

JRPP No:	2009SYW022
DEVELOPMENT APPLICATION NO:	X/1002/2009
PROPOSED DEVELOPMENT:	Additions and alterations to St Columba's High School, 168 Hawkesbury Road, SPRINGWOOD NSW 2777
APPLICANT:	PMDL Architecture & Design Pty Ltd
REPORT BY:	Blue Mountains City Council
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Assessment Report and Recommendation

Recommendation/s:

That the Development Application No. X/1002/2009 for additions and alterations to St Columba's High School on Lot 3 DP 133438, 168 Hawkesbury Road, Springwood be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Report by Acting Group Manager, Environmental and Customer Services

Reason for report	The application is referred to the Joint Regional Planning Panel for determination as the development application is subject to Part 3 (Regional Development) of <i>State Environmental Planning Policy (Major Development) 2005</i> . The development has a capital investment value of more than \$10 million.
Applicant	PMDL Architecture & Design Pty Ltd PO Box 1465, CROWS NEST NSW 2065
Owner	T'Tees Roman Catholic Church PO Box 4020, WARRIMOO NSW 2774
Application lodged	13 November 2009
Property address	St. Columba's School, 168 Hawkesbury Road, SPRINGWOOD NSW 2777

Site description

The subject site on which development is proposed comprises a large single allotment (Lot 3 in DP 133438, No. 168 Hawkesbury Road) located on the northern side of Hawkesbury Road. An aerial photograph depicting the site is provided at Attachment 2. This allotment has an area of 234.8 hectares. The St. Columba's College Campus is accessed from Hawkesbury Road via a private driveway which also serves St. Thomas Aquinas Primary School and St Thomas Aquinas Catholic Church. The St. Columba's College Campus is developed in the northern portion of the site and occupies an area of approximately 6.04 hectares of cleared and developed land within a bushland setting. To the north of this site are two additional undeveloped allotments, zoned Environmental Protection under LEP 1991 also owned by St Columba's. Beyond these allotments is the Blue Mountains National Park. To the west of the site is Chapman Parade, characterised by large residential/bushland allotments. To the south and east lies Hawkesbury Road and the suburb of Winmalee.

Background to development application

There have been various and continuing land use applications made in relation to St Columba's School over the years. There have been 37 applications for building works lodged with the Council since 1981.

The site is controlled by 3 separate entities, these being the St Columba's College, St Thomas Aquinas Primary School and St Thomas Aquinas Catholic Church. The various stakeholders at the site has resulted in uncoordinated land management practices at times, particularly in relation to the natural assets of the site. There have been 7 permits issued for various forms of tree removal since November 2008.

Approval was granted for the demolition of two of the buildings within the development area under development consent X/1301/2005. The current application seeks to continue with the demolition of one (1) of these buildings (the music rooms) but the retention of the agricultural brick and tile building.

In regards to the subject proposal the architects sought preliminary land use advice from Council prior to the submission of the current land use application (O/2687/2009). Council raised some concern at that stage to the proposed location and bulk of the new buildings. It should be noted that only preliminary sketches were submitted to Council for consideration at that stage.

Proposal

The subject development application seeks approval for alterations and additions to the existing school building at St. Columba's College (secondary school). The works involve:

- the removal and relocation of eight (8) demountable buildings including canteen and classrooms,
- demolition of the music rooms,
- demolition of various walkways and covered areas,
- removal of surface areas within the existing court yard,

- demolition and retrofitting of rooms and stairways etc within the existing two storey sandstone buildings including the provision of new stairwells, a lift and a new canteen,
- relocation of one (1) demountable to the north west of the seminary building
- the construction of a new two storey building (Building A). This building is adjoined with the existing historic sandstone building fronting the entrance to the school and is configured as follows:
 - basement floor – maintenance area 83m², two(2) underfloor spaces
 - ground floor – shared learning space of 203m², six (6) classrooms of 54-56m², two (2) seminar rooms x 24m², two (2) store rooms x 24m², nine (9) WC – including 1 disabled WC, stairwell
 - first floor – six (6) classrooms x 55-56m², shared learning space 202m², two (2) seminar rooms x 24m², two (2) store rooms x 16m², 2 x service areas x 11m², nine (9) WC including one (1) disabled WC, stairwell, terraced walkway and stairwell connecting to existing building.
- the construction of a new single storey building (Building B) – six (6) classrooms x 57-60m², shared learning space 172m², storage area x 25m²,
- the construction of a new single storey building (Building C) – three (3) seminar rooms
- area for waste receptacles,
- relocated gas tank
- new transformer
- new service area
- separate toilet block – nine (9) WCs
- new saw cut concrete paving external courtyard areas between new buildings
- new powder coated aluminium seating
- new shrub and tree planting
- new service areas and roads
- conversion of existing stone building metal roof to locker room

Plans of the proposal comprise Attachment 2 to this report.

The proposal also includes the requirement for bushfire Asset Protection Zones (APZ). The bushfire management works associated with the development are outlined in the recommendations made within the Bushfire Protection assessment prepared by Australian Bushfire Protection Planners dated 18 June 2009. The original recommendations included:

- the provision of a 100 metre wide APZ to the north and west of the new learning group 3 buildings (Building C) to be managed as an Outer Protection Area.
- a 58 metre wide APZ to the south, south-west and west of Learning Group 1 and 2 (Building A and B) to be managed as an Inner Protection Area.
- Construction standards for new buildings
- Protection of roof gutters for new and existing buildings
- Protection of existing buildings
- Fire trail access – leading off the car park and extending on the southern aspect of learning group 1 and 2. This is to the north western corner of the grazing paddock and connects with the existing access road located to the east of the college. It will be constructed of compacted sandstone to a width of 4 metre with an additional 1 metre either side to be kept clear of shrubs and grasses
- Provision of fuel managed corridor either side of the existing access road.
- Preparation of a Fuel Management Plan for the College
- Preparation of an Emergency Plan for the College

The application is also accompanied by an Ecological Assessment of the proposed asset protection zones. The ecological assessment states that the proposed fuel reduction measures will be a combination of vegetation removal and hazard reduction burning. The report also states that an APZ had previously been approved for 100 metres to the north of the site under application X05/1301. Under the current proposal this will be reduced to 58 metres. The report does not refer to the provision of a fire trail access as referred to in the Bushfire Protection Assessment. As a result the fire trail requirement has now been removed. The report concludes with 18 recommendations.

The application seeks approval to carry out the works in 6 parts (or stages) as described in the set out/staging plan DA103

The stages are not ordered however the stages include:

- three (3) parts of staging for the refurbishment of the existing buildings.
- one (1) stage of external works; landscaping, walkways, paved areas
- one (1) stage – construction of Building A
- one (1) stage – construction of Buildings B and C

Notes on the staging plan infer that relocation/removal of demountables and existing structures to coincide with each part. The applicant contends that each part may be separate but done in any order. This matter is discussed further in this report.

Environmental Planning Instruments

Local Environmental Plan 2005

- Recreation – Private
- Environmental Protection – Private

Sydney Regional Environmental Plan 20
State Environmental Plan Policy (Infrastructure)
Better Living Development Control Plan

Notification

Notification was undertaken in accordance with the Council's Development Control Plan 35 – "Community Consultation for Land Use Management and Manual of Procedures" The Application was notified by letter to affected property owners and was advertised in the *Blue Mountains Gazette*, with notification commencing on 25 November 2009 and concluding on 8 January 2010. Notice of the proposal was also placed on site. No submissions were received.

Evaluation – (Section 79C Matters for Consideration)

The application has been assessed in accordance with Section 79C (Evaluation) of the *Environmental Planning and Assessment Act 1979* ("the Act"). A commentary of the assessment of the development against Section 79C evaluation matters has been detailed in this report for the consideration of the consent authority. The following assessment issues are further detailed in this report and the included table for consideration:

- 1) Local Environmental Plan 2005

- 2) SREP (Hawkesbury – Nepean)
- 3) SEPP - Infrastructure
- 4) Fire safety and upgrading
- 5) Section 94 contributions
- 6) Environmental impacts
- 7) Bushfire management
- 8) Heritage assessment
- 9) Stormwater management
- 10) Impacts on natural and built environment
- 11) Social impact
- 12) Economic impact
- 13) Site suitability
- 14) Public interest

S.79C(1)(a) – Environmental Planning Instruments, DCPs and Regulations

1. Local Environmental Plan 2005

The provisions of LEP 2005 as they relate to the application have also been considered and are summarised in the following Table.

Clause	Provisions	Proposed / Comment / Assessment
Part 1 Planning principles		
9	Consideration before development consent	The development satisfactorily complies with the aims, principles, locality provisions and the assessment requirements relevant to the development.
10	Aim of plan	Consistent
11	Ecologically sustainable development a) integration b) community involvement c) precautionary behaviour d) equity within & between generations e) continual improvement f) conservation of biological diversity & ecological integrity g) improved valuation & pricing of environment resources	The proposal challenges objective (f) in that the APZs required for the development will result in some loss of biological diversity, however with conditions and improved management of the site's ecological assets it is concluded that the proposal will be consistent with the principles of ESD. Further discussion of environmental impacts is provided under the Discussion of Issues section of this report.
12	Principal objectives of LEP	Complies. The site is affected by a range of constraints and further development of the site creates challenges for the site in terms of

		heritage preservation and environmental management. Further discussion of these issues is provided under the Discussion of Issues section of this report.
Part 2 Locality Management		
[refer Part 2 Div 2] Cl. 28, 30	Objectives of the zone Recreation – Private Environmental Protection - Private	<p>The proposed classrooms will be constructed on land zoned Recreation – Private. The proposal provides for the replacement of temporary classrooms. The proposed use (educational establishment) is considered compatible with the Recreation – Private zone. The proposed use does not change the existing use of the site but provides improved facilities for the school.</p> <p>A proportion of the proposed asset protection works will be undertaken within the Environmental Protection zone. With conditions it will be possible to ensure the bush fire hazard reduction works will be undertaken in a manner consistent with the protection of natural ecological values. It is considered that the proposed development has been sited in a manner which minimises impacts on the ecological values of the site.</p>
Refer Part 2 Div 3.	Development permissible on subject land	<p>The proposed works comprise an educational establishment and ancillary uses (such as office, canteen, uniform/book sales, maintenance). This use is permissible with consent in the Recreation Private zone.</p> <p>Bush fire protection measures are also proposed, which include bush fire hazard reduction works in relation to existing and proposed assets. Bushfire hazard reduction works are permitted with consent in both the Recreation – Private and Environmental Protection – Private zones.</p>
34	Development near zone boundaries	N/A
35	Temporary use of land	
36	Bushfire hazard reduction	
37	Bushfire safety authority	A Bushfire Safety Authority has been issued by the Rural Fire Service. Refer to the Fire Protection section of this table for further discussion.

38	Development for additional purposes	N/A
39	Consolidation requirement	
40	No subdivision (NS)	
Sch 1	Precinct controls – Villages	
Sch 2	Locality management – Living zones	
Sch 3	Locality management – Employment zones	
Sch 4	Locality management – Recreation zones	<p>The locality management provisions applying to the land subject of this development application are within Part 1 Division 2 (Other land zoned Recreation – Private) of Schedule 4.</p> <p>The Special Use clause within LEP 2005 (cl. 126) enables development even it if contravenes the standards within Schedule 4. Even so, an assessment of the development against these standards has been undertaken for completeness.</p> <p>Building Height – the maximum building height permitted by this clause is 8 metres or 6.5 metres at eaves. The proposed development provides a maximum building height of 13 metres to the finished ground level and 10.8 metres to the existing ground level. The proposal includes a maintenance area provided on the southern elevation with a cut of 1.6 metres (max). The proposal does not comply with the clause; however clause 126(4) of the LEP exempts this development from compliance with this development standard provided that the special use objectives have been met. Refer to discussion of clause 126 within this table below.</p> <p>Setback – the minimum setback from a road reserve is 8 metres. The development is setback a minimum of 810 metres from the nearest road reserve; Halcyon Ave to the east. The proposal is consistent with this requirement.</p> <p>Site Coverage – The subject site has an allotment area greater than 1000m² (234.8 ha); as such the maximum site cover for buildings is</p>

		<p>400m². The maximum site cover can be exceeded provided that stormwater management is provided on site with a beneficial effect on stormwater quality. The proposal exceeds the maximum site cover for the site, as development for the high school alone has an gross floor area of 7568m². However the proposal incorporates satisfactory methods of stormwater management on the site to ensure no adverse affect on water quality. The site is large enough to accommodate all development impacts within its boundaries. Moreover, clause 126 (4) exempts this development from compliance with this development standard provided that the special use objectives have been met. Refer to discussion of clause 126 within this table below.</p> <p>The proposal satisfies the standard of no less than 60% of the site to be retained as soft, pervious or landscaped area.</p> <p>Development density – the maximum floor space ratio for the site is 0.4:1. The existing FSR is approximately 0.0032:1 which equates to 7,568m² GFA, the proposed FSR is 0.0035:1 which equates to 8,277.5m². This estimate does not take into account other development on the site (church, school etc) however, given the size of the site it is considered that the entire development is well within this minimum standard.</p> <p>The proposal is inconsistent with the development standards for building height, however a SEPP 1 Objection is not required due to the operation of Clause 126 (Special Use).</p>
Part 3 Assessing the site and environmental context		
41-43	Site analysis	The application provided adequate site analysis documentation. The proposal complies with these requirements.
44	Environmental impact	All building and works and any asset protection zone is to be designed and sited so as to have no adverse environmental impact on a range of environmental features including any significant vegetation community, the habitat of any threatened species, any rare species of flora and the like (sub clause 4). Sub clause 5 allows for adverse environmental impact where this cannot be avoided, provided that the development is designed and sited to have as

		<p>minimal possible impact on environmental attributes and incorporates effective measures to mitigate any adverse environmental impact and offsets those environmental impacts through the restoration of disturbed areas on the site.</p> <p>This development proposal will result in some adverse environmental impacts on rare and threatened species and communities as a consequence of additional areas of APZ required as a result of the development. This matter is discussed further under the Discussion of Issues section of this report.</p>
45	Protected Area – Slope Constraint Area	The Protected Area - Slope Constraint Area shown in close proximity to the proposed building footprint is anomalous, as this is a natural plateau and is relatively level. The provision only applies to land within the Protected Area “that has contiguous areas of slope greater than 20 percent”.
46	Protected Area – Vegetation Constraint Area	N/A
47	Protected Area – Ecological Buffer Area	The development site is affected by ecological buffer area, which is considered in relation to significant vegetation communities below.
48	Protected Area – Water Supply Catchment	N/A
49	Protected Area – Escarpment Area	
50	Protected Area – Riverine Scenic Quality Corridor	
51	Watercourses	
52	Significant vegetation communities	<p>A detailed environmental assessment was received with the development application. Further information was required with regards to the proposed management of the APZ and the location and impacts of the fire trail in addition to further details on stormwater management. The proposed development is considered to be consistent with this clause subject to conditions.</p>
53	Retention & management of vegetation	A plan for the management of vegetation will need to be prepared prior to construction works commencing on the site. This is recommended as a condition of consent.
55	Weed management	A plan for the management of weeds will need to be prepared prior to construction works commencing on the site. This is recommended

		as a condition of consent.
56	Site disturbance & erosion control	A sediment and erosion control plan will need to be prepared prior to the construction works commencing on the site. This is recommended as a condition of consent.
57	Stormwater management	The development states that post development flows will be less than pre development flows as a result of improvements to stormwater management on the site. Further plans and documentation were required during the assessment process to ensure that stormwater management would be designed and installed to ensure that additional flows could be managed on site without causing any adverse environmental impacts. Compliance with the plans and documentation submitted with the applicant will ensure that the development is consistent with this requirement. This is required as a condition of consent.
58	Modification of land form	Some cut is required for Building A but it is considered to be relatively minor. The proposal is consistent with the requirements of this provision.
59	Bush rock removal	No bushrock removal is proposed by this plan.
Character and landscape assessment.		
60	Consideration of character and landscape	The proposed development is not visible from surrounding residential areas due to the size and location of the site and development. The proposal will have no adverse impact on the character of the surrounding area.
61	Protected Area – Period Housing	N/A
62	Character assessment for Period Housing	
63	Demolition control within the Period Housing Area	
64	Control of infill development within the Period Housing Area	
65	Landscaping for residential development	
66	Detailed landscape plan for certain residential development	
67	Private open space and gardens for certain residential development	

Heritage conservation		
68	Consideration of heritage conservation	The subject site is listed as an item of state heritage significance under LEP 2005 (WL001) St Columba’s College. The site has strong local significance. There is strong evidence of both European and Aboriginal heritage on the site. The proposal will result in some demolition within the older historic buildings as well as the addition of modern buildings within the curtilage of historic buildings. The proposal was accompanied by a conservation management plan and a statement of heritage impact. Further discussion on the heritage impacts of the proposal is provided under the Discussion of Issues section of this report. It is recommended that a range of conditions be imposed in relation to the management of the site during construction as well as the selection of colour and type of materials in order to manage heritage impacts on the historic buildings.
69	Heritage conservation objectives	
70	Protection of heritage items and heritage conservation areas	
71	Determination of development applications for heritage	
72	Notice of certain development applications	
73	Notification of demolition to the Heritage Council	
74	Development affecting places or sites of known or potential Aboriginal heritage significance	
75	Development affecting places or sites of known or potential non-Aboriginal heritage significance.	
76	Development in the curtilage of a heritage item or in a heritage conservation area	
77	Conservation incentives	
Bushfire Protection		
78	Consideration of bushfire protection	The site is located within a bush fire prone area. The development is required to comply with Planning for Bushfire Protection Purposes. The application was accompanied by a Bushfire Protection Assessment which included a range of recommendations to be adopted in order to comply with various requirements for bushfire protection. The development is classified as a Special Fire Protection Purpose and was referred to the Rural Fire Services in accordance with Section 91 of the EP and A Act, 1979. The proposal requires the concurrence of the RFS. Their conditions are attached as conditions recommended to be
79	Bushfire protection objectives	
80	Asset protection zones	
81	Bushfire protection for residential subdivision and development	
82	Special fire protection purposes	
83	Bushfire protection for	

	infill development	adopted by this report. Further discussions on the impacts of Asset Protection Zones are provided under the Discussion of Issues section of this report.
84	Access to bushfire prone land	
85	Service supplies	
86	Bushfire consideration standards	
Hazard and Risk Assessment		
87	Crime minimisation assessment	The proposal will not be visible from adjoining areas. The existing school is surrounded by a perimeter fence. The school buildings and open spaces have been designed to reduce opportunities for bullying.
88	Land subject to inundation	N/A
89	Remediation of contaminated land	Some agricultural lands are present on the site. These areas will not be disturbed as a result of the proposal. The site is not listed on Council's contaminated land register.
Part 4 Considerations for Development		
Subdivision		
90	Subdivision – Lot layout	N/A - Subdivision is not proposed by this development.
91	Provision of services for subdivision	
92	Subdivision related to specific land uses	
93	Subdivision in the recreation zones and environmental protection zones	
Services and infrastructure		
94	General provision of services	All services are currently provided to the site and will be extended to the new buildings. The proposal will result in some modifications to the location of service infrastructure on the site. Conditions of consent are recommended in relation to their provision.
95	Provision of services for specific land uses	N/A
96	Water cycle management study	N/A
97	Geotechnical and water balance report	N/A
Vehicular access, parking and roads		

98	Access to land from a public road	<p>The site currently enjoys existing driveway access from Hawkesbury Road. No change is proposed to this arrangement. Conditions of consent have been recommended by the RFS in relation to increased clearing of trees adjacent to the driveway.</p> <p>There is no proposed increase in staff or student numbers. A draft traffic study was submitted with the proposal dated 29 August 2008 and prepared by Masson Wilson Twiney. This report appears to have been prepared in relation to an unspecified residential development in Springwood, however, the report is valid in considering current traffic levels within the surrounding streets. This report found that the current level of service for the St Columba's/ Hawkesbury Rd intersection for AM and PM peaks were in good operation.</p> <p>Existing traffic volumes were also surveyed by the draft traffic study. It was identified that between 1433 and 1582 vehicles used Hawkesbury Rd (a sub arterial road) within a two hour period in the AM peak. This was the maximum number of cars within the survey period. The RTA guidelines recommend that a sub arterial road typically carries between 500 – 2000 vehicles per hour. The survey confirms that the roads within the surrounding locality of the site carry traffic volumes in line with their classification.</p> <p>As there is no proposed increase in staff or student numbers the proposal is considered consistent with the clause.</p>
99	Car parking provision	<p>The school currently has a population of 1000 students and 100 staff. There are 170 students over 17 that are allowed to drive to school. There are currently 94 marked car parking spaces.</p> <p>Car parking for an education establishment is required at the rate of 2 spaces per 3 employees and 1 space for every 10 students over the age of 17.</p> <p>This requirement equates to 67 car parking spaces for staff + 17 spaces for students = 84 car parking spaces required on site.</p> <p>The subject site already provides 94 marked car parking spaces. The applicant advises that there is no intention to increase the numbers of students or staff as a result of this proposal. The</p>

		proposal complies with the requirement. It is recommended that a condition of consent be imposed on the development capping the number of students and staff at the site. Any increases in population will increase pressure on the local road network and on car parking provision on the site.
100	Design for car parking	No change in the current layout.
101	Loading and unloading facilities	The proposal includes limited facilities for loading and unloading other than parking on driveways adjacent to the store/ shop and canteen. Given that deliveries will not interfere with other traffic – as all deliveries will be on site, this is considered acceptable. Safety of students and staff is a concern and some management of circulation within the school grounds needs to be considered. Conditions of consent have been recommended in relation to the arrangements for loading and unloading.
102	Uncoloured roads	N/A
Privacy		
103	Privacy for dwellings and granny flats	N/A
104	Privacy for other residential development	
Energy Efficiency		
105	Energy efficiency	N/A
106	Sustainable resource management	A report on the ecological sustainability of the proposal has been prepared and submitted with the statement of environmental effects. It is recommended that a condition of consent be imposed requiring the implementation of measures stated within the report to be adopted and detailed in the construction certificate application.
Equity of access and housing choice		
107	Access to public buildings and public land	The proposed works will improve the accessibility to and within the site and buildings. A lift is proposed in the main two storey building, providing full access to Building A via a first floor connecting corridor and access to the first floor of the existing building. Buildings B and C are designed to comply with AS1428. The proposal complies with the requirement to provide accessibility within the buildings that are subject to this application. Access to the school from the car park is provided to the ground floor of the main building by a simple ramp on the south west corner of the main building (former
108	Accessibility of dwellings	
109	Adaptability of dwellings	
110	Housing choice	

		seminary).
Accessible Housing		
111	Accessible housing considerations	N/A
112	Who can live in accessible housing	
113	Location and access to services	
114	Self sustained development	
115	Support services and facilities	
116	Safe and convenient access	
117	Bushfire protection and evacuation	
Provisions for specific land uses		
118	Bed and breakfast establishments	N/A
119	Dual occupancy	
120	Granny flats	
121	Home employment	
122	Liquid fuel depot	
123	Road transport terminal	
124	Service stations	
125	Sex establishments	
126	Special use	<p>The subject site is mapped as a special use designation: “educational establishment”. The proposed development is to be carried out by the Catholic Education Office which is considered to be a relevant organisation for the purposes of this clause. When a use is subject to clause 126 it is necessary to comply with the objectives for the development of a special use. The objectives are:</p> <ul style="list-style-type: none">a) To provide a community service, public facility or infrastructure, andb) To ensure development incorporates measures to mitigate any adverse impact on the environment, andc) To ensure development does not have an unreasonable adverse effect on residential amenity by way of scale, height, noise, light or dust

		<p>The proposed development complies with abovementioned objectives as the development provides a community service (private education), incorporates measures to mitigate environmental impacts and does not have an adverse impact on residential amenity.</p> <p>This clause allows for development to be carried out even if it contravenes a development standard set by Division 1 of Part 2 (Locality Management), where the consent authority is satisfied that the development complies with zone objectives and complies with the special use objectives. It is considered that the proposed development complies with this requirement.</p>
127	Telecommunications facilities	N/A
Management of public land and public infrastructure		
128	Development of community land	N/A
129	Classification and reclassification of public land as operational land	
130	Acquisition for open space purposes	
131	Acquisition of land in the regional transport corridor (road)	
132	Development in the regional transport corridor (road)	
133	Development adjoining the regional transport corridor	
134	Crown development and public utilities	

The proposal complies with the provisions of LEP 2005 excepting where the proposal is inconsistent with the building envelope requirements of the LEP under Schedule 4. As discussed within the table the subject site is a special use and as such variations to the development standards are permissible, without the requirement for a SEPP 1, where the development proposal is consistent with the objectives of the zone and clause 126.

The proposal is consistent with all other clauses of the LEP, subject to the proposed conditions to manage the development.

The Blue Mountains Development Control Plan "Better Living" is also relevant to this application. This document provides a wide range of matters relating to providing a

more sustainable way of developing within the mountains area. These matters reflect the clauses within the LEP and those relevant are considered within the design of the building, the submitted documentation and this report and its associated recommended conditions.

2. Sydney Regional Environmental Plan 20

The subject site is identified as being partially within the Grose River and partially within the Middle Nepean sub catchment. The proposed development area itself is entirely contained within the Grose River sub catchment. The development is therefore subject to the provisions of Sydney Regional Environmental Plan 20 (Hawkesbury Nepean River). The Grose River sub catchment is also identified in SREP20 as being a conservation area sub catchment.

The proposed development was assessed against the planning considerations as set out in Part 2, Clause 5 (General Planning Considerations) and Clause 6 (Specific Planning Considerations) of SREP 20 and considered acceptable. These considerations relate to addressing potential environmental impacts. Clause 6 also specifies that new development within conservation sub catchments should be located within already cleared areas. Part 3, Clause 11(3) - *...works...within a conservation area sub catchment* provides development control requirements that the proposal would need to comply with. These development controls relate to the need to prevent adverse impacts on the near pristine condition of these sub catchments. The proposed development minimises the potential for increase environmental impact and is contained within the existing developed area of the site. Refer to Clause 44 and 57 of the Local Environmental Plan 2005 table and the Section 79C (1)(b) - Likely Impact sections of this report for further discussion on these issues.

3. State Environmental Planning Policy - Infrastructure

The State Environmental Planning Policy Infrastructure is a policy aimed at the effective delivery of infrastructure across the state. Clause 104 of this policy addresses Traffic Generating Development. This refers to development that by virtue of its size or capacity needs to be referred to the Roads and Traffic Authority (RTA) for it assessment. The clause refers to Schedule 3 which sets the size and capacity for Educational Establishments, with access to any road, at 50 or more students. However, Clause 104(1)(b) stipulates that the clause, in terms of an Educational Establishment, only applies to an enlargement of the premise by the 50 or more students. The proposed development identifies that there will not be any increase in the approved number of students. It has also been provided as a condition of consent that any increase over the approved number will require a separate approval of Council. Therefore, the development is not considered Traffic Generating Development under this policy and does not require referral to the RTA.

4. Fire safety and upgrading

Having regard to s. 79C(1)(a)(iv) of the Act and cl. 93 (Fire safety considerations) and 94 of the *Environmental Planning and Assessment Regulation 2000*, the proposal includes alterations and additions to the existing two storey seminary which is a Class 6 and 9(b) building. The building generally does not require major upgrading and the existing services appear to be regularly serviced. The proposal will require certificates to demonstrate the adequacy of existing electrical wiring, fire hose reels and emergency lighting and exit signs.

5. Section 94 Contributions

Under the Blue Mountains Development Contributions Plan a contribution equivalent to 1% of the total development cost must be made towards the provision of public amenities and services. Clause 1.16 of that plan however provides that:

“The Council may also consider exempting other development, or components of developments from paying contributions that include:

....

h) An application which is for the purpose of a public library, community facility, education facility...”

This development is wholly for the purposes of an education facility and further is a replacement facility for existing buildings. As there is no proposal to intensify the use by expansion of student numbers there will also be no increase in demand for public amenities or services. Therefore it is considered that applying a condition requiring a contribution is not appropriate.

S.79C(1)(b) – Likely impacts

6. Environmental Impacts

The proposal will result in asset protection occurring within areas that are mapped as Environmental Protection and Endangered Ecological Community (EEC) (as listed under the Threatened Species Conservation Act, 1995 and the Environmental Protection and Biodiversity Conservation Act 1999). The EEC is Shale Sandstone Transition Forest (SSTF). Identified threats for this community include clearing, physical damage from recreational activities, rubbish dumping, grazing, mowing and weed invasion. The priority action statement for SSTF includes the following recommendations:

- Protect habitat by minimising further clearing.
- Protect habitat by controlling run-off entering the site if it would change water, nutrient or sediment levels or cause erosion.
- Weed control
- Bush regeneration and revegetation

The site also contains a number of mapped threatened species.

The application was accompanied by an Ecological Assessment of the proposed Asset Protection Zone (APZ). This report included a “7 part test” as required under Section 5A of the EP and A Act. During the assessment of the proposal, there was some adjustment to the nature of the APZ required and it was also identified that a fire trail would be required. Further details were requested to be submitted to ensure a comprehensive assessment of potential impacts on the EEC and threatened species of the site. This, in combination with a modified approach to bushfire management proposals, the impact can be identified and minimised. Removal or modification of understorey was the activity that had the highest potential for impact but the applicant’s recommendations to mitigate this shall be included in the proposed conditions of consent.

The ecological assessment report concluded that the impact on endangered ecological communities and threatened species would not be significant.

7. Bushfire management

The subject application is defined as integrated development in accordance with Section 91 of the EP and A Act, 1979, under the Rural Fires Act 1997. The application is defined as a 'special fire protection purpose' and a bush fire safety authority is required. The application was referred to the Rural Fire Service (RFS) for their assessment.

Following several referrals and negotiations with the RFS in relation to potential impacts on ecologically endangered communities as a result of asset protection works, the application was granted conditional concurrence in a manner which ensured minimal environmental impact whilst maintaining bush fire safety for the site. The general terms of approval have been incorporated within this consent.

The following RFS conditions raised issues in relation to environmental management and heritage impact which are discussed below:

Asset protection zones

The RFS requires asset protection zones (APZ) around the new buildings. These areas will need to be fuel managed areas, which will result in some removal of bushland. The APZs are required at a radial distance of 58 metres from the new building work. The majority of these areas are already cleared, grassed open spaces. However, there are some areas where the APZ's impinge on mapped areas of scheduled vegetation, particularly within the south western areas of the APZ. At a meeting between the applicants, environmental scientists and the RFS, it was agreed that a detailed fire management plan would address issues relating to vegetation management in order to mitigate impacts on ecologically endangered communities. Further conditioning has been included to ensure the asset protection works are undertaken in a manner which reduces environmental impact (hand clearing, selective clearing etc). This condition is included within the recommended consent.

Fire trail

A new fire trail was proposed and required mapping to allow assessment of the potential environmental impacts. Following negotiations the fire trail is not required however some existing paths and tracks within the cleared area require some improvement and ongoing maintenance. Details will be required as a condition of consent.

Design and construction

The RFS requires some amelioration of the existing building to improve fire safety. There was some concern about the potential impacts on the heritage significance of the building. On reviewing the Conservation Management Plan it is noted that Building A is two stories rather than single storey as envisaged in the Master Plan. However the need for physical separation from the bushfire hazard and the need to maintain the bushland for ecological reasons has pushed this building to 2 stories. Also there is an RFS requirement for some modifications to existing buildings facing the hazard including window screens. These can be finalised during detailing of the building, which has been incorporated into the proposed conditions of consent.

8. Heritage impacts

The proposed works will potentially have an impact on the historic buildings; in particular Building A is sited in a manner which created significant impact on the original seminary building. Views to the eastern side of the seminary building; which is the front of the building for historic reasons are particularly affected by the location of the two storey building (Building A) just to the west. The application contends that

the new building will make a clear distinction between old and new and that views of the new building will be obscured by the presbytery (a single storey brick building located on the south eastern side of the original seminary building). The original design showed little attention had been given to mitigating the impacts either by location of buildings, styling of elements (linking passage), or detailing of finishes to resonate with the older historic buildings on the site.

In the early stages Council's heritage consultants identified concerns with the following elements:

- Linkages between old and new buildings. Lighter linkages would be preferable.
- Roof pitch has no relationship with old forms – a mix of roof forms concealing large flat building roof forms over 'fat' buildings.
- Design relationship, rhythm, and pattern of the new buildings emphasise horizontal fenestration rather than a relationship to the more vertical rhythms of the old buildings
- Materials and colours – there is still insufficient detail to determine how the masonry block work will be treated and the impact of the colour-bond roof juxtaposed against the old buildings. Further coloured elevations showing detailed treatment of the façade may be required.
- Insufficient justification for the two storey building (Building A) in the proposed location – single storey in this location would be better?

The Heritage Impact Statement (prepared by Pamela Hubert dated 26 October 2009) states that the new buildings will be screened by the existing presbytery and that the proposed new buildings will not visually dominate the seminary building on site. The HIS takes into account the removal of unsympathetic material from the courtyard area which will improve the setting of the historic buildings. The HIS states that the height of the new buildings has been controlled to ensure that the new building's eaves are no higher than the adjacent seminary building. The HIS relies also on the proposed materials providing solid blocks of masonry elements on the corners and adjacent to the seminary building thus referring to the solidity of the seminary building.

The final comments from Council's Heritage Advisor are that the project is a major undertaking for the school which provides a much needed replanning to enable the school to function efficiently and to provide the sorts of facilities considered necessary today. The architects are experienced in modern school design thinking. It is considered the proposed architecture could have taken a more sensitive approach in terms of its outward design form, however to mitigate this, the new buildings are separated both physically and visually to some extent from the historic buildings and key vistas. The most recent changes to the façade proportions and the redesign of the south western stair will reduce the impacts previously noted by providing a lighter structure. The final selection of finishes, colours and textures will further reduce the potential visual impact. Therefore, there is a 'heritage' argument that the new work could be removed at some future date without compromising the significant historic elements of the site.

The applicant has provided a combined southern elevation showing existing and proposed buildings thereby demonstrating the relationship between the buildings is acceptable. This elevation incorporates a much 'lighter connection' with the historic seminary and incorporates the detailing changes requested by Council. Possibly the

only remaining concern of significance is the roof form however due to practicality and cost the applicant is very resistant to the incorporation of gables and pitched roofs. Further the applicant has agreed to discuss details and colours of materials to further develop the themes of the original construction. A condition should be provided in any consent to reinforce this requirement.

9. Stormwater management

A critical component of managing the offsite impacts of the development is the management of stormwater. The proposed development of 3 buildings in fact improves the ability of the school to manage stormwater flows and the introduction of storage tanks will actually reduce the flow of water. Stormwater will be directed to grass swales and generally will be dispersed around the site so as to minimise impacts of concentrated flows. A detailed stormwater management plan and sediment and erosion plan will be submitted as a condition of consent.

10. Impacts on natural and built environments

The proposal is for replacement of a range of non-integrated structures with three larger more functional buildings generally within the developed footprint of the school. The site itself is very large and mainly bushland however the area of construction is within the existing relatively level, cleared portion of the site. Due to this use of the developed area the impact on the natural environment are largely limited to the need for bushfire mitigation measures to meet the more stringent current day bush fire standards. A range of negotiations have taken place to balance the ecological constraints and the need for protection of the students, staff and visitors to the site. The end result is that the existing bush perimeter will remain intact with just some light hazard reduction works and track improvements necessary.

In regard to the built environment the site is one that has heritage significance and is important to the social history of the community and the history of catholic education in Sydney. Again discussions and negotiations have lead to the physical structure evolving into one where the relationship between the new and existing buildings is considered satisfactory. In relation to adjoining sites and buildings, the distance between the sites, the intervening vegetation means that there is considered no potential for adverse impact on adjoining properties.

11. Social impacts in the locality

The school and its site have 100 years of history since it was first used as a seminary to train catholic priests. Originally a seminary the site now contains a secondary and primary school and a church. As can be expected the secondary school has developed in a somewhat piecemeal manner over the past decades. The proposal is to rectify this with a master plan having been produced along with a Conservation Management Plan to guide future development. This application is the implementation tool to bring the school to a standard that allows the education experience to be vastly enhanced through modern purpose designed facilities.

The school draws students from throughout the mountains with catholic primary schools also located at Katoomba and Lawson therefore the enhanced facilities provide benefits to the entire community. Provision of quality schooling is a high priority for all communities so provision of such facilities can only be of benefit. It may

also result in retention of additional local students remaining in the area. Given that schools play a vital role in establishing social linkages within communities such an outcome would be beneficial.

12. Economic impacts in the locality

As the school is not proposed to increase in staffing or students from this proposal there are unlikely to be substantive direct economic increase in long term employment. There will however be substantial short term construction opportunities in material supply and employment for local businesses.

If the enhanced facilities do result in enhanced retention of local students rather than their attending more distant schools there may be an indirect benefit of more money being available for spending in the local economy.

S.79C(1)(c) – Suitability of the site for the development

The site comprises 234.8 ha however only about 6.04 ha is genuinely available for development. Being a long standing educational facility the site is ideally suited to the proposed replacement of a number of smaller buildings with these larger modern buildings. The existing cleared area provides adequate buffers to the surrounding bushland and provides for schooling for all ages. Construction within the existing footprint minimises impacts and ensures the 100 years of history on the site can continue into the future.

S.79C(1)(e) – Public interest

In this instance the public interest is well served by the provision of high quality education facilities and services. The wider community expects school facilities to be appropriate, and the proposal on this site is supported. It is instructive that no submissions were received either in favour or against the proposal. Being a largely self contained site means the education of children can occur with minimal intrusion into the community.

Conclusion

It is recommended that the development application be approved subject to conditions, which are provided as Attachment 1. The development satisfies the planning provisions as set out in LEP 2005 but moreover it is considered that the development is appropriate for the continued use of the subject site and will contribute to the range of educational opportunities for the local community. The development appropriately addresses issues relating to heritage and environmental impact. The development will provide better amenity for educational purposes

* * * * *

GREG COOPER

Date: 22 July 2010

Consultant Town Planner
Geolyse Pty Ltd
(Engaged by Blue Mountains City Council)



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WILL LANGEVAD

Date: 23 July 2010

Acting Manager, Land Use Management



.....
CHRIS BROGAN

Date: 23 July 2010

Acting Group Manager, Environmental and Customer Services

A Preliminary

Confirmation of relevant plans

1. To confirm and clarify the terms of this consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent

Drawing Title	Prepared by	Plan No.	Issue	Date
Combined South Elevation	pmdl Architecture	-	-	-
Colours and Materials	pmdl Architecture	-	-	-
Site Plan	pmdl Architecture	DA101	B	1 April 2010
Demolition Site Plan	pmdl Architecture	DA102	A	27 October 2009
Set Out/Staging Plan	pmdl Architecture	DA103	A	27 October 2009
Demolition Ex Ground Floor Plan	pmdl Architecture	DA104	A	27 October 2009
Ex Building Ground Floor Plan	pmdl Architecture	DA105	A	27 October 2009
Demolition Ex Level 1 Plan	pmdl Architecture	DA106	A	27 October 2009
Ex Building Level 1 Plan	pmdl Architecture	DA107	A	27 October 2009
Basement Floor Plan – Bldg A	pmdl Architecture	DA108	A	27 October 2009
Ground Floor Plan – Bldg A	pmdl Architecture	DA109	A	27 October 2009
Level 1 Floor Plan – Bldg A	pmdl Architecture	DA110	A	27 October 2009
Ground Floor Plan – Bldg B,C	pmdl Architecture	DA111	A	27 October 2009
Roof Plan – Bldg A	pmdl Architecture	DA112	A	27 October 2009
Roof Plan – Bldg B,C	pmdl Architecture	DA113	A	27 October 2009
Floor Plan – Stair 2	pmdl Architecture	DA116	A	15 June 2010
Elevations Building A	pmdl Architecture	DA200	D	13 June 2010
Elevations Building A	pmdl Architecture	DA201	C	13 June 2010
Elevations Building B,C	pmdl Architecture	DA202	B	31 March 2010
W Elevations – Stair 2	pmdl Architecture	DA203	A	15 June 2010
Building Sections – Bldg A	pmdl Architecture	DA300	A	23 October 2009
Building Sections – Bldg B	pmdl Architecture	DA301	A	27 October 2009
Landscape Plan	Taylor Brammer	LA 03	A	21 October 2009
Site Plan	Sydney All Services	H01	C	8 April 2010
Basement Plan	Sydney All Services	H02	D	8 April 2010
Ground Floor Plan	Sydney All Services	H03	C	8 April 2010
Roof Plan	Sydney All Services	H04	D	8 April 2010
Sediment/Erosion Control Plan	Sydney All Services	H05	C	8 April 2010
Detail Plan	Sydney All Services	H06	D	8 April 2010

Detail of Stair Well 2

- 1a To clarify the approved detail in relation to Stair 2, located at the western end of the existing 2 storey sandstone building and adjacent to the eastern end of new Building A, plans numbered DA116 Issue A, DA 200 Issue D and DA203 Issue A shall supersede the relevant detail, as marked in red, on the following

	<p>listed plans</p> <ul style="list-style-type: none"> ➤ LA 03 Issue A ➤ H05 Issue C, ➤ DA 103 Issue A ➤ DA 105 Issue A ➤ DA 107 Issue A ➤ DA 109 Issue A ➤ DA 110 Issue A ➤ DA 300 Issue A
Staged Development	<p>2. The development may be carried out and occupied in stages, subject to detailed staging plans being submitted to and approved by the Council prior to issue of construction certification, This shall be generally as indicated by the application, being a 6 stage development including:</p> <ul style="list-style-type: none"> a) three (3) parts of staging for the refurbishment of the existing buildings. b) one (1) stage of external works; landscaping, walkways, paved areas c) one (1) stage – construction of Building A d) one (1) stage – construction of Buildings B and C <p>Relocation or removal of demountables and existing structures from the site are to coincide with each part.</p> <p>The staging plan must define the work that will be completed prior to issue of any occupation certificate for that stage. The staging plan must define the work required to implement that particular stage as well as ensuring the proper ongoing management of the overall site.</p> <p>Each stage of the development shall not operate without an Occupation Certificate.</p> <p>Prior to the commencement of any site works, a detailed plan of the proposed works for each stage is to be provided to Council for approval.</p>
Period of development consent	<p>3. Physical commencement of construction is required within a five (5) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the Environmental Planning and Assessment Act 1979.</p>
Building Code of Australia	<p>4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p>
Construction Certificate (building)	<p>5 A construction certificate is required for the development, prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.</p>
Occupation Certificate	<p>6 The building shall not be used or occupied prior to the issue of an occupation certificate in accordance with Sections 109H and 109M of the Environmental Planning and Assessment Act 1979.</p>
Access and mobility design statement	<p>7 To ensure access and facilities for people with a disability or limited mobility are provided in accordance with the principles of</p>

Protection of threatened species, populations and endangered ecological communities
Before, during and after construction

the *Disability Discrimination Act 1992* and the Council's planning instruments, a design statement is required from a suitably qualified Access and Mobility Specialist. The statement shall **verify** that the development as designed is accessible to people with a disability in accordance with the relevant part of the Council's *Better Living DCP* and Australian Standard AS 1428.1-2001 *Design for access and mobility – General requirements for access – New building work*, as per clause 107 (Access to public buildings and public land) of *Local Environmental Plan 2005*.

This statement is to form part of the Construction Certificate documentation.

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992*.

- 8 The site is identified as containing, or being adjacent to, habitat for the following threatened species;

Threatened flora species and/or populations:

<i>Persoonia acerosa</i>
<i>Pultenaea villifera</i> subsp. <i>villifera</i> (endangered population)
<i>Leucopogon fletcheri</i> ssp. <i>fletcheri</i>

Endangered Ecological Communities:

Sydney Turpentine Ironbark Forest
Shale Sandstone Transition forest of the Sydney basin Bioregion

Each of these items is listed under the Commonwealth Environment Protection and Biodiversity Act, 1999 and/or the NSW Threatened Species Conservation Act, 1995. Under the Threatened Species Conservation Act and Environmental Protection and Biodiversity Conservation Act it is an offence to harm threatened species, populations, endangered ecological communities or their habitat. You are required to have no significant adverse environmental impact on any threatened species, populations or endangered ecological communities.

In order to ensure the threatened species and populations and their habitat are kept in good condition at all times, their location and habitat is to be protected by:

- provision of an exclusion zone during construction,
- implementation of an approved vegetation management plan,
- effective stormwater treatment
- stringent erosion and sediment controls during the construction phase

Pathway

All asset protection zone works and future landscaping of areas containing these threatened species must be in strict

**Protection of
endangered ecological
communities**

Vegetation and site
management strategies

accordance with the protection and conservation of these species, and consistent with any specific management strategies contained within any approved Vegetation Management Plan (VMP) or Fire Management Plan.

- 9 The site contains remnant vegetation of Sydney Turpentine Ironbark Forest (STIF) and Shale Sandstone Transition Forest (SSTF). All references to the Endangered Ecological Communities located within the area adjacent to the access roadway from Hawkesbury Road shall be consistent with this classification.

In order to protect and enhance the integrity of the Endangered Ecological Communities occurring on site, Asset Protection Zone (APZ) works are to be undertaken generally in accordance the Additional Information Report, provided by Molino Stewart, dated 31st March 2010, and management strategies specified within any approved Vegetation Management Plan (VMP), or as otherwise specified by these conditions of consent. Generally, the following principles for site management are to be observed:

- a) Undertake weed control activities in asset protection zones, where weed growth occurs. Weed control methods are to be consistent with bush regeneration techniques, involve minimal intervention and where herbicides are to be used, only registered herbicides are to be used in strict accordance with the approved label or minor use permit.
- b) Mowing and slashing of the ground stratum within the STIF and SSTF - EEC is a recognised threat to the continuation of a viable EEC. Discretion must be exercised in the use of this technique.
- c) Approved mowing and slashing within the areas of EEC, or where threatened species occur, is to be undertaken using only a hand held devices. No ride on or tractor mounted devices may be used.
- d) Prior to any slashing and mowing the area is to be assessed by a qualified restoration practitioner or the ecological consultant, to ensure identification and protection of any identified threatened species or tree seedlings appropriate for retention.

All such works required for the purpose of ground layer fuel management, must be in accordance with the recommendations and specifications within the integrated Fire and Vegetation Management Plan (FVMP), to be submitted for consideration and approval by Blue Mountains City Council prior to issue of the construction certificate, as required by Condition 23..

**Landscape
requirements**

- 10 Landscaping on this property must;
- Limit planting of species that may produce viable propagules that may move into any adjoining Endangered Ecological Communities, or that may potentially lead to genetic pollution via the movement of

non provenance pollens.

- ameliorate the visual impact of the development when viewed from carpark and roadway areas;
- ensure that new plantings or other works do not compromise the intent or outcomes of the Fire and Vegetation Management Plan (FVMP), as required by Condition 23;
- comply with the principles of Appendix 5 of Planning for Bushfire Protection (2006).
- There must be ongoing management of existing invasive species in all areas of the site, using bush regeneration techniques, or otherwise in accordance with the approved Fire and Vegetation Management Plan (FVMP).

Any planting within the curtilage areas shall consist of non-invasive plant species. No plant listed in Part F2 of the Better Living DCP Weeds of the Blue Mountains, is to be retained or provided at any time in the landscaping of the site.

B Rural Fire Service

Asset Protection Zones

- 11 a) At the commencement of building works and in perpetuity the property around the proposed buildings A, B and C to a distance of 58 metres to the north western, western and south western elevations, shall be provided with an APZ as identified on Figure 1 – Northern View of the additional information from Molino Stewart dated 31 March 2010. Asset Protection Zones are to be maintained as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.
- b) At the commencement of building works and in perpetuity the area along the existing internal access road from Hawkesbury Road shall be provided with an APZ as identified on Figure 1 – Northern View and Figure 1 – Southern View of the additional information from Molino Stewart dated 31 March 2010. Asset Protection Zones are to be maintained as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.
- c) A fire management plan is to be prepared that addresses the following requirements:
- Schedule and description of works for the construction of asset protection zones and their continued maintenance, including providing the asset protection zone along the school access road.

	<ul style="list-style-type: none"> Contact person/ department and details.
Water and utilities	12 Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006' so as to provide adequate services of water for the protection of buildings during and after the passage of a bushfire and to locate gas and electricity so as to not contribute to the risk of fire to a building.
Access	13 Fire trails shall comply with Section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006' so as to provide suitable access for fire management purposes and maintenance of APZs.
Evacuation and emergency management	14 Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006' so as to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.
Design and construction	15 The existing building shall be upgraded to improve protection against bushfires by undertaking upgrading of exposed elevations facing the hazard as follows: <ul style="list-style-type: none"> a) Windows shall be screened with non corrosive mesh to prevent the entry of wind blow embers. The screening shall be placed over the operable part of the window. b) Enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves. c) Maintain external timber surfaces free from flaking and splits. d) The existing roof shall be made gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standards AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
Construction levels – Building A and B	16 Construction of the western and southern elevations of proposed Buildings A and B shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 3 with the northern and eastern elevations to comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 2
Construction levels - building C	17 Construction of the western elevation of proposed building C shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 2 with all other elevations to comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 1

Construction levels – Existing Agricultural Building	18	Any proposed new external works to the existing agricultural building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 3.
Construction levels – Main Building	19	Any proposed new external works to the existing main building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 1.
Construction levels – All Buildings	20	New roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
Landscaping	21	Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

C Prior to issue of a Construction Certificate

Details of Materials and Finishes of Construction	22	<p>Prior to detailing of the new buildings, consultation shall be had with Blue Mountains City Council's Heritage Advisor in regard to final detailing of features, materials and colours of materials for construction.</p> <p>Further, the consultation with Blue Mountains City Council's Heritage Advisor shall include the proposed methods of resolving the need for screening and protection of existing buildings, including window openings and guttering.</p> <p>Following these discussions full details and samples are to be submitted to Blue Mountains City Council's Heritage Advisor for approval prior to issuing of a Construction Certificate.</p>
Fire and Vegetation Management Plan	23	<p>A Fire and Vegetation Management Plan (the FVMP) shall be developed to create an integrated document which is to be submitted for consideration and approval by Council prior to the issue of a Construction Certificate, and once approved must be fully implemented.</p> <p>The fire management component must detail the range of measures to be taken to implement and maintain the required bushfire protection standards.</p> <p>The Plan must include specific measures, strategies and constraints as identified by the ecological consultant and by the Council in relation to the implementation of the Asset Protection Zone (APZ) within areas of endangered ecological communities and the habitat area of threatened species and endangered populations.</p> <p>The objective of the Vegetation Management component is to detail how the works required within the identified Asset Protection Zone (APZ) will be undertaken initially, and how those</p>

		<p>areas affected by asset protection zones will be maintained in a manner consistent with these conditions.</p> <p>The Plan shall incorporate but not be limited to the following matters:</p> <ul style="list-style-type: none"> ▪ location, removal methods and ongoing management of environmental and noxious weeds on the site; ▪ provision and ongoing management of bushfire asset protection zones; ▪ protection of identified threatened species habitat and adoption of appropriate ameliorative strategies; ▪ Improvement and ongoing maintenance of existing fire trails. <p>A timeframe for implementation and ongoing monitoring and maintenance of the above works, including remedial work when performance targets are not met</p>
Site stormwater system	24	<p>A plan of management for the stormwater management structures shall be submitted to and approved by the Principal Certifying Authority.</p> <p>The plan of management shall set out all design and operational parameters for the structures, including design levels, hydrology and hydraulics, inspection, maintenance and monitoring requirements and time intervals for such inspection and maintenance.</p>
Soil and Water Management Plan	25	<p>A Soil and Water Management Plan (SWMP) is to be submitted to Council for approval prior to the issue of the Construction Certificate for Stage 1.</p>
Access and Manoeuvring	26	<p>Access driveways, parking and manoeuvring areas shall be designed, constructed, paved and drained as shown on the approved plans. Details are to be submitted for approval with an application for a Construction Certificate.</p>
Stormwater Management Plan	27	<p>Prior to the issue of a Construction Certificate for Stage 1 a Stormwater Management Plan (SMP) shall be submitted to and approved by Principal Certifying Authority. The SMP must be prepared to comply with clause 57 (Stormwater management) of LEP 2005 as relevant to the development. The SMP is to address in particular:</p> <ol style="list-style-type: none"> a. All stormwater runoff from impervious areas of the site are to be collected and drained by a gravity underground stormwater system to the existing drainage system. The stormwater system is to be designed by a qualified person for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 2001. Provision shall be made for an emergency overland flow path capable of conveying all surcharge flows up to and including the 1 in 100 years ARI

storms to the public road.

- b. There is to be no adverse environmental impact created as a result of the proposed stormwater management plan.
-

D Prior to Commencement of Works

Conservation Best Practice

- 28 The recommendations of the Conservation Management Plan and Statement of Heritage Importance in regard to use of best practice conservation work shall be adopted for the full recording of proposed changes to the interiors of the historic buildings.

Sydney Water

- 29 The Council stamped approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing

Builders details

- 30 Prior to any works commencing on the site, written advice as to the builder's details (name, address and licence number) is required for the Council records.

Exclusion zone

- 31 Prior to the commencement of any work on site an exclusion zone must be established and maintained around the immediate perimeter of the approved works to prevent any damage to existing vegetation/site features including the waterway and its associated landscaped areas.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh around the perimeter of the area to be protected and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of
-

-
- material;
 - b) no parking or movement of machinery;
 - c) no change to the soil grade or level;
 - d) no changes to soil aeration or hydrological capacity;
 - e) no open cut trenching; and
 - f) no spillage/disposal of building chemicals of any description.

An inspection of these barriers must be arranged with the Principal Certifying Authority prior to the commencement of site works, at the first critical mandatory stage inspection.

Soil erosion

- 32 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated in accordance with the Landscape Plan (except as amended by these conditions).

Construction Management Plan

- 33 Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority. Written evidence is to be provided confirming the approval of Council's Assets and Property Sections where the Construction Management Plan affects any Council asset.

The Plan is to detail and or address but not be limited to the following:

- a. The Construction Program including the Demolition Management Plan.
- b. The Traffic Management Plan (TMP).
- c. Staging of work especially to minimize the impact on the students and staff.
- d. Construction access is to be limited to outside peak hours.
- e. Proposed method for maintenance of safe pedestrian access within the school grounds during school hours.
- f. Proposed method for protecting retained heritage or historic buildings (both adjoining and external to the site) during the excavation process, which may require specialist input from a heritage engineer.
- g. Days & hours of construction.
- h. Proposed delivery/loading/storage locations, noting that access roads and the car park that are not proposed to be altered as part of the development shall not be used as loading or storage locations.

Location of site shed, toilet and other construction amenities

E During Construction

Approved trees for removal and limit of tree removal

- 34 Where tree pruning or essential dead wooding is to be undertaken, works must comply with the appropriate class of pruning relevant to AS4373-1993 Pruning of Amenity Trees, and be undertaken by a qualified arborist using recognised industry techniques.

Strategic tree removal necessary to achieve the performance objectives of the asset protection zone is to be determined by a qualified ecologist. The trees shall be removed in a manner so as to prevent damage to those trees which are to be retained:

- Trees may be felled or sectionally dismantled or removed by crane
- Stumps should be retained in situ to facilitate natural processing of waste
- Trees (and tree stumps) must not be pushed, pulled or mechanically extracted, as doing so may cause an unacceptable level of harm to trees to remain.

All trees identified as mature remnants of the Endangered Ecological Community, Sydney Turpentine Ironbark Forest, and which are not hazardous, are to be retained. No further tree removal is to be undertaken without development consent or written permission from Council.

Within asset protection zones, exotic and otherwise invasive species must be prioritised for removal over indigenous species.

Compliance with standards

- 35 All internal and external engineering works required by this development are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 2001 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective

Inspections

- 36 To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a. Pre construction meeting.
 - b. Roads, driveways, fire trails, turning areas and passing bays.
 - After setout (prior to any excavation)
 - Laying and compaction of subgrade
 - Compaction of roadbase or placing reinforcement for concrete works
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
 - c. Stormwater Drainage
 - After setout (prior to any excavation)
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		After installation of pits and pipes, prior to backfilling Final – all disturbed areas revegetated. Final inspection of completed development.
Implementation of the Vegetation Management Plan incorporated within the Fire Management Plan	37	The Vegetation Management Plan incorporated in the approved Fire Management Plan must be implemented in its entirety except as amended by any additional conditions specified prior to the issue of a Construction Certificate
Landscape implementation	38	Landscape works shall be carried out in accordance with the approved, amended Landscape plan. Tree protection measures such as tree guards, fencing and other schemes necessary to ensure successful establishment of approved plantings are to be indicated on landscape plans. Healthy and vigorous plants must be sighted in the landscape prior to issue of the Occupation Certificate
Plans on site	39	A copy of the stamped and approved plans, development consent and construction certificate/s are to be on the site at all times during construction
Site management	40	To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the demolition and construction periods: <ul style="list-style-type: none"> a. Site and building works (including the removal/delivery of materials to or from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of the Council. b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site. c. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site. d. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot

Pathway

F. Prior to issue of Occupation Certificate

Access and mobility – verification that completed	41	To ensure the completed development has been constructed to provide access and facilities for people with a disability or limited mobility in accordance with the principles of the <i>Disability</i>
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development complies

Discrimination Act 1992 and the Council's planning instruments, written verification shall be provided by a suitably qualified Access and Mobility Specialist.

The document shall verify that the completed development is accessible to people with a disability in accordance with the relevant part of the Council's *Better Living DCP* and Australian Standard AS 1428.1-2001 *Design for access and mobility – General requirements for access – New building work*, as per clause 107 (Access to public buildings and public land) of *Local Environmental Plan 2005*.

This [verification statement](#) is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992*.

On site detention positive covenant

42 To ensure the stormwater management structures are satisfactorily maintained a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- The registered proprietors will at all times maintain and protect the stormwater management structures, in accordance with the approved design, having due regard to the plan of management.

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The working of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information. Proof of lodgement with NSW Land and Property Information shall be submitted to Council prior to the issue of the Occupation Certificate.

Loading Dock Management and Waste Collection Plan

43 A Loading Dock Management and Waste Collection Plan is to be submitted and approved by Council prior to the issue of any Occupation Certificate. The Loading Dock Management and Waste Collection Plan is to be designed to control and manage the servicing of the site. This plan is to ensure that:

- a. All delivery and service vehicles accessing the site are restricted to 8.8m Medium Rigid Vehicles (MRV).

Servicing takes place outside of the school day peak times.

Works as Executed plans

44 Prior to the issue of the Preliminary Final Inspection Report and prior to the issue of any Occupation Certificate, a Works as Executed Plan of all engineering works together with an engineer's certification confirming that all works have been

		constructed in accordance with the approved plans and specifications shall be submitted to and approved by the Council
Restore disturbed area	45	All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to Council's satisfaction prior to release of the Occupation Certificate

G Occupation and ongoing use

School population	46	The numbers of students at the school is limited to 1200 as car parking and access arrangements are provided to accommodate these numbers. In addition impacts on the environment can be controlled by limiting student numbers. Any increase in student population over 1200 will require the consent of Council
Fire and Vegetation Management	47	The school shall remain responsible for the ongoing maintenance of the asset protection zones, hazard reduction by means appropriate and recommended in the Fire and Vegetation Management Plan