep-Mountainous. Signature:  Dated: 09.12.2021 Surveyor Identification No: 8694 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.		Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office: Subdivision Certificate I, <u>Sam Lobsey</u> *Authorised Person/* General Manager *Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature:  Accreditation number: Consent Authority: <u>Tamworth Regional Council</u> Date of endorsement: <u>7.12.2021</u> Subdivision Certificate number: <u>SC2022-0022</u> File number: <u>DA2021-0393</u> *Strike through if inapplicable.
Plans used in the preparation of survey/compilation. DP44227 DP1202683 DP562341 DP1212930 DP1005750 DP1225936 DP1054103 DP1137069 DP1142307		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.
Surveyor's Reference: 20203		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A

PLAN FORM 6A (2019)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Registered:



9/02/2022

Office Use Only

Office Use Only

DP1278645

PLAN OF SUBDIVISION OF LOT 451
DP562341 AND LOT 420 DP1005750

Subdivision Certificate number:

Date of Endorsement:

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2017
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Lot	Street Number	Street Name	Street Type	Locality
61	280	Moore Creek	Road	North Tamworth
62	242	Moore Creek	Road	North Tamworth

Executed by The Corporate Trustees of The Diocese of Armidale

Paul Harvey
PAUL HARVEY

R. Chriswell

Rod Chriswell

Thomas John Hansen
THOMAS JOHN HANSEN



SIGNED for and on behalf of
COMMONWEALTH BANK OF AUSTRALIA by
its attorney under power of attorney dated
who declares that he is
of Commonwealth Bank of Australia in the presence of:
Signature of witness
Name of witness

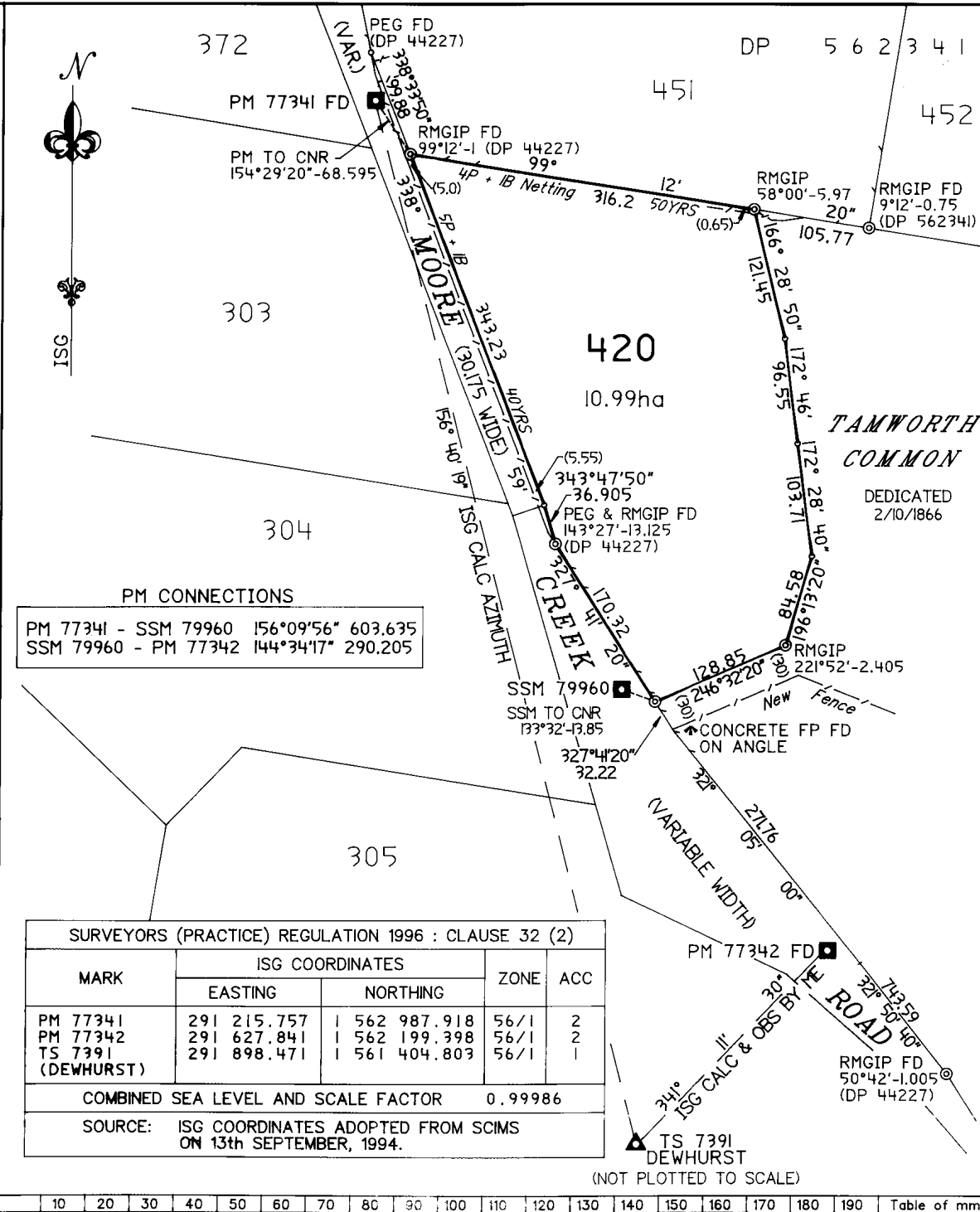
Mathew Wilkinson

Thomas John Hansen
00385369
CAA 3

If space is insufficient use additional annexure sheet

Surveyor's Reference: 20203

ISC



(here specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)
Datum Line: PM 77341-TS 7391
Zone: Suburban/Country
(Signature) *[Signature]*

Delete whichever is inapplicable.

DRAWING NUMBER: 860D01

Appendix C

Conditions of Consent Review

Condition No.	Condition	Comments
1.0 Prior to Construction Work and/or Commencement of Operations		
1.1	<p>Pursuant to s.81 A of the Act, the following matters must be satisfied prior to the commencement of work:</p> <p>{i) obtain a construction certificate from either Council or an accredited certifier</p> <p>{ii) appoint a Principal Certifying Authority {and advise Council of the appointment, if it is not the Council)</p> <p>{iii) give at least 2 days' notice to Council of the intention to commence work.</p>	Condition to be satisfied. No proposed change to condition
1.2	Prior to the commencement of any construction works, the Applicant shall obtain Council's approval to a comprehensive erosion and sediment control plan that describes what measures will be used to minimise soil erosion and the discharge of sediment and other pollutants to nearby land and water during construction activity. It is noted that this may comprise a separate plan for each stage of construction	Condition to be satisfied. No proposed change to condition
1.3	<p>Engineering drawings and construction specifications prepared in accordance with</p> <p>Council's Subdivision Guidelines are required for water supply, sewer, stormwater drainage, roads and for erosion control, during construction to ensure all works are designed and constructed in accordance with recognised and accepted guidelines. These drawings, including stormwater drainage calculations, geotechnical test results and pavement depth calculations must be approved by Council prior to the commencement of work. The pavement depth calculation shall be based on a CBR of the subgrade compacted to 95%.</p>	Condition to be satisfied. No proposed change to condition.
1.4	Prior to the issue of a Construction Certificate for any building component which requires approval to the disposal of trade waste to Council's sewer (such as the science laboratories) an approval is required pursuant to Section 68 of the Local Government Act 1993, only that part of the building to which the Certificate applies may be occupied or used.	Condition to be satisfied. No proposed change to condition.
1.5	Buildings shall be constructed using materials and finished which blend with the rural character of the locality. Details of external construction materials are to be submitted for approval by Council's Environment & Planning Services Director prior to issue of a Construction Certificate for any stage.	Condition to be satisfied. No proposed change to condition.
1.6	<p>Notification of arrangement with Country Energy for the provision of electricity supply to</p> <p>the development is to be submitted prior to the issue of a Construction Certificate to provide the required infrastructure in accordance with community expectations. To provide for power distribution and provide a high standard of visual amenity, underground external and internal electrical reticulation shall be provided.</p>	Condition to be satisfied. No proposed change to condition.
1.7	<p>Notification of arrangement with Telstra for the provision of telecommunications to the</p> <p>development is to be submitted prior to issue of a Construction Certificate to ensure the</p> <p>required infrastructure is provided in accordance with community expectations. When submitting the licence application, the proponent shall ensure a proposed surface water-monitoring program with appropriate upstream, discharge and downstream monitoring points accompanies it. The EPA considers it appropriate that a surface water monitoring program be developed by the proponent for the purposes to ensure that the</p>	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
2.0 Planning Conditions		
2.1	This determination relates to the development components detailed above, in the "description of development". The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council	The modification application seeks to amend the description. Refer to Section 3.3 of this report.
2.2	All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.	Condition to be satisfied. No proposed change to condition.
2.3	Pursuant to Section 80(4) of the Environmental Planning and Assessment Act 1979, a separate approval is to be sought for the Agricultural Plots and the Maintenance Shed (marked M3).	Condition to be satisfied. No proposed change to condition.
2.4	To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building or any part shall not be occupied until. an OCCUPATION CERTIFICATE has been issued by Council in respect of the building or part	Condition to be satisfied. No proposed change to condition.
2.5	To confirm and clarify the terms of Council's approval, and as provided for by Section 95 of the Environmental Planning and Assessment Act, 1979, the temporary Administration Block and the temporary Specialist Learning Block are to be removed once the permanent buildings are constructed	Condition to be satisfied. No proposed change to condition.
2.6	To enable the adequacy of proposed site landscaping to be properly assessed prior to landscaping works commencing, a landscape design plan in respect of the proposed landscaping is to be prepared for approval by Council's Environment & Planning Services Director. Such plan to include botanical names, quantities and state of maturity of all proposed trees, shrubs and ground covers	Condition to be satisfied. No proposed change to condition.
2.7	The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.	Condition to be satisfied. No proposed change to condition.
2.8	One set of approved construction drawings (in relation to water supply, sewer, stormwater drainage, roads and erosion control) shall be amended to show the "work-as-executed" . These drawings shall be provided prior to issue of the occupation certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawings shall be certified by a registered surveyor or a Chartered Professional Civil Engineer.	Condition to be satisfied. No proposed change to condition.
2.9	The contractors engaged in construction on public roads associated with this development must maintain public liability insurance cover to the value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council upon request.	Condition to be satisfied. No proposed change to condition.
2.10	In an attempt to reduce opportunities for vandalism and crime Council will assist in the development of a Crime Prevention Program for implementation at William Cowper School. Such to be prepared in accordance with the <i>Safer By Design</i> principles, and in conjunction with the School and representatives of the Oxley Local Area Command of the NSW Police Service.	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
2.11	External lighting shall be designed and installed so as to avoid light spill and prevent contribution to sky glow. Details of lighting are to be provided for the approval of the Environment & Planning Services Director prior to its installation.	Condition to be satisfied. No proposed change to condition.
Note	In the event that material suspected of being an Aboriginal relic is discovered during the activity, work at the site must cease immediately and the National Parks and Wildlife Service and the Local Aboriginal Land Council be contacted to arrange inspection. Subject to discussion on management of the relics, any approval to proceed with the works would then require a licence under the <i>National Parks and Wildlife Act 1974</i>	Condition to be satisfied. No proposed change to condition.
3.0 Site Requirements		
3.1	Erosion and sediment controls for the construction works are to be installed and stabilised before any site works begin, and maintained effectively for the duration of construction works.	Condition to be satisfied. No proposed change to condition.
3.2	The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Services Division.	Condition to be satisfied. No proposed change to condition.
3.3	Any damage caused to kerb, guttering and/or footpath during building operations shall be rectified by the owner to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.	Condition to be satisfied. No proposed change to condition.
3.4	Toilet facilities are to be provided, before the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet, and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required	Condition to be satisfied. No proposed change to condition.
3.5	If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.	Condition to be satisfied. No proposed change to condition.
3.5 (Condition 3.5 has been repeated)	To ensure the safety of workers on site and the public, all excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and, properly guarded and protected to prevent them from being dangerous to property or life.	Condition to be satisfied. No proposed change to condition.
3.7	Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:- Monday to Friday - 7.00am to 5.00pm; Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm; No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises. The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
3.8	A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating that unauthorised entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed. This condition does not apply to building work carried on inside an existing building, or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is carried out.	Condition to be satisfied. No proposed change to condition.
3.9	The recommendations of the <i>Flora and Fauna Assessment Report</i> prepared by Conacher Travers, September 2001, are to be met, as follows- <ul style="list-style-type: none"> • The habitat tree adjacent to the eastern boundary shall be obtained; • Before any habitat tree is removed it shall be inspected for faunal occupation by native fauna by a suitably qualified person; and • If breeding by native species is underway, the removal of the tree shall be delayed until the juveniles are able to leave the nest. 	Condition to be satisfied. No proposed change to condition.
4.0 Building Conditions General		
4.1	All building work must be carried out in accordance with the provisions of the Building Code of Australia .	Condition to be satisfied. No proposed change to condition.
4.2	To restrict entry of termites to the timber structure of the building, the building is to be protected from subterranean termites in accordance with Building Code of Australia except that a hand-sprayed chemical barrier will not be accepted unless a reticulation system is incorporated in accordance with Council's Policy. Council is to be informed of the proposed method of protection and, where applicable, should be supplied with certification from the installer	Condition to be satisfied. No proposed change to condition.
4.3	To ensure the building design facilitates suitable entry, movement and sanitary facilities for people with disabilities, disabled access and facilities are to be provided in accordance with the Building Code of Australia and AS 1428.1.	Condition to be satisfied. No proposed change to condition.
Drainage and Water Supply		
4.4	All stackwork and plumbing is to be concealed in suitable ductwork within the building to prevent an adverse visual impact upon the locality.	Condition to be satisfied. No proposed change to condition.
4.5	The drainage service is to be provided with at least one overflow gully - the top level of which shall not be less than 150mm below the floor level of the building and not less than 75mm above the finished ground level to provide for sewerage surcharge outside the building in case of a blockage in the sewer main.	Condition to be satisfied. No proposed change to condition.
4.6	All penetrations of frame work by hot and cold plumbing are to be adequately sealed or supported to ensure the potential for water hammer is reduced.	Condition to be satisfied. No proposed change to condition.
4.7	A licensed plumber and/or drainer shall obtain a permit prior to the commencement of work of water supply and/or sanitary plumbing and drainage.	Condition to be satisfied. No proposed change to condition.
4.8	Stormwater generated from all hard surfaces is to be directed away from the buildings so as to prevent damage to the building's footings and to restrict the likelihood of stormwater nuisance to adjoining landholders.	Condition to be satisfied. No proposed change to condition.
4.9	Council's stormwater system does not extend to the development. Discharge from the site to a natural water course will only be permitted where storm water runoff, up to the 100 year rainfall event, will not be greater than the natural runoff from the site, or where the natural water course is modified, with the approval of Council and the land owner, to accommodate the increase in flow.	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
4.10	Where it is intended to discharge stormwater onto adjoining property, drainage easements over the proposed flowpaths must be acquired. Written consent from the adjoining property owners to the easement acquisition must be obtained prior to issue of the construction certificate. The easements must be registered on the deposited plan by the Lands Titles Office prior to the certificate of occupation for the development	Condition to be satisfied. No proposed change to condition.
Fire Egress		
4.11	<p>To ensure that the required fire safety measures are provided in accordance with the buildings use and operate in accordance with the appropriate standards, the owner must cause a copy of a Fire Safety Certificate (Form 15) to be given to the Council and the Commissioner of the NSW Fire Brigades prior to occupation in relation to the following Fire Safety Measures required to be installed in the building:- •</p> <ul style="list-style-type: none"> • (a) Exit signs (b) Fire hydrant systems (c) Hose reel systems (d) Portable fire extinguishers (e) Emergency lighting <p>A copy of the Fire Safety Certificate including the current Fire Safety Schedule is to be prominently displayed in the building. Thereafter, the owner must cause Council to be given such a certificate at least once in each period of twelve (12) months after the first certificate.</p>	Condition to be satisfied. No proposed change to condition.
Swimming Pool Requirements		
4.12	To comply with the Swimming Pools Act 1992 and Regulations to restrict access to the pool area, the pool is to be enclosed by a minimum 1.2 metre high child resistant barrier, fitted with a self closing, self latching, outwardly opening gate (all constructed in accordance with the requirements of the Swimming Pools Act 1992 and Regulations). The barrier is to be erected prior to the placement of any water in the pool.	Condition to be satisfied. No proposed change to condition.
4.13	To comply with the Swimming Pools Act 1992 and Regulations, the occupier of the premises on which the pool is situated must ensure that there, is at all times, maintained in a prominent position in the immediate vicinity of the pool, a sign bearing a notice that contains the words "Young children should be supervised when using this swimming pool" together with details of resuscitation techniques. <i>Note: This sign is available from Council and Pool Equipment Suppliers</i>	Condition to be satisfied. No proposed change to condition.
4.14	All wastewater from the pool filtration system is to discharge to Council's sewer to ensure suitable disposal of effluent and to prevent cross contamination of the pool backwash line. <i>Note: The pipework from the filter can be positioned over an existing overflow gully (or yard sink). A 100mm air gap is to be provided between the filter pipe work and the rim of the overflow gully.</i>	Condition to be satisfied. No proposed change to condition.
4.15	There is to be no nuisance caused to adjoining property owners by the operation of the filter pump to protect the amenity of the neighbourhood. Where complaints are received from adjoining owners concerning noise generated by the filter, an insulated enclosure will be required	Condition to be satisfied. No proposed change to condition.
Food Premises		
4.16	The construction of the food premise and the manufacture and installation of fixtures, fittings and equipment shall comply with the Australian and New Zealand Food Standards Code and the Food Act 1989.	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
4.17	To enable assessment for compliance with Australian and New Zealand Food Standards Code and the Food Act 1989, plans and specifications for the food preparation and serving areas are to be submitted to Council for approval prior to such work commencing. • The submission is to include details of floor and wall finishes, bench tops, fittings, fixtures and floor drainage	Condition to be satisfied. No proposed change to condition.
5.0 Traffic & Parking		
5.1	On-site car parking accommodation shall be provided for a minimum of thirty-five (35) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. • Additional informal parking for the senior students adjacent to the swimming centre. • Four spaces shall be designed and provided for disabled persons. Such to be located two either side of the central crossing in the parking area.	Condition to be satisfied. No proposed change to condition.
5.2	All parking bays shall be permanently marked out on the pavement surface and clearly indicated by means of directional signs to facilitate the orderly and efficient use of on-site parking facilities.	Condition to be satisfied. No proposed change to condition.
5.3	All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance. Full details to be included on the plans accompanying the Construction Certificate Application.	Condition to be satisfied. No proposed change to condition.
Access		
5.4	Access from Moore Creek Road to and from the site shall be provided at the locations shown of the plan accompanying the application. The intersection with Moore Creek Road and the entrance to the site and the exit from the site, shall be constructed to a type B and type A intersection respectively, as defined by NAASRA Part 5 Intersections at Grade. The intersections shall be constructed prior to occupation of Stage 1 of the development.	Condition to be satisfied. No proposed change to condition.
5.5	The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience.	Condition to be satisfied. No proposed change to condition.
5.6	Sealed driveway(s) shall be provided between the existing road bitumen and the property boundary to provide a permanent, clearly defined access to the site. A copy of Council's Guidelines for driveways is attached.	Condition to be satisfied. No proposed change to condition.

Condition No.	Condition	Comments
5.7	All vehicular movement to and from the site shall be in a forward direction to ensure that the • proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.	Condition to be satisfied. No proposed change to condition.
6.0 Water Supply Authorities Act 1987		
6.1	Council's water main shall be extended to provide adequate service to the development. In accordance with the requirements of the Council's Guidelines for Subdivisions and Developments .	Condition to be satisfied. No proposed change to condition.
6.2	Council's sewerage system shall be extended to the site, as a gravity/pumped system. The extension is required to ensure the adequate service is available. The work shall be done in accordance with Council's Engineering Guidelines for Subdivisions and Developments.	Condition to be satisfied. No proposed change to condition.
6.3	A compliance certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority). Council requires the following works and/or payments to be completed prior to issuing a compliance certificate: Sewer headworks contribution to be calculated relative to design and demand. Water headworks contribution to be calculated relative to design and demand. All payments must be received prior to the issue of an Occupation Certificate for the relative building component.	Condition to be satisfied. No proposed change to condition.
7.0 Inspections		
7.1	<p>Inspection - As a consent ~uthority under the Water Supply Authorities Act 1987, the following inspections are required to be carried out by Council. Where Council is not the Principal Certifying Authority, an additional fee for each inspection will apply.</p> <p>(i) Sanitary drainage (under hydrostatic test) and prior to backfilling trenches or covering;</p> <p>(ii) Hot and cold water plumbing under pressure test prior to covering; and</p> <p>(iii) Internal stackwork under hydrostatic test prior to covering.</p>	Condition to be satisfied. No proposed change to condition.

