

JRPP PLANNING REPORT

JRPP NO:	2010SYW102
DA NO:	872/2011/JP
PROPOSED DEVELOPMENT:	THE DEVELOPMENT OF THE SITE INVOLVING A SCHOOL ACCOMMODATING 800 STUDENTS (KINDERGARTEN TO GRADE 12) AND ASSOCIATED SITE WORKS.
SUBJECT SITE:	LOT 3 DP 32271 - 57-69 SAMANTHA RILEY DRIVE, KELLYVILLE
APPLICANT:	AUSTRALIAN INTERNATIONAL ACADEMY OF EDUCATION INC
LODGEMENT DATE:	20 DECEMBER 2010
REPORT BY:	DEVELOPMENT ASSESSMENT CO-ORDINATOR ROBERT BUCKHAM
RECOMMENDATION:	APPROVAL

EXECUTIVE SUMMARY

The proposal is for the development of the subject site for a school accommodating 800 students (kindergarten to grade 12) and associated site works. The application involves the construction of primary school and kindergarten in the northern section of the site and construction of secondary school in the southern section of the site.

The proposal seeks to retain the existing trapped low-point that exists in Foxall Road, located some 115m north of the intersection of Samantha Riley Drive and Foxall Road. As part of its assessment of the application, Council staff requested that the applicant consider relocating this trapped low-point approximately 47m further north as part of the reconstruction of Foxall Road so that it aligned with the proposed "local road". This alternative design had the potential to benefit the orderly development of the adjacent development site on the opposite side of Foxall Road, No. 51 Samantha Riley Drive. A similar approach was adopted by the applicant for the development of the subject site.

The applicant considered this design option, which included consultation with the owners of No. 51 Samantha Riley Drive. The applicant decided against this design option for the following reasons as the alternate design would necessitate additional filling on both the subject site and No. 51 Samantha Riley Drive, and the alternate design would concentrate stormwater runoff from the development site and Foxall Road onto the adjacent development site on the opposite side of Foxall Road, No. 51 Samantha Riley Drive, away from the existing drainage easement.

It is considered that the retention of the existing trapped low-point in Foxall Road is a satisfactory outcome and will not impact upon the orderly development of No. 51 Samantha Riley Drive. The passage of stormwater through this site via the trapped low-point can be provided via a local drainage link or similar, depending on the type of development proposed.

The Development Application was placed on public notification for a period of thirty (30) days. Five (5) individual submissions and a petition including thirty-one (31) signatures were received during the notification period. A further twenty-three (23) submissions were received after the notification period.

The issues raised in the submissions mainly relate to traffic, noise, the excessive number of schools in the area and the type of school proposed.

It is noted that a Class 1 appeal has been lodged with the Land and Environment Court.

The proposed development is considered satisfactory subject to conditions and is recommended for approval.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Australian International Academy Of Education Inc	1.	<u>LEP 2005</u> - Satisfactory
Zoning:	Low Density Residential R2 and Infrastructure Zone SP2 under SEPP Growth Centres	2.	<u>SEPP (Sydney Region Growth Centres) 2006</u> - Complies.
Area:	20,230m ²	3.	<u>North Kellyville Development Control Plan</u> - Complies.
Existing Development:	Dwelling and vacant land.	4.	<u>BHDCP Part D, Section 1- Car Parking</u> - Complies. <u>Part D, Section 3- Landscaping</u> - Complies.
			<u>Section 79C of EP&A Act 1979</u> - Satisfactory.
			<u>SEPP (Infrastructure 2007)</u> - Satisfactory
			<u>Special Infrastructure Contribution</u> - Applicable and administered by DOP.

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes 30 days	1.	Capital Investment Value in excess of \$5 million pursuant to SEPP (Major Development) 2005
2. Notice Adj Owners:	Yes 30 days		
3. Number Advised:	Thirty five (35)		
4. Submissions Received:	Five (5) submissions and a petition including 31 signatures received during		

	the notification period. A further twenty-three (23) submissions were received after the notification period.		
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HISTORY

05/11/2010	1 st Prelodgement Meeting held with Council staff.
03/12/2010	2 nd Prelodgement meeting held with Council staff.
20/12/2010	Subject Development Application 872/2011/JP lodged with Council.
17/01/2011	Application notified and advertised for 30 days.
16/03/2011	Letter sent to the applicant seeking additional information on a number of matters. These matters included: <ul style="list-style-type: none"> • Staging; • Impacts on adjoining sites; • Acoustics; • Landscaping • Drainage; • Flooding; and • Road design
24/03/2011	Briefing to JRPP.
01/03/2011	Amended landscape plan received in response to Council's letter dated 16 March 2011.
25/03/2011	Meeting held with applicant and Council staff in relation to issues raised in Council's letter.
24/03/2011	Preliminary response received to non engineering issues raised in Council's letter dated 16 March 2011.
07/04/2011	Further letter sent to applicant in relation to engineering and open space issues.
03/03/2011	Status Report presented to JRPP.
07/06/2011	Amended information submitted to Council in response to Council's letter dated 07 April 2011.
14/06/2011	Correspondence sent to applicant requesting whether the adjoining landowner had been approached with respect to the relocation of the trapped low-point. Council staff consider that the relocation of the trapped low-point to a point consistent with the DCP road layout as being the best orderly development outcome.

11/07/2011	Advice submitted from applicant advising that contact has been made with adjoining owner however they are unwilling to accept the relocation of any existing stormwater points.
29/07/2011	Advice received from applicant indicating unwillingness to liaise further with adjoining owner and request application be determined.
09/08/2011	Class 1 Appeal lodged by the applicant with the Land and Environment Court.

PROPOSAL

Development Application 872/2011/JP (2010SYW102) is for the staged development of the subject site for a school accommodating 800 students (kindergarten to grade 12) and associated site works. The application involves the construction of primary school and kindergarten in the northern section of the site and construction of secondary school in the southern section of the site.

Car parking areas are accessed from Foxall Road, with one entry and one exit only access point proposed, with a (temporary) combined entry/exit on Foxall Road being employed during early stages.

Buses are not proposed to access the subject site, rather utilising the planned indented bus bay adjoining the site within Samantha Riley Drive and the proposed 50m long 'Bus Zone' located within the western Foxall Road parking lane between the ingress and egress driveways.

Vehicular parking, internal circulation and setdown / pick-up activities are proposed to be accommodated within the eastern portion of the site between the proposed school buildings and Foxall Road, with additional staff car parking provided in a section of the site fronting Samantha Riley Drive (together with loading area) and in the northern section of the site. The parking areas will provide the site with a capacity to accommodate 83 passenger vehicles including 16 vehicles within the formalised set-down / pick-up area.

The development includes associated landscaping, fencing, earthworks, roadworks and drainage works, including the upgrading of Foxall Road and future construction of a local street across the northern part of the site.

The site is zoned Low Density Residential R2 and Infrastructure Zone SP2.

The locality is currently characterised by the existing low density residential area to the south of the site and primarily a rural residential character within the subject release area. Within the release area a seniors living development is approved but not yet constructed on the adjoining site to west, No. 71 – 83 Samantha Riley Drive. A temporary school is operating on the corner of Hezlett Road and Gum Nut Close and a masterplan for a 1000 student school on the site is also under evaluation. A number of residential subdivisions have been approved or are under evaluation. The locality is therefore undergoing a transition.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (Major Development) 2005

Clause 13(B) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:-

“(1) This Part applies to the following development:

- (a) *development that has a capital investment value of more than \$10 million,*
- (b) *development for any of the following purposes if it has a capital investment value of more than \$5 million:*
 - (i) *affordable housing, air transport facilities, child care centres, community facilities, correctional centres, **educational establishments**, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*
- (c) *Crown development that has a capital investment value of more than \$5 million,*
- (d) *Development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*
- (e) *Designated development,*
- (f) *Subdivision of land into more than 250 lots.”*

The proposed development has a capital investment value of \$25,000,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with SEPP (Sydney Region Growth Centres) 2006

a. Permissibility

The subject site is located within the North Kellyville Precinct, and is zoned pursuant to SEPP (Sydney Region Growth Centres) 2006. The development site that the school is located on is zoned R2 Low Density Residential.

SEPP (Sydney Region Growth Centres) 2006 defines Educational Establishments as follows;

“Educational Establishment means a building or place used for education (including teaching), being :

- (a) *a school, or*
- (b) *a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.”*

Development for the purpose of an Educational Establishment is permissible with consent in both the Residential R2 zone.

b. Height of Buildings

Clause 4.3 of the SEPP stipulates the maximum height of buildings. The clause states:

“(1) The objectives of this clause are as follows:

- (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
- (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
- (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
- (d) to provide appropriate height controls for commercial development,*
- (e) to restrict the height of buildings within the curtilage of heritage items.*

(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”

Accordingly, the *Height of Buildings Map* identifies the maximum height for this site as 9m.

The plans submitted indicate that the proposal has a maximum height of approximately 11m above the natural ground level, thus exceeding the standard by 2m.

Clause 2(A)(a) and (b) of the SEPP provides flexibility when considering a development that exceed the height limit where Council is satisfied that the development:

“(a) is located:

- (i) on a prominent street corner, or*
 - (ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or*
 - (iii) on land with a finished ground level slope equal to or more than 15%, and*
- (b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.”*

It is considered that the school is located on a prominent street corner being the corner of Samantha Riley Drive and Foxall Road and is not likely to have an impact on future residential development in regard to over shadowing, visual impact and any impact on privacy given separation and site topography.

3. Compliance with North Kellyville DCP

The proposed development has been assessed against the relevant development standards and objectives of the North Kellyville DCP. The following standards are relevant:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.2 Indicative Layout Plan (ILP)	Development to be undertaken generally in accordance with the ILP	The proposal is consistent with the ILP.	Yes.
3.1 Street Network and Design	The sites frontage to Samantha Riley Drive (sub-arterial) and Foxall Road (Collector Street) is affected by road	Future road works subject to recommended conditions of consent.	Yes.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	widening. The site requires the construction of a new local road along the northern boundary.		
3.3 Public Transport	Bus stops to be provided generally in accordance with the DCP.	No bus stop locations are depicted on the Masterplan in front of the subject site.	Yes
3.5 Public Domain Works	Street trees planting to be provided to all streets with a spacing of between 7m and 10m with a minimum of 1 tree per lot frontage.	Landscape Plan does not provide street trees, however this has been resolved by a condition of consent.	Yes, Refer Condition No. 33.
4.2.1 Front Setbacks	Educational establishments and places of public worship must have front setbacks which are consistent with the setback controls for residential buildings – i.e. 4.5m.	Building setbacks to Samantha Riley Drive and Foxall Road exceed 4.5m	Yes
6.1 Integrated Stormwater Management	Numerous provisions pertaining to floor levels, drainage designs, post-construction phase stormwater management, Water Sensitive Urban Design strategies, detention volumes etc.	Matters relating to stormwater managements have been satisfactorily addressed.	Issue addressed. Refer Section 8 of this report.
6.3 Bushfire Hazard Management	Numerous provisions to prevent loss of life and property due to bushfires, to ensure adequate fuel management of asset protection zones, and to define construction standards applicable to lots with bushfire prone vegetation.	The NSW Rural Fire Service reviewed this aspect of the proposal and raised no objections.	Yes
6.4 Tree & Bushland Protection	Submission of a Tree Management Plan prepared by a qualified arborist.	An Arboricultural Assessment has been submitted. No objection raised.	Yes
6.5 Contamination Management	Submission of site contamination assessment to establish that the proposed	The site contamination assessment has been undertaken. No objection raised.	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	redevelopment is suitable for the site.		

4. Compliance with Baulkham Hills DCP Part D, Section 1 - Parking

The proposed development has also been assessed against the relevant development standards and objectives of the Baulkham Hills DCP Part D, Section 1 – Parking which is applicable to the development as per Clause 1.3 of the North Kellyville DCP. The proposal complies with the applicable controls and is considered satisfactory.

5. Issues Raised in Submissions

The Development Application was placed on public notification for a period of thirty (30) days. Five (5) individual submissions and a petition including thirty-one (31) signatures were received during the exhibition period. A conciliation conference was not held as ten or more individual submissions were not received within the exhibition period. A further twenty-three (23) submissions were received after the notification period.

While the issues raised are not considered to warrant refusal or amendment of the Development Application, the issues have been addressed within the table below:-

ISSUE/OBJECTION	COMMENT	OUTCOME
The road infrastructure in the locality is unacceptable for the proposal. The area already experiences traffic delays.	<p>The application was accompanied by a traffic assessment report which indicated that Samantha Riley Drive and Foxall Road will operate at an appropriate level of service.</p> <p>Both Samantha Riley Drive and Foxall Road are proposed to be upgraded. Samantha Riley Drive is required to be upgraded to the standard of sub arterial which includes two lanes each way with allowances for parking within the outer lane. Foxall Road will be constructed to the standard of a collector road which includes a 12 metre carriageway one lane each way and a lane for parking and landscaping.</p>	Issue addressed.
The area is well catered for with educational establishments, therefore, the need for the proposed establishment and how it will benefit the local community is unclear.	The planning assessment process considers applications based on merit. Issues of demand for or viability of a particular development are not planning considerations under Section 79C of the Environmental Planning and Assessment Act 1979.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
There is not a large Muslim population in the Hills Local Government Area so the school should be built elsewhere.	See comment above.	Issue addressed.
Submissions were received that raised anti Muslim sentiment.	Issues of a cultural, religious or racial nature are not planning considerations under Section 79C of the Environmental Planning and Assessment Act 1979.	Issue addressed.
The proposal will create an unacceptable noise impact.	Council's Environment Health and Sustainability Section have reviewed the proposal and recommended the imposition of conditions to control noise. The proposal has been designed to contain play areas internal to the site with the school buildings creating a barrier to adjoining properties.	Issue addressed.
The North Kellyville Precinct plan produced by the state government shows that schools will be built well inside (middle) of the development area.	The subject site is zoned Residential R2. Educational establishments are permissible with consent. The schools shown within the development area are for public schools. The subject development is a private school.	Issue addressed.

6. Integrated Development – NSW Rural Fire Service

The application is classified as 'integrated development' pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 as the development requires approval from the Rural Fire Service (RFS).

The application was referred to RFS for assessment and was considered satisfactory subject to the Bushfire Safety Authority included at Attachment 8

7. NSW Roads and Traffic Authority and Council's Traffic Comments

Under the provisions of SEPP Infrastructure 2007 Clause 104(3)(b)(i) the consent authority must *"take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given"*

A copy of comments from the RTA are included at Attachment 9.

Council's Traffic Section has provided the following comments.

Existing Traffic Environment

The application was referred to the RTA at its meeting of the SRDAC on the 12 January 2011.

Vehicular access is proposed via a separate 8.0m wide ingress and egress driveways on the western side of Foxall Road approximately 50m and 130m respectively north from the intersection of Samantha Riley Drive. This area forms part of the future North Kellyville Release Area and in both its current and future zonings is zoned for residential type development.

A traffic report has been prepared by Thompson Stanbury Associates in support of the application. The report identifies that Foxall Road is currently constructed as a two lane rural road and sustains around 485 peak hour vehicle movements. It will ultimately be constructed with a 12.0m wide carriageway with one through traffic lane in each direction and a parking lane on both sides and perform in a collector road function.

Samantha Riley Drive is currently a two lane rural road sustaining around 10,000 vehicle movements daily and will ultimately under its future configuration be reconstructed as a four lane Sub Arterial road with two lanes in each direction as part of the North Kellyville DCP.

The intersection of Samantha Riley Drive and Foxall Road currently operates under give way priority control however ultimately be constructed as a two lane circulating roundabout.

Proposed Development - Traffic Generation

The Roads and Traffic Authority Guide to Traffic Generating Developments does not nominate a specific traffic generation rate for educational establishments but relies on the applicant obtaining survey data from similar types of developments. In this case the applicant's consultant has specified that the school will generate 326 peak hour trips in the morning and afternoon peak hours.

The consultant has carried out a SIDRA analysis of the existing intersection pre development and the impact the additional traffic from the development will have on the surrounding road network in particular the intersection of Foxall Road and Samantha Riley Drive under its ultimate configuration of a two lane circulating roundabout and confirmed that such traffic generation does not significantly alter the existing service levels of the nearby intersections remaining at an overall Level of Service A.

However, it should be pointed out that the SIDRA analysis of the existing intersection under give way control shows Level of Service C with examination of the output tables attached as Appendix 3 of the report indicating queue lengths for left turns extending back 213m in Foxall Rd during the morning peak.

There is further comment that observations in the morning peak reveal that the existing queues are nowhere near that length with left turner's exiting Foxall Road with a reasonable level of efficiency.

Need for Traffic Improvements in the Locality

As depicted in the North Kellyville DCP the intersection of Foxall Road and Samantha Riley Drive is planned to be upgraded to a two lane roundabout in conjunction with the sub arterial upgrade of Samantha Riley Drive. Similarly both the existing uncontrolled intersections of Samantha Riley Drive/Hezlett Road and Withers Road/Hezlett Road will ultimately be upgraded to traffic signal control. These works are covered by the North Kellyville Contribution Plan. The proposal does not generate Section 94 Contributions given it is an educational establishment.

Traffic egress/ingress to arterial/sub-arterial roads

As indicated above, Foxall Road will have direct access the future sub-arterial of Samantha Riley Drive via a two lane roundabout. In addition the two existing uncontrolled intersections of Hezlett Road with Samantha Riley Drive and Withers Road are to be signalized.

Sight distance and other safety issues

Both 6.0m wide entry/egress driveways are located on a straight section of Foxall Road with a constant grade providing sufficient sight distance exceeding the minimum safe intersection sight distance requirements of 80m for a 50km/h speed environment.

Parking Provision

The proposed development provides for a total of 83 off street parking spaces with a separate 16 spaces for drop off/pick up to cater for the 800 students and 60 staff and visitors.

Recommendations

There are no objections raised from a traffic engineering perspective to the proposed development.

The issues raised by the RTA particularly in relation to the relocation of access to the future local road have been considered however deemed unnecessary in this instance.

8. Engineering Issues

Stormwater Management

With respect to water quality treatment and stormwater detention, compliance with the requirements for such from Part 6.1 of the DCP is required. An assessment against the requirements of Part 6.1 of the DCP is provided below:

The DCP defines "residential net developable area" as the land occupied by development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding public open space and other non-residential land.

Based on the above, for the subject site, the "residential net developable area" is calculated as the R2 zoned portion of the site (1.945ha), minus half the width of the proposed local road (0.126ha), plus half the width of Foxall Road (1.710ha) equalling 1.990ha of "residential net developable area".

The stormwater detention requirements affecting the site are governed solely by the DCP. In this respect the release area has been divided into two separate catchments each requiring their own detention requirements consisting of a number of Water Sensitive Urban Design (WSUD) elements. The site is located within the Cattai Creek catchment area.

For the Cattai Creek catchment area, 185m³/ha of detention storage is required consisting of:

Rainwater tanks = 5%
Additional active storage = 6%
Raingardens = 8%
Swales = 26%
Detention basins = 55%

Based on the development's "residential net developable area" of 1.990ha above, the total required detention storage is 368.15m³.

The North Kellyville Masterplan Water Cycle Management Plan (2008) prepared by Worley Parsons as part of the precinct planning process included additional notes relating to each of the above elements, however this largely related to the requirements applying on a lot by lot basis assuming that R2 zoned land would be developed for residential purposes. Notwithstanding, the information provided concerning swales is still relevant in this instance:

"Swales are proposed to run along selected roads. Swale areas were estimated based on the ILP issued by Jackson Teece in mid-January 2008. Analysis of a typical 4 metre wide swale cross section with an average depth of ponding of 0.3 metres yielded a detention volume of 0.75m³ for each linear metre of swale. It has been assumed that all runoff from the developed catchment is drained to the swale network."

The application includes the full width construction of the "local road" adjacent to the sites northern boundary as required by the DCP and Council's Contribution Plan 13. This road includes a 4m wide central swale and is approximately 111.76m long, which yields a detention volume of 83.82m³ based on the above.

The application includes five separate rainwater tanks with a combined storage volume of 50m³. The North Kellyville Masterplan Water Cycle Management Plan (2008) prepared by Worley Parsons as part of the precinct planning process suggests that for a variety of arrangements approximately 33% of the total capacity of a rainwater tank is available as detention storage at any one time. Accordingly, a further 16.667m³ of storage is provided by the five separate rainwater tanks proposed.

Finally, the application includes two separate dedicated onsite stormwater detention tanks with a combined volume of 315m³.

Accordingly, the total detention storage provided by the development is 415.487m³ exceeding the 368.15m³ required to be provided as per the DCP.

Separately, the water quality treatment requirements affecting the site are also governed solely by the North Kellyville DCP. Again, the site is located within the Cattai Creek catchment area.

For the Cattai Creek catchment area, the following measures are required, based on an element surface area per hectare for each in the breakdown shown:

Raingardens = 104m²/ha

Road side swales = 257m²/ha

Constructed wetlands = 50m²/ha

Based on the development's "residential net developable area" of 1.990ha above, the total treatment surface area required is 817.89m².

The application includes the full width construction of the "local road" adjacent to the sites northern boundary as required by the DCP and Council's Contribution Plan 13. This road includes a 4m wide central swale and is approximately 111.76m long, which yields a treatment surface area of 447.04m² based on the above.

The application includes two further bio-retention swales within the site, one 5m wide and 75m long and the other 1.5m wide and 98m long, which yields a treatment surface area of 522m².

Accordingly, the total treatment surface area provided by the development is 969.04m² exceeding the 817.89m² required to be provided as per the DCP.

Accordingly, the proposal is considered acceptable with respect to the stormwater management requirements covered by Part 6.1 of the DCP. Suitable conditions have been imposed below requiring the submission of a detailed design and associated calculations/modelling for the storm detention and water quality treatment measures discussed in this report.

Civil Works

The reconstruction of Samantha Riley Drive along the site's frontage to the same is included under Section 3.5.3 of Council's Contribution Plan 13. The reconstruction of Foxall Road and the construction of the new "local road" located wholly within the subject site adjacent to its northern boundary is not included under Section 3.5.3 of Council's Contribution Plan 13 and therefore it is the responsibility of the developer to provide for the construction (or reconstruction) of these roads as per Section 3 of the DCP and Section 3 of Council's Contribution Plan 13.

Notwithstanding the above, the reconstruction of Foxall Road and the construction of the new "local road" are necessary infrastructure upgrades required to be provided as part of the subject development in any case in order to provide for the additional vehicular and pedestrian traffic generated by the same.

The new "local road" is located wholly within the subject site adjacent to its northern boundary and therefore the developer is responsible for the full width construction of this road.

Due to the topography of the site, the proposed level of this road at the site's northern boundary is approximately 1.4m lower than the existing ground level at its lowest point, transitioning back to the natural ground level at its intersection with Foxall Road. In lieu of a retaining wall of varying height along the site's northern boundary to account for this level difference, it is proposed to provide a temporary batter within the 3.5m wide footpath verge behind the back of kerb at this location. A condition has been imposed below requiring the submission of a bond by the developer to ensure the removal of this temporary batter and the formation of the footpath verge, including the construction of a 1.5m wide footpath and the provision of street tree planting, when the adjoining site to the north, 2 Foxall Road, is developed.

Until such time as the adjoining property to the west is developed, 57 Samantha Riley Drive, a temporary cul-de-sac turning head with a minimum diameter of 19m must be provided at the western end of the proposed "local road" within the subject site to provide for the safe and efficient movement of vehicles. A condition has been imposed below requiring the submission of a bond by the developer to ensure the removal of this temporary cul-de-sac turning head once the adjoining property to the west is developed.

Section 3 of the DCP permits the partial width reconstruction of existing roads subject to certain criteria being satisfied. The subject site meets these criteria, and consequently the applicant only seeks to partially reconstruct Foxall Road along its frontage to the same.

The proposal seeks to retain the existing trapped low-point that exists in Foxall Road, located some 115m north of the intersection of Samantha Riley Drive/ Foxall Road. As part of its assessment of the application, Council requested that the applicant consider relocating this trapped low-point approximately 47m further north as part of the reconstruction of Foxall Road so that it aligned with the proposed "local road" discussed earlier in this report. This alternative design had the potential to benefit the orderly development of the adjacent development site on the opposite side of Foxall Road, 51 Samantha Riley Drive, similar to the approach adopted by the applicant for the development of the subject site. The applicant considered this design option, which

included consultation with the owners of 51 Samantha Riley Drive. The applicant decided against this design option for the following reasons:

1. The alternate design would necessitate additional filling on both the subject site and the adjacent development site on the opposite side of Foxall Road, 51 Samantha Riley Drive.
2. The alternate design would concentrate stormwater runoff from the development site and Foxall Road onto the adjacent development site on the opposite side of Foxall Road, 51 Samantha Riley Drive, away from the existing drainage easement.

Based on the applicant's response, it is considered that the retention of the existing trapped low-point in Foxall Road would not impact upon the orderly development of the adjacent site on the opposite side of Foxall Road, 51 Samantha Riley Drive. The passage of stormwater through this site via the trapped low-point could be provided via a local drainage link or similar, depending on the type of development proposed.

The proposal includes a retaining wall in the south-western corner of the site adjacent to the SP2 zoned portion of the site retaining approximately 4m of cut. A detailed design for this significant structure will be required at the Construction Certificate stage, demonstrating that the wall and its anchoring system is contained wholly within the R2 zoned portion of the subject site and does not encroach into the service utility allocation area in Samantha Riley Drive. The detailed design will also need to provide for safety devices, such as a guardrail, to address the pedestrian and vehicular safety issues created by this level difference attributed to the proposed development. A condition has been recommended.

Land Acquisition

The SP2 zoned portion of the site adjacent to Samantha Riley Drive must be excised from the remainder of the site and created as a separate lot so that it may be acquired by Council as part of a separate process in accordance with the requirements of the Growth Centres SEPP and the associated land acquisition map. This is also consistent with the requirements of Section 2.9 of Council's Contribution Plan 13. A condition to this effect has been recommended.

9. Provision of Open Space

At the briefing of the JRPP on 24 March 2011 the issue of active recreation space namely the provision of playing fields on the site was raised. In this regard the applicant was requested to address the concerns of the JRPP and demonstrate that adequate provision has been made for active recreation without relying on Council's amenities.

It is noted that a Council owned playing field of 9.24 hectares is proposed to be located some 100m east of the site. The field will accommodate four (4) soccer fields, two cricket pitches and six (6) tennis courts and associated amenities. Provision of the field is not scheduled before 2020 as per timing assumptions outlined in Contributions Plan No.13.

The applicant indicated that arrangements will be made to bus students to available sporting facilities where required. Furthermore the applicant has indicated that the indicative staging sequence proposed will allow for informal use of the school grounds for recreation purposes. The applicant has identified that once the school is completed exclusive external play areas and an indoor multi use hall will be available and meet the needs of the school.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy Sydney Region Growth Centres, the North Kellyville Development Control Plan and the Baulkham Hills Development Control Plan.

The objections raised in the submissions have been assessed in the report and do not warrant refusal of the application. The development does not result in any adverse impacts to neighbouring properties and provides a facility which benefits the locality and community.

As a result the proposed Development Application is considered satisfactory subject to conditions of consent.

RECOMMENDATION

The Development Application be approved subject to the conditions of consent:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA101	Site Plan	E	06/06/2011
DA102	K, Years 1 & 2 Floor Plan	C	17/12/2010
DA103	Years 3, 4 & 5 Floor Plan	C	17/12/2010
DA104	Library & Multi-purpose Area Floor Plan	C	17/12/2010
DA105	Canteen, Science & Technology Floor Plan	C	17/12/2010
DA106	Years 6 – 10 Floor Plan	C	17/12/2010
DA107	Years 11 & 12 Flor Plan	C	17/12/2010
DA108	Auditorium Floor Plan	B	17/12/2010
DA109	Roof Plan	B	17/12/2010
DA110	Indicative Staging Plans	B	17/12/2010
DA111	Indicative Staging Plans	B	17/12/2010
DA201	Elevations	B	17/12/2010
DA301	Sections	A	17/12/2010
DA113	Site Parking Plan	A	06/06/2011
DA114	Site Parking Plan	A	06/06/2011
LA01	Landscape Plan	C	09/12/2010

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached as Attachment 1 to this consent and dated 18 January 2011.

3. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) marked as Attachment 2, dated 21 January 2011 being restricted to Items 7, 9, 12, 14 - 22.

4. Crime Prevention through Environmental Design (CPTED) Factors

The CPTED factors outlined in the NSW Police letter dated 06 January 2011 attached to this consent as Attachment 3 shall be considered by the applicant in their operation.

5. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

6. Provision of Parking Spaces

The development is required to be provided with eighty-three (83) off-street car parking spaces including sixteen (16) set-down / pick-up spaces. These car parking spaces shall be available for off street parking at all times.

7. Separate application for signs

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures.

8. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

9. Prior to Demolition Works Commencing

Prior to any demolition works commencing on the site, the applicant is to notify all adjoining and adjacent neighbours and Council, five (5) working days prior to work commencing.

10. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

11. Tree Removal

Approval is granted for the removal of those trees as shown with broken outline on Landscape Plan prepared by Taylor Brammer and dated 01/03/2011.

12. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

13. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

14. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

15. Garbage Collection

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

16. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

17. Waste Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area

The waste storage area must be:

- i). provided with a hose tap connected to the water supply;
- ii). paved with impervious floor materials;
- iii). graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv). adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v). fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

18. Waste Collection Times

Waste collection – Collection of waste generated from the premises is to occur outside of peak school start and finish periods to ensure that there is no unreasonable impact on passenger vehicles, pedestrian safety and efficiency.

19. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Importation of Fill

Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- iv) confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- v) less than 6000m³ - 3 sampling locations,
- vi) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

**Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

21. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: www.saiglobal.com

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: www.foodstandards.gov.au.

22. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour’s boundary.

23. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

24. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

25. Coving (Canteen)

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.

26. Walls and Partitions (Canteen)

All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.

27. Hand Wash Basin (Canteen)

Hand-wash Basins:

- i. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
- ii. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

28. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system.

Details of the stormwater treatment device are to be submitted to Council.

29. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Koikas Acoustics Pty Ltd, referenced as 15120mf2006v.doc.x, dated 17 December 2010 and submitted as part of the Development Application are to be implemented as part of this approval. Section 11.0 Summary and Conclusions illustrate that the noise levels will comply with relevant Policies "the noise will not adversely impact the proposed school and the surrounding residential premises". In particular, section 11.0 Summary and Conclusions and recommendations therein should be implemented.

30. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Molino Stewart Pty Ltd, referenced as Proposed K-12 School, 57-59 Samantha Riley Drive Kellyville, dated December 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular, Section 14 Conclusions and Recommendations.

31. Street Naming

A written application for street naming must be submitted to Council for approval, including payment of the applicable fee.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

<http://www.gnb.nsw.gov.au/>

Council has established "themes" and a list of names that can be chosen from for the North Kellyville precinct. Contact Council's Subdivision team to ascertain the theme and list of names applicable to your site.

32. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

33. Street Trees

Street trees must be provided at a spacing of 7m in the following locations:

- a) On both sides of the new "local road" located wholly within the subject site adjacent to its northern boundary for the full length within the subject site.

- b) For the sites full frontage to Foxall Road.

The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements and Section 3.5 and Appendix B from the North Kellyville DCP. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

Street tree planting is not required along the sites Samantha Riley Drive frontage.

34. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

35. Road Opening Permit

Should the development necessitate the installation or upgrading of utility services beyond its immediate frontage or outside of any works covered by a separate Engineering Construction Certificate required to be obtained by Council as outlined earlier in this consent, a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement.

36. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless Sydney Water confirms, in writing, that it does not intend to provide this service to the subject site.

37. Temporary Turning Heads

A temporary cul-de-sac turning head with a minimum diameter of 19m is required at the termination point in all public roads. Where the cul-de-sac head cannot be accommodated wholly within the road reserve:

- a) Additional adjacent land is to be dedicated as temporary public road; or
- b) An easement for public access and services must be created over an appropriate part of the adjacent land.

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary cul-de-sac turning head. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being removed, restored and documentary evidence being provided confirming closure of the temporary public road or removal of the easement for public access and services. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary cul-de-sac head, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A temporary turning head is not required where the extension of a proposed road into an adjoining property, as part of a separate development application, is constructed and dedicated concurrently. This will require the concurrent issuing of a Subdivision Certificate and plan registration for both subdivisions.

A temporary cul-de-sac turning head must be provided at the western end of the proposed "local road" within the subject site.

38. Footpath Verge Formation Security Bond

A temporary batter within the 3.5m wide footpath verge of the "local road" located wholly within the subject site adjacent to its northern boundary is required until such time as the adjoining site to the north, 2 Foxall Road, is developed. This batter is required to ensure the existing ground levels at the interface with the adjoining site to the north, 2 Foxall Road, are retained.

A security bond must be provided in order to guarantee the removal of the temporary batter and the formation of the footpath verge, including the construction of a 1.5m wide footpath, topsoiling, turfing and the provision of street tree planting as required by this consent. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council and is subject to all work being completed to the satisfaction of Council. Should Council be required to undertake these works, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

39. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a. The location and type of each WSUD element, including details of its operation and design;
- b. A brief description of the catchment characteristics, such as land uses, areas etc;
- c. Estimated pollutant types, loads and indicative sources;
- d. Intended maintenance responsibility, Council, landowner etc;
- e. Inspection method and estimated frequency;
- f. Adopted design cleaning/ maintenance frequency;
- g. Estimate life-cycle costs;
- h. Site access details, including confirmation of legal access, access limitations etc;
- i. Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j. Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k. Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l. A work method statement;
- m. A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- n. The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council. For example, the consultation draft document entitled Managing Urban Stormwater: Urban Design prepared by the SMCMA and the then NSW DECCW suggests that the developer maintain WSUD elements within a subdivision until a given proportion of the dwellings on the lots created, say 80%, are erected and occupied.

- o. The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- p. Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- q. A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.
- r. WAE drawings and any required engineering certifications are provided to Council.
- s. Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- t. Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

40. Retaining Wall Adjacent to Samantha Riley Drive

The retaining wall required to be provided in the south-western corner of the site adjacent to the SP2 zoned portion of the site retaining approximately 4m of cut must comply with the following requirements:

- a) The top of the wall must be set by the ultimate level of the Samantha Riley Drive footpath verge at this location, based on the design provided by Council.
- b) The wall, and its anchoring system, must be contained wholly within the R2 zoned portion of the subject site not encroach into the service utility allocation area in Samantha Riley Drive, including the SP2 zoned portion of the subject site.
- c) Safety devices, including a guardrail, complying with RTA and Council requirements, must be provided on-top of the wall to address the pedestrian and vehicular safety issues created by this level difference attributed to the proposed development.

A detailed design and structural certification from a qualified and practising structural engineer must be included as part of any Construction Certificate issued and a copy provided to Council. Structural certification from a qualified and practising structural engineer for the as-built wall must also be provided and a copy provided to Council.

41. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

42. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design

must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

43. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

44. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

45. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges, unless driveways and gutter crossings are constructed as part of an Engineering Construction Certificate issued by Council as outlined earlier in this consent.

46. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard.

The proposed driveways must be built to Council's rural standard. A splayed bitumen shoulder seal must be provided between the gutter crossing and the edge of the existing road pavement.

The driveways must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed together with the restoration and turfing of the adjoining footpath verge area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

47. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

48. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

49. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More Information:

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment.

50. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

51. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$20,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

52. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

53. Concept Engineering Design Approval

The submitted concept engineering design plans prepared by Siteplus are for DA purposes only and must not be used for construction. A detailed design must be submitted to either Council or a suitably qualified private certifier, dependant on which aspect of works the design relates, for approval before a Construction Certificate is issued. Council may require amendments to the concept design.

54. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;

- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

55. Engineering Works and Design

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective.

Proposed roads must be constructed to the following requirements:

Road Name	Formation (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading N(ESA)
Proposed Road	Road Type: DCP Local Road (Figure 10) (Amended) 4.5m/ 5.3m/ 4m/ 5.3m/ 3.5m (22.6m total)	5 x 10(5)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider, 4.5m wide, verge must be located on the southern side of this road correlating with the 2.5m wide cycleway shown at this location in Figure 16 of the DCP.

ii. Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective.

Road Name	Formation (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading N(ESA)
Foxall Road	Road Type: DCP Collector Road (Figure 7) 3.5m/ 12m/ 4.5m (20m total)	1 x 10(6)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider, 4.5m wide, verge must be located on the opposite/ eastern side of this road correlating with the 2.5m wide cycleway shown at this location in Figure 16 of the DCP.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement (minimum). This new road pavement must transition into the existing road pavement to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this carriageway width.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. A traffic safety report prepared by an appropriately experience professional demonstrating how the partial width road provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists is required as per Part 3.1 Control 1 of the North Kellyville DCP.

The existing road reserve width of Foxall Road is 20.115m, exceeding the 20m total reserve width required above. The additional 0.115m is to be evenly distributed on either side of the road carriageway to provide for a slightly wider footpath verge on each side.

iii. Samantha Riley Drive Ultimate Design

The design and construction of the works covered by this condition must be considerate and reflective of the ultimate design/ level of Samantha Riley Drive in accordance with the design for this road prepared by Council.

iv. Temporary Turning Heads

Temporary cul-de-sac turning heads must be provided at the end of all roads that will be extended into adjoining properties. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

A temporary turning head is required at the western end of the proposed "local road".

v. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the northern side of the proposed "local road" in accordance with the DCP and the above documents.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the western side of Foxall Road between the proposed "local road" and Samantha Riley Drive in accordance with the DCP and the above documents.

vi. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the southern side of the proposed "local road" in accordance with the DCP and the above documents.

vii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Samantha Riley Drive and Foxall Road footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

viii. Street Names Signs

Street name signs and posts are required, as approved by Council.

ix. Service Conduits

Service conduits within all proposed roads, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

x. Stormwater Drainage – Pipe Extension

The existing street drainage under Foxall Road must be amplified to the existing culvert located in the drainage easement in 51 Samantha Riley Drive on the opposite, eastern, side of Foxall Road where the engineering design includes a new pipe larger than the existing downstream pipe complying with the above documents.

xi. Stormwater Drainage – Temporary Management

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

xii. Water Sensitive Urban Design Elements (Public)

Public water sensitive urban design elements, consisting of a bio-retention swale in the proposed "local road", are required generally in accordance with the plans and information submitted with the application. The bio-retention swales must be provided as part of the road works.

Detailed plans for the water sensitive urban design elements must be submitted to Council for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity calculations that demonstrate compliance with the environmental targets prescribed in the North Kellyville DCP. The following requirements apply:

1. The bio-retention swale in the proposed "local road" must be 4m wide and yield a detention volume of 0.75m³ per linear metre.

All calculations are to be provided to Council.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

xiii. Water Sensitive Urban Design Elements (Private)

Private water sensitive urban design elements within the site, as outlined in the Stormwater Management Study dated December 2010 prepared by Siteplus, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted to Council for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity calculations that demonstrate compliance with the environmental targets prescribed in the North Kellyville DCP. The following requirements apply:

1. The total combined detention storage volume of 415.487m³ as per the Stormwater Management Study dated December 2010 prepared by Siteplus must be provided.
2. The five separate rainwater tanks with a combined storage volume of 50m³ referred to in the Stormwater Management Study dated December 2010 prepared by Siteplus must be provided.
3. The total combined treatment surface area of 969.04m² as per the Stormwater Management Study dated December 2010 prepared by Siteplus must be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

xiv. Local Pavement Widening – Right Turning Vehicles

The existing road pavement in Samantha Riley Drive in the vicinity of Foxall Road must be widened to account for additional traffic turning right into Foxall Road and to minimise inconvenience to through traffic.

xv. Local Pavement Widening – Deceleration Lane

The existing road pavement in Samantha Riley Drive in the vicinity of Foxall Road must be widened to account for additional traffic turning left into Foxall Road and to minimise inconvenience to through traffic.

56. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

57. Works on Adjoining Land

Should works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

58. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

59. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$70,200.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (290m) plus an additional 50m on both sides (390m) and the width of the road measured from face of kerb on both sides (6m).

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written

application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

60. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

61. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 872/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

PRIOR TO WORK COMMENCING ON THE SITE

62. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

63. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

64. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

65. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be

disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

66. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

67. Details of Waste Facility

Prior to work commencing on site the name and address details of recycling outlets for the disposal of timber, metals, tiles and plasterboard, and the name and address details of the landfill site for the disposal of surplus general non-recyclable waste during the demolition and construction stages of the development must be submitted to and approved by Council.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

68. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

69. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

70. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

71. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

72. Erection of Signage – Supervision of Work (Public Engineering Works)

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:
- The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555
- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

73. Contractors Details (Public Engineering Works)

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

74. Separate WSUD Detailed Design Approval

No work is to commence until a detailed design for the WSUD system internal to the site has been approved by either Council or an accredited certifier.

75. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

76. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

77. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

78. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

79. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

80. Standard of Works (Public Engineering Works)

All work must be completed in accordance with this consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation must incur no cost to Council.

81. Engineering Construction Inspections (Public Engineering Works)

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

82. Working Hours (Public Engineering Works)

All work associated with the subdivision must be restricted to between the hours of 7.00am and 5.00pm, Monday to Saturday. No work can occur outside the hours specified above or on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

83. Compliance NSW Rural Fire Service Requirements

The submission of documentary evidence from the NSW Rural Fire Service that all requirements have been satisfied, prior to the issue of the Occupation Certificate.

84. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

85. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

86. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

87. Issue of Occupation Certificate

A final inspection shall be carried out to ensure compliance with all the conditions of the Development Consent, prior to the issue of an Occupation Certificate. Such certificate shall be issued prior to the occupation/use of the school.

88. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

89. Food Shop Registration requirements

Occupation of the premises shall not occur until:

- a) A registration application has been submitted to Council's Health and Environmental Protection for the Food Shop, and
- b) Notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: www.foodnotify.nsw.gov.au

Evidence of compliance of the above shall be submitted to Council prior to commencement of business.

90. Final Inspection

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an authorised officer of Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

91. Works as Executed Plans (Public Engineering Works)

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

92. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

93. Removal of Sediment and Erosion Control Measures

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

94. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

95. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

96. Completion of Engineering Works

No Occupation Certificate can be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

97. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

98. Dedication of Public Road

No Occupation Certificate can be issued until the proposed "local road" has been dedicated as public road at no cost to Council, requiring a separate development application or complying development application. This dedication must occur at no cost to Council.

Adequate time must be allowed for the completion of this process so as to not delay the issuing of an Occupation Certificate for the development.

99. Excision of Road Widening

No Occupation Certificate can be issued until the road widening adjacent to Samantha Riley Drive zoned SP2 has been excised from the remainder of the site and created as a separate lot so that it may be acquired by Council as part of a separate process in

accordance with the requirements of the Growth Centres SEPP and the associated land acquisition map. This is also consistent with the requirements of Section 2.9 of Council's Contribution Plan 13. This will require a separate development application or complying development certificate application. The creation of this lot must occur at no cost to Council.

Adequate time must be allowed for the completion of this process so as to not delay the issuing of an Occupation Certificate for the development.

100. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must comply with Council's standard recitals, a copy of which is available on Council's website. Council must be listed as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – WSUD Modification

A restriction as to user restricting development over or varying of the finished levels and layout of the constructed onsite stormwater detention tanks, rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

ii. Positive Covenant – WSUD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention tanks, rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

iii. Restricting Development – Vehicular Access

A restriction as to user must be created restricting vehicular access to Samantha Riley Drive from the subject site.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

THE USE OF THE SITE

101. Use of the School

The premises shall only be used during weekdays and shall be used for school related activities only.

102. Maximum Student Numbers

Consent is granted for the use of the school for a maximum of eight-hundred (800) students and sixty (60) staff. Any proposed increase requires the prior consent of Council.

103. Servicing of Bins

Private garbage/recycling contract collection vehicles servicing the development are not permitted to reverse in or out of the site.

104. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECC) Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to

“offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997.

105. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282: 1997 The Control of Obtrusive Effects of Outdoor Lighting*.

106. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the reports recommendations. Any noise attenuation recommendations must be implemented.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning and DCP Layout Plan
4. Site Plan
5. Elevations and Sections
6. Perspectives
7. Landscape Plan
8. RFS General Terms of Approval
9. RTA Comments
10. NSW Police Comments

ATTACHMENT 1 – LOCALITY PLAN



- | | | | |
|--------------------------|---|---|--|
| <input type="checkbox"/> | SUBJECT SITE | ✓ | PROPERTIES NOTIFIED |
| ● | SUBMISSIONS RECEIVED DURING NOTIFICATION PERIOD. ONE (1) OFF THE SCOPE OF THIS MAP (PETITION CONTAINING 31 SIGNATURES ALSO RECEIVED) | ✱ | SUBMISSIONS RECEIVED OUTSIDE NOTIFICATION PERIOD (NINETEEN (19) PROPERTIES OFF THE SCOPE OF THIS MAP) |

ATTACHMENT 2 – AERIAL PHOTOGRAPH



THE HILLS SHIRE COUNCIL

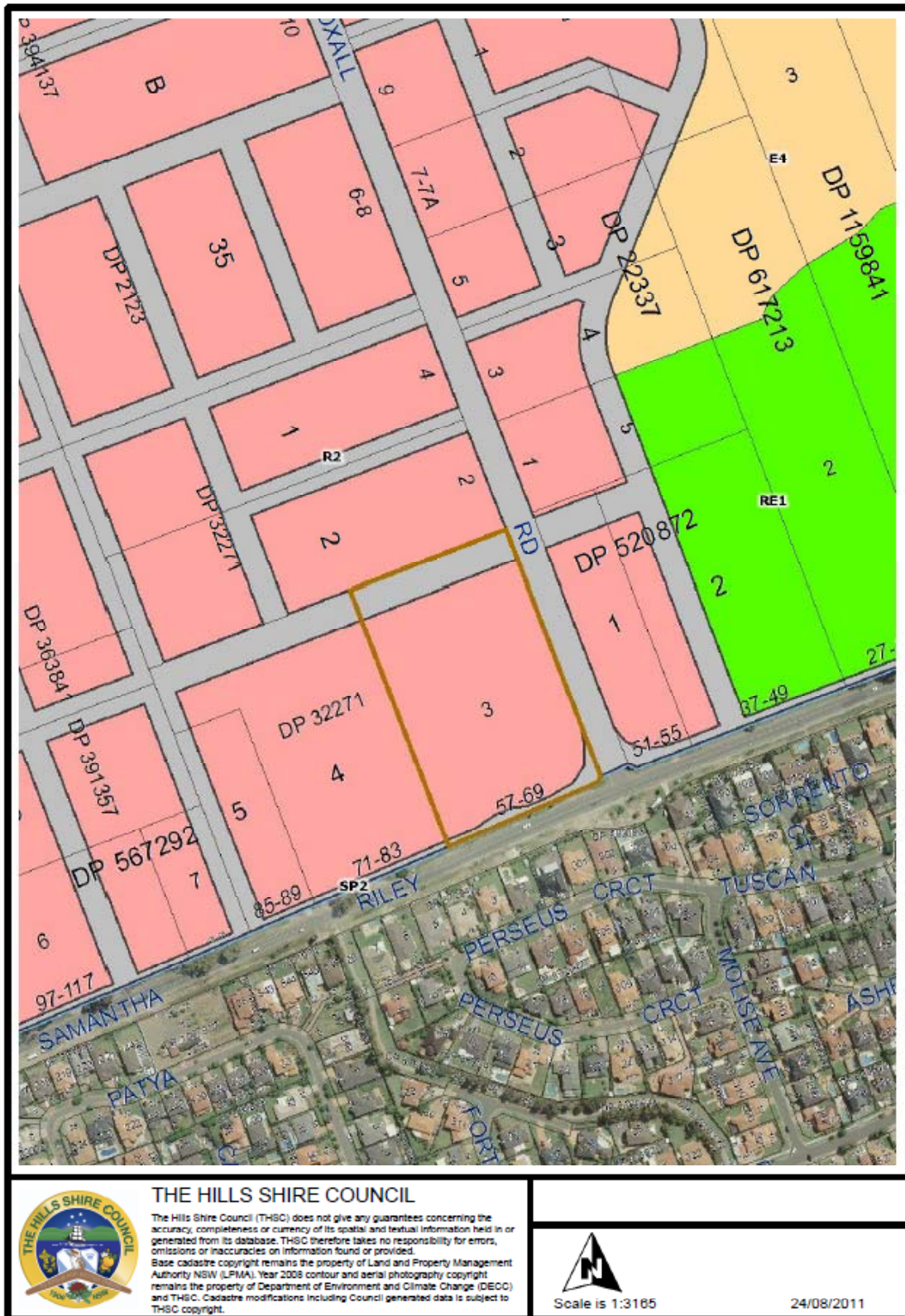
The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
Base cadastre copyright remains the property of Land and Property Management Authority NSW (LPMAN). Year 2008 contour and aerial photography copyright remains the property of Department of Environment and Climate Change (DECC) and THSC. Cadastre modifications including Council generated data is subject to THSC copyright.



Scale is 1:3124

17/08/2011

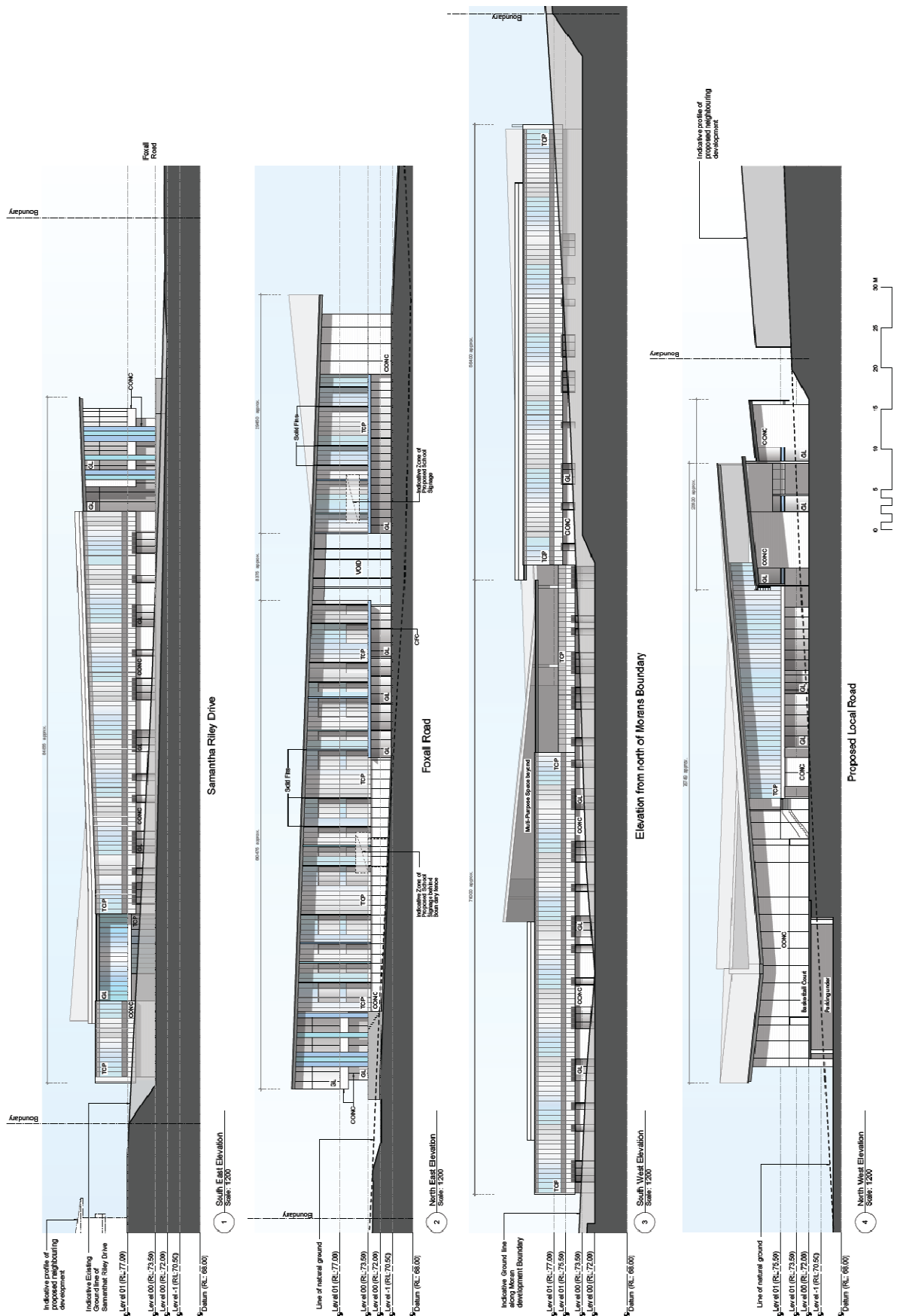
ATTACHMENT 3 – ZONING PLAN AND DCP ROAD LAYOUT

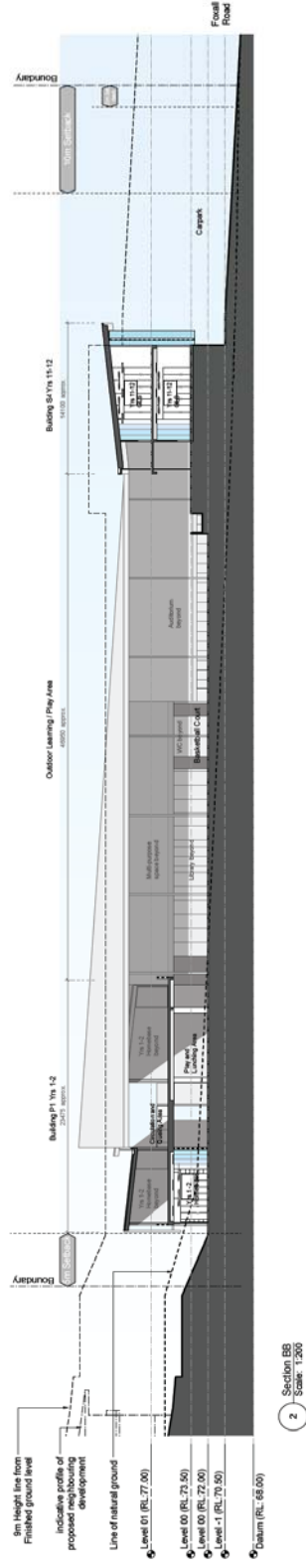
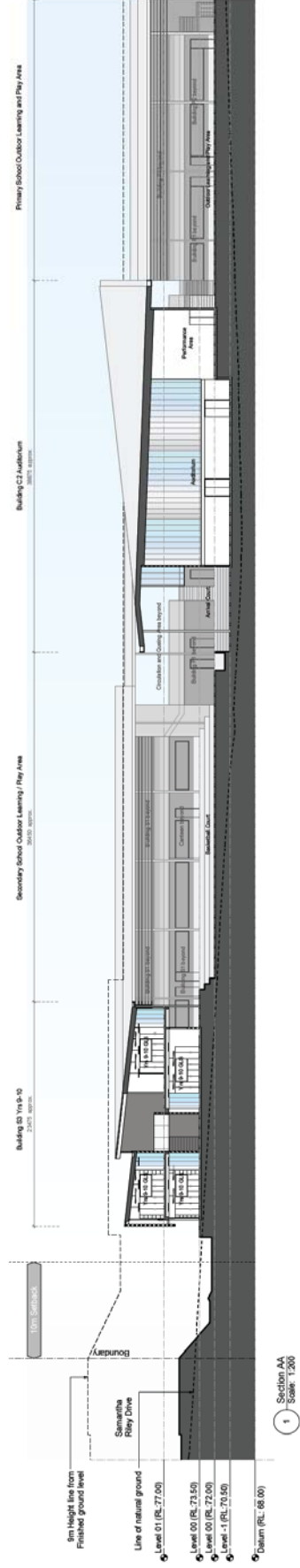


ATTACHMENT 4 - SITE PLAN



ATTACHMENT 5 – ELEVATIONS AND SECTIONS





ATTACHMENT 6 – PERSPECTIVES



The site plan illustrates the proposed layout for a primary and secondary school complex. The site is bounded by Future Road to the north, Samantha Riley Drive to the east, and a future boundary line to the south. The plan includes the following features:

- Primary School:**
 - Kindergarten Area (FFL 72.0)
 - Building P2 Kindergarten (FFL 72.0)
 - WCs
 - Primary School Outdoor Learning and Play Area (RL 72.0)
 - Softball Sports Court (RL 72.0)
 - Building P1 Yr 1 and 2 (FFL 72.0)
 - Building C1 Library & Ancillary (FFL 72.0)
 - WCs
 - Building C2 Auditorium & Ancillary (FFL 70.5)
 - Arrival Court (RL 70.5)
 - Main Entry
- Secondary School:**
 - Play / Lunching Area (RL 72.0)
 - Canteen (FFL 72.0)
 - Secondary School Outdoor Learning / Play Area (RL 72.0)
 - Softball Basketball Court (FFL 72.0)
 - Staff Facilities (FFL 73.5)
 - Building S1 Science and Tech (FFL 73.5)
 - Store (FFL 73.5)
 - Services
 - Building S2 Yr 6-8 (FFL 73.5)
 - Building S3 Yr 9 and 10 (FFL 73.5)
 - Building S4 Yr 11 and 12 (FFL 73.5)
 - Entry
- Other Features:**
 - Future Vehicular Emergency Access
 - Future Bus Bay
 - Future Boundary (After Road Widening)
 - Current Boundary Line
 - Site Exit
 - Potential Bus Bay
 - Site Access
 - WCs
 - Softball Sports Court
 - Arrival Court
 - Main Entry
 - Staff Facilities
 - Building S1 Science and Tech
 - Store
 - Services
 - Building S2 Yr 6-8
 - Building S3 Yr 9 and 10
 - Building S4 Yr 11 and 12
 - Entry

Elevations are indicated throughout the plan, including FFL 72.0, FFL 70.5, FFL 73.5, and RL 72.0. The plan also shows the location of Future Road, Samantha Riley Drive, and the Future Boundary Line.

ATTACHMENT 8 – RFS GENERAL TERMS OF APPROVAL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175

Facsimile: 8741 5433

e-mail: development.assessment@rfs.nsw.gov.au



The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Your Ref: 872/2011/JP

Our Ref: D10/2371

DA11010475451 BH
ID:75451/69578/5

ATTENTION: Robert Buckham

18 January 2011

Dear Mr Buckham

Integrated Development for 3//32271 57-69 Samantha Riley Drive Kellyville 2155

I refer to your letter dated 22 December 2010 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Bruce Hansen on 8741 5175.

Yours sincerely



Nika Fomin

Team Leader Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Our Reference:
Your Reference:
Contact:
Telephone

RDC IIM2 SYD I /00008
872/2011/JP
Pahee Sellathurai
8849 2219

SRDAC

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

The General Manager
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765

Attention: Robert Buckham

PROPOSED SCHOOL FOR K-12 AT 57-69 SAMANTHA RILEY DRIVE, NORTH KELLYVILLE

Dear Sir,

Reference is made to Council's correspondence dated 22 December 2010 with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this development application at its meeting held on 12 January 2011.

Below are the Committee's recommendations and RTA comments for consideration in the determination of the development application:

1. The proposed Pedestrian Crossing on Foxall Road should be removed to discourage pick up and drop off outside the school. A Children Crossing will be required on the Future Road on the northern boundary of the site as a pedestrian access is proposed from this Road.
2. Queuing from the proposed southern vehicular access driveway on Foxall Road will impact on the operation of the roundabout at the intersection of Samantha Riley Drive and Foxall Road. It is therefore recommended that this entry only driveway be removed.
3. The northern vehicular access driveway should be a combined entry and exit driveway with a raised concrete median to separate the two movements. The parking spaces opposite to the vehicular entry should be removed to improve road safety and traffic circulation. Furthermore, an appropriate right turn bay on Foxall Road is to be provided to store right turning vehicles away from the through traffic on Foxall Road.
4. It is proposed to provide bus bays on Foxall Road. It is recommended these bus bays are relocated on the Future Road. Providing bus drop off areas on the Future Road will eliminate the need for children to walk through the car park and drop-off areas.
5. Full time "No Stopping" parking restrictions shall be installed at the following locations:
 - o Along the Samantha Riley Drive site frontage, outside the bus zone;
 - o On the western side of Foxall Road from Samantha Riley Drive to the Future Road;
 - o On the eastern side of Foxall Road from a point 10 m north of the Future Road to Samantha Riley Drive; and

Roads and Traffic Authority
ABN 64 480 155 255



27-31 Argyle Street,
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124
DX 28555 Parramatta

T 131 782

www.rta.nsw.gov.au

The "No Stopping" parking restrictions should be implemented prior to the commencement of any construction works relating to the proposed development.

The "No Stopping" parking restrictions on Samantha Riley Drive and Foxall Road will require approval from Council's local traffic committee.

6. An independent Road Safety Audit shall be undertaken for the proposed access driveways. The audit shall investigate the sight distance to and from the driveways and the proposed access driveway layout.
7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. A detailed plan showing the proposed undercroft parking area and the access arrangements shall be submitted to the Council and the RTA for review.
9. The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2 – 2002 for heavy vehicles.
10. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS guidelines. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
11. It is noted that there is no turn around facility for vehicles parking along the southern end of the development. The plans should be modified to provide a turn around facility for all vehicles, including service vehicles, at this location.
12. All vehicles shall enter and exit the site in a forward direction.
13. Sufficient car parking shall be provided on site and shall be to Council's satisfaction.
14. No pedestrian or vehicular access to the site from Samantha Riley Drive shall be provided.
15. Any changes to speed limit signage must be authorised and installed by the RTA. A request should be made in writing to the RTA's Speed Management Unit for the installation of school zone signs on the local road network prior to the opening of the school.
16. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school (i.e. Foxall Road). School Zones must not be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be included into the neighbouring local road network.
 - o 40km/hr School Zones are to be installed on Foxall Road in accordance with Condition 18 below;
 - o Council should ensure that parking, drop-off and pick-up zones and bus zones incorporated are in accordance with RTA standards.
17. School Zone signs, flashing lights and pavement marking patches must be installed in accordance with RTA's approval / authorisation, guidelines and specifications.

18. The Roads and Traffic Authority (RTA) is responsible for speed management along all public roads within the state of New South Wales. That is, the RTA is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from the RTA to install the School Zone signs, flashing lights and associated pavement markings and/or remove / relocate any existing Speed Limit signs.

To obtain authorisation the Developer must submit the following, at least six (6) weeks prior to student occupation of the site, for review and approval by the RTA:

- a. A copy of Council's development conditions of consent,
 - b. The proposed school commencement / opening date,
 - c. Two (2) sets of detailed design plans showing the following:
 - o School property boundaries
 - o All adjacent road carriageways to the school property
 - o All proposed school access points to the public road network and any conditions imposed / proposed on their use
 - o All existing and proposed pedestrian crossing facilities on the adjacent road network
 - o All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
 - o All existing and proposed street furniture and street trees.
19. All School Zone signs, flashing lights and pavement markings must be installed prior to student occupation of the site.
20. The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.
21. Following installation of all School Zone signs, flashing lights and pavement markings the Developer must arrange an inspection with the RTA for formal handover of the assets to the RTA. The installation date information must also be provided to the RTA at the same time.

Note: Until the assets are formally handed-over and accepted by the RTA, the RTA takes no responsibility of the School Zones / assets.

22. All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any enquiries on this matter can be directed to Pahee Sellathurai on phone 8849 2219.

Yours sincerely



Chris Goudanas
Chairman, Sydney Regional Development Advisory Committee
Transport Planning Section, Sydney Region

21 January 2011

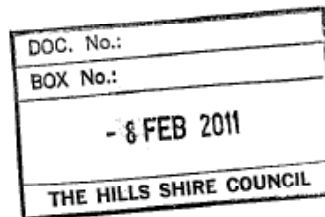


NSW POLICE FORCE
THE HILLS LOCAL AREA COMMAND

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2154
Ph. 9680 5399
Fax: 9680 5303

6th January 2011

Robert Buckham
Town Planner
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765



Dear Mr. Buckham,

**Subject: Development Application No. 872/2011/JP – K-12 school
including parking, playing areas and landscaping**

**Property: Lot 3 DP 32271
57-69 Samantha Riley Dr, Kellyville**

Police Ref: 2010_214784

We refer to your development application which seeks comment on the proposed K-12 school on Samantha Riley Drive, Kellyville.

After perusing the paperwork and plans associated with this proposal, Police have concerns with the request. There are a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered in this development.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

On page 44 of the Statement of Environmental Effects, Police would question the statement that visibility from the street to all areas of the proposal is

feasible. Drawings DA001, DA109 and DA201 indicate high walls/screened areas around the entire site limiting natural surveillance. Given the height of the acoustic screens around all four external walls of the school and the buildings themselves there will be very limited external surveillance of the site.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Police support the applicant's use of security sensor lights throughout the development. There would need to be an assessment of the lights being installed to ensure that glare does not become a problem. Police would also suggest that lighting in secluded areas would not be enough and that CCTV should also be a consideration in those areas.

- **Landscaping**

The safety objective of "to see and be seen" is important in landscaped areas. Dense vegetation can provide concealment and entrapment opportunities. As this development proposes to have shrubs and trees throughout the site, it must be emphasised that the vegetation be kept trimmed at all times to maintain adequate sight lines.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. Police support the erection of palisade style fencing around the entire perimeter of the facility to prevent the occurrence of trespassing and break and enter incidents which often occur at educational premises after hours.

Additionally, Police would recommend that all of the school buildings be alarmed by a back to base type alarm system. Break and enter offences along with trespassing are more often reported during school holiday periods. During this time, if the school buildings are not alarmed it can be some time before the offence is detected as there are no staff or students on the premises. Alarming each building ensures any break and enter type offences can be detected at the time of the offence and Police can be contacted as soon as possible to preserve and collect any evidence.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Other Matters

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s are occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress.

Page 39 of the Statement of Environmental Effects refers to the Development Application Drawings. Police would dispute there are large grassed spaces. Actual outdoor space appears to be extremely limited to hold 800 students with only the outdoor learning and play area for the primary school and two outdoor basketball courts. There appears to be a heavy reliance on the construction of the future playing fields to the east of the site.

Senior Constable Crick, the Traffic Supervisor for The Hills LAC, and Senior Constable Tim Fellows, the Safer By Design Co-ordinator from Police Headquarters, have been consulted in relation to this development application. Both officers have a number of concerns which are outlined below.

Firstly, there is only one other Islamic school in Sydney's north west and that is located at Rooty Hill. In accordance with page 41 of the Statement of Environmental Effects, it is acknowledged that in regards to the student population *"the bulk is mainly from students of Muslim background"*. Further to this, the report suggests that there are 630 Muslim school students currently enrolled in local public primary schools and so therefore they anticipate that the bulk of student catchment will come from within a 10km/h radius of the school. Police believe this may not be the case as the specific enrolment target group is more likely to come from far and wide and well outside that radius proposed given that the report states there are 5140 potential students to the school in The Hills, Hornsby and Blacktown Council areas.

The development proposes a raised foot crossing (wombat crossing) as an appropriate method of allowing students to cross Foxall Rd. This is however, not proposed to be built until such time as the playing fields on the opposite side of the roadway are built. In the interim, there will need to be access for students to cross the road via a facility for those catching buses perhaps heading east on Foxall Rd. Police believe that Foxall Rd would be better suited to traffic control lights or at least pedestrian traffic control lights at the bare minimum.

On page 19 of the Statement of Environmental Effects, a claim is made in the report that Barry, Hezlett and Foxall Roads are two-lane two-way carriageways. This is incorrect. Council is "planning" to widen Hezlett Road to a two-lane two-way carriageway. The DA needs to look at the current situation not a planned situation. Police are very concerned that this development seems to depend heavily on 'proposed' road network upgrades without any set time frame as to when these upgrades will come into effect. Thompson Stanbury Associates who submitted the traffic report on behalf of the developer acknowledge that the current roads operate close to capacity during morning peak periods.

The proposed school entrance and exit points are within 100 metres of the intersection of Samantha Riley Dr. It would be a very difficult right turn movement at times out of the exit onto Foxall Rd without some type of traffic control device to offer assistance. In addition the entrance to the school is within a short distance of Samantha Riley Dr which could see traffic queuing on Samantha Riley in both directions waiting to enter the school grounds to drop off or pick up children. As there is a proposed future local road to the west side boundary of the school it would be more appropriate to have all entrance, exit points, traffic and pedestrian movements coming out of the future side road along with perhaps the placement of traffic control lights at that intersection. Also, page 32 of the Statement of Environmental Effects indicates that in the early stages of development there will be a combined entry/exit. This could cause traffic mayhem. The proposal to have a separate entry and a separate exit should occur from the outset.

Regarding the proposed bus bay, Police would suggest the safest option would be to have the set down/pick up zone inside the boundary of the school, rather than on Samantha Riley Dr. Alterations to the current plans for the development may be required to accommodate this, perhaps via the same access/exit points as the private vehicle kiss and drop zone. This offers the students the protection of the *Inclosed Lands* Act, being inside the school premises as they get off the bus. Anyone then entering the school can be charged for trespass. If a student is then threatened, police have an added legal action. Also the students would be able to safely exit and enter the bus in a safer environment than that offered on a proposed main road. Council should also consider the appropriate placement of school zone speed limits and signage.

Additionally, the traffic impacts for this development should be considered in conjunction with the neighbouring seniors living project which is proposed to occupy the block adjacent on Samantha Riley Drive. As the Traffic Supervisor has yet to see this DA it is unknown from which road the vehicle access and egress to that facility will be. If vehicle access for the seniors living development is proposed to be upon the future local road on the western boundary to the school development then the installation of traffic control lights at the intersection of Foxall Rd and the future proposed road would be more than justified.

Further to this, when the proposed roundabout is installed at the intersection of Samantha Riley Dr and Foxall Rd, Police believe that Foxall Rd would then become the preferred westbound road of choice over Hezlett Rd for motorists heading west, as Hezlett Rd will have Traffic Control Lights. This would significantly increase the traffic volumes on Foxall Rd making the right turn movements out of this proposed development even more difficult. It is also anticipated that Major Traffic Crashes will be the result and possibly increased pedestrian collisions.

Police are aware that there is a high residential population on the eastern boundary of Samantha Riley Dr which may mean that students have no facility to cross Samantha Riley Drive to head into that residential area. There is no definite proposal included in the traffic report to address pedestrians seeking to cross Samantha Riley Dr. Police see this as a safety risk for students walking to school from this area.

Finally, Police do not support the applicant's assertion on page 6 of the Statement of Environmental Effects that there "will be minimal increase in traffic generated by the development". Police believe the increase in traffic movements as a result of this development will have a significant impact on the local road network. The entirety of the traffic report and majority of the Statement of Environmental Effects base their findings and justifications on the pending road upgrades in the area. Police do not believe the existing road network is sufficient or safe enough to host this development prior to the road network upgrades. Police believe the development should not be approved to operate until the local road upgrades have been completed.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Callie WALKER
Constable
Crime Prevention Officer
Castle Hill Police

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- *It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- *Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- *The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- *The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- *The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*