

**JOINT REGIONAL PLANNING PANEL
(Region)**

JRPP No	JRPP Reference Number: 2012NTH022
DA Number	2012/119
Local Government Area	Nambucca Shire Council
Proposed Development	Educational Establishment
Street Address	Upper Warrell Creek Road, Macksville
Applicant/Owner	Trustees of the Roman Catholic Church C/O GeoLink
Number of Submissions	0
Recommendation	Approval with Conditions
Report by	Selina McNally, Senior Town Planner

Assessment Report and Recommendation

SUMMARY:

Nambucca Shire Council has received a development application for a new Education Establishment (Primary School) on Upper Warrell Creek Road, Macksville. The application site is within an area identified as an urban development release area within Nambucca Shire locality and is known locally as 'South Macksville'. The applicant has lodged the application on behalf of St. Patrick's School, a well established primary school serving Macksville and the surrounding areas.

The proposed development has a capital investment value of over \$5 million and is defined as a 'community facility' which means under Schedule 4 of the *Environment and Planning Assessment Act*, it will need to be referred to and determined by the Joint Regional Planning Panel (JRPP).

RECOMMENDATION:

That Joint Regional Planning Panel consent to the development subject to the recommended draft conditions.

OPTIONS:

- Option 2 is that the Joint Regional Planning Panel refuse the development application with regard to Section 79(C) of the *Environmental and Planning Assessment Act*.
- Option 3 is that the Joint Regional Planning Panel consent to the development application, subject to alternate conditions.

DISCUSSION:

The applicant submitted a previous development application in 2010 for a new Education Establishment at a different location, in another area of Macksville. This application was refused by the JRPP, as per the recommendation in the council officer's assessment report, and later, when appealed, this decision was withheld by the Land and Environment Court. This new development application is similar to the previous proposal in terms of building design and site layout but relates to an entirely new location. This previous development application was refused due to its proposed location and, more specifically, the application site being identified as flood prone, which would be affected by a 1 in 100 year flood event and furthermore the inability to provide adequate evacuation measures for the proposed development of a development for this special purpose use.

The current proposal relates to a portion of land within the South Macksville Urban Release Area which is currently subject to various development consents previously approved in 2006-2007 to subdivide this area into residential allotments for future development. Although these development applications were approved, the developer has only commenced minimal works in preparation for the subdivisions and no residential allotments have yet been created. The location of the proposed Education Establishment is within an area of land subject to one these development consents (DA2006/198). The proposed development will effectively see 16 Lots replaced by the school site and will also impact on two adjacent development sites which will lose one or two allotments due to minor boundary reconfigurations to accommodate the school site.

The proposed development is considered acceptable, subject to the appropriate conditions of consent. Although development consent has been issued under reference DA2012/109 to create the Lot to site the school, the subdivision has not yet commenced. Conditions 11 and 37 have been prepared to ensure that the school is fully serviced by all required infrastructure, should the applicants wish to proceed to apply for an Construction certificate and/or Occupation Certificate before the subdivision has been completed and new Deposited Title Plan have been issued by Land Titles Office. Condition number 11 is also required to provide a temporary access to the site before the subdivision takes place, should the applicant wish construction begin for the school buildings.

CONSULTATION:

- **Internal**

Manager of Technical Services (MTS)

Council's MTS advises that the proposed bus bays on the submitted car parking plan do not comply with the NSW standard, using the template for a 12.5 metre long bus. During the assessment process, amended drawings were twice required by Council and twice duly provided by the applicant. Although the most recently received amended plans do identify one gap of 3 metres, the other gaps do not provide sufficient room for a bus to manoeuvre out of its bay in one single manoeuvre. MTS raises concerns due to the potential for buses 'backed up' and causing congestion on the public road outside of the school, particularly in busy 'drop off' and 'pick up' times which can conflict with other peak traffic periods. Once the residential subdivision is completed, there will be residential allotment adjacent to and opposite the entrance to the school, which must not be impacted by queuing buses. As no resolve could be found during the assessment process MTS agreed town planning staff could place a draft condition for further plans prior to release of Construction certificate, which is at condition 10.

Manager of Water and Sewer (MWS)

Although revised Section 64 Contribution were requested, they were not provided to town planning staff, who were able to calculate the new contribution amount from the previous development application's ET and the new section 64 contributions for Macksville which increased through a new section 64 plan in 2012.

Grants Officer' (GO)

Council's grant officer was contacted by town planning staff as there is a new section 94 contributions plan being prepared for South Macksville and town planning staff wanted to check on the status of this, so it could be considered if developed and even if only in draft form. It was confirmed it is not yet developed to such a stage to be considered for this development.

The original section 94 plan was based on the Development Control Plan for this urban release area. In the DCP they predicted commercial development would be included on the development and there was potential for senior living development. Therefore the section 94 plan has contribution levies for all these land uses, but there are no contribution levies set for an Education Establishment. Hence there is no opportunity to apply section 94 contributions to the consent.

Manager of Applications and Compliance - For Health and Building (MAC)

MAC recommends several conditions which have been included in the draft conditions of Consent.

- **External**

Roads and Maritime Services (RMS)

Although the development is not “integrated” with the *Roads Act 1993*, the application was referred to RMS as a traffic generating development as per Schedule 3 of the *State Environmental Planning Policy Infrastructure 2007*.

Busways and Cavanaugh's - Bus Providers

Busways and Cavanaugh's who run the two local bus services and currently serve St Patricks School were both consulted on the application. Cavanaugh's did not respond. However, Busways did and they reinforced Council's Engineers concerns over the inadequacy of the size of the bus bays for manoeuvring. They also raised concerns with regards to the new location of the school and as it will be further away from the other schools in Macksville than it is currently, the potential impact on the current bus timetables and route. This could be resolved by adjusting lesson start and finishing times but this is considered an issue for the school to negotiate with Busways directly and is not included in the draft conditions of Consent.

Rural Fire Service (RFS)

The development is integrated with the *Rural Fires Act* and the application was referred to RFS for concurrence. They have issued a safety authority certificate under section 100B of the RFS Act and these have been included in condition 3 of the recommended conditions.

Applicant

The applicant and Council's town planning staff were in constant communication throughout the assessment process and indeed, prior to submitting the development application, extensive pre-application advice was sought and given and so the development application as submitted, had many areas of concern initially raised by Council staff already addressed and resolved.

Land Owner

The land owner Ryeline PTY LTD was served with a Stop Works notice when Council received a complaint that earthworks were being undertaken on the site even though development consent had not been issued. Although Council's investigations found some of the earthworks were covered by existing construction certificates for previously approved development applications for subdivision, there were also works undertaken to facilitate a level building pad for the school buildings and playing fields. The fill had been deposited but no top soil or grass seedlings had been provided to stabilize the new material. Council wrote to the land owner who provided the requested remediation measures immediately.

MATTERS FOR CONSIDERATION – SECTION 79C(1) EP&A ACT

In its assessment of a development application, Council is required to take into consideration the following matters:

a the provisions of

(i) any environmental planning instruments

Nambucca Local Environmental Plan 2010.

The application site is split zoned . It is predominantly Zoned R1 – General Residential and the proposed development of an Education Establishment is permissible in this Zoning. The proposal is consistent with the intention for this zoning to provide residential development and the adequate services and facilities to sustain it.

A small portion to the north of the application site is Zoned RU1 but this is not where the Education Establishment is to be located and the use is permissible in this zoning too.

(ii) any draft environmental planning instrument

There are none current which are specifically relevant to the proposal.

(iii) any development control plan (DCP)

Nambucca Development Control Plan 2010

The application relates to an Education Establishment development for which there are no specific development controls within the Nambucca Development Control Pan (NDCP). However, Part J of the NDCP relates to the application site and the wider surrounding area which has been identified to form the new residential expansion area known as South Macksville. There are also several other general requirements and considerations within the NDCP which are relevant to the assessment of this development proposal.

Part A – Notification and Advertising

The application was notified as per the requirements of Part A and no submissions were received.

Part A – Site Analysis

The application sites relate to undeveloped rural land is identified as a future Urban Release Area for the Shire and was rezoned to Residential accordingly, through the adoption of the *Nambucca Local Environment Plan 2010*. Although largely the application site is undeveloped, the land owner has begun some earthworks in preparation for the residential subdivision.

The area which will provide the site for the school is relatively flat as fill has recently been deposited by the developer to provide a level building site for the school and associated sports playing fields.

The area is south of an existing established residential development and there are sparely placed existing properties along Upper Warrell Creek Road.

Part A – Environment and Context

Soils and Stormwater

The application site does not contain acid sulphate soils. The existing soils consist of moderately well-drained red and brown Kurosols which do not drain well, which results in high runoff. It is noted that the land owner has already undertaken some cutting and filling of

the area proposed for the school site, to provide a level building pad. These earthworks were undertaken through a construction certificate for the larger residential development surrounding the school site.

A stormwater servicing plan has been provided by Engineers engaged by the applicant as part of the SEE. A previous plan was provided and approved to support the larger surrounding residential development and this includes a detention basin directly to the north of the proposed school site which was designed to accommodate the whole of the future residential development. The school will connect to this basin through a drainage easement which will also collect from the surrounding residential subdivision. It is predicted the ratio of impervious surfaces with the playing fields and school buildings will not impact any further on the subdivision design as the surfaces provided by the previously approved residential allotments.

Council's Engineers have advised that they have no concerns in relation to the design of stormwater infrastructure.

Flooding

The proposed school site is not identified as flood prone. The application site does contain a small portion of land with the potential for flooding, but this is only because the exercising of the Lot for the school site has not yet taken place. Even this small area which is away from the school site has a current 1 in 100 year flood level of approximately 4.7 AHD and the school building will be constructed above RL 8 metres.

Bushfire

The creation of the allotment to contain the school site had not yet been completed, although it has been approved under DA 2012/109. Once this subdivision is completed and the Lot for the school created, the school site itself will not contain any Bushfire prone land. However, as this application relates to the existing larger Lot 102 and Lot 104 DP 1164163 then the application triggered the requirement for this to Integrated Development. Subsequently the NSW RFS have provided a safety authority certificate under Section 100B of the *Rural Fires Act* and grant conditional Consent.

Part C – Car Parking Requirements

The DCP states that 1 car park space be provided for every full-time member of staff and 1 car park space per 100 students for visitor/parents parking. Based on the figures provided by the applicant, that the school will accommodate 400 students and 30 staff, this means that 30 car park spaces are to be provided for the full time staff members and 4 for visitor/parent parking. The proposal includes a 36 space staff car park and a 46 space general car park. The proposal therefore exceeds DCP Car Parking Requirements.

The proposal also includes a bus drop off bay which proposes to have capacity for 6 (six) buses. Council's town planning staff and engineers had concerns with regards to the capability of the bus bays in regards to achieving independent operations, meaning each bay should be able to accommodate a bus without it obstructing manoeuvring of any of the other buses. Despite amended plans being requested and provided, the NSW standard turning template for a 12.5 metre bus identifies that this is still unachievable.

Busways and Cavanaugh's the two bus companies which serve the school, have been consulted as part of the Assessment process and together with Council's Staff suggested the median island could be reduced to provide more room for the manoeuvring of buses.

Although attempts were made for the applicant to amend the plan in this way, they were unsuccessful and as such Condition 10 has been provided to ensure this information is provided, and this outstanding issue, resolved prior to the release of a Construction Certificate. Although preference would have been to have this resolved during the development application assessment process, as a solution is achievable, it is considered acceptable to obtain it prior to construction certificate and to the satisfaction of council's engineers.

Part J – South Macksville Urban Release Area

Part J of the NDCP relates to the application site and the wider surrounding area which had been identified to form the new residential expansion area known as South Macksville.

Part J of the NDCP details several aspects of the South Macksville development as a whole in relation to a general lot layout, location of the collector road and other roads, road types, pedestrian links, bus routes, bicycle network, sewer, drainage and stormwater infrastructure, local open space, a neighbourhood shopping centre and a retirement village.

There was no anticipation for an Education Establishment development within the DCP and as such no guidelines or requirements set out for this type of development.

However, there is a condition of Consent (37) which includes the requirements for an Easement for the proposed footpath/cycleway which links to other parts of the future residential development.

b the likely impacts of the development

Context and Setting

The site relates to vacant land at present but the application site and land surrounding land is subject to future residential subdivision and development.

It is predicted the provision of a beneficial community facility such a new primary school could be a catalyst to encourage the creation, completion and sale of the surrounding land identified for residential development.

Access, Transport and Traffic

Traffic will be generated from the development. however, the majority of the students will utilise the bus services, as they do presently, so car traffic will be kept to a minimum. Conditions are included in the recommended condition to ensure that adequate road, accesses, an intersection, road markings and signage are provided to serve this specific type of development.

Utilities

The appropriate conditions have been included in the draft conditions of Consent to ensure all services will be provided to the development. In addition, should the development be completed before the associated subdivision approved under reference DA2012/109 an additional condition (37) has been included to ensure easements are provided for the provision of utilities.

Social Impact in the Locality

It is considered that the proposed development will provide a considerable benefit to the community with the construction of a new Education Establishment for Macksville and within the South Macksville Urban Release Area.

Economic Impact in the Locality

The proposed new school has the potential, as a key community facility, to encourage further residential and commercial development in the locality.

Construction

The applicant has requested some flexibility in relation to the staging of the construction of the development. The building design is that the school comprises 7 different blocks.

- Stage 1 consists of Admin Block A and Library Block A, Block B and Block F
- Stage 2 consists of Block E
- Stage 3 consists of Block C
- Stage 4 consists of Block D

Stage 1 would provide all the communal facilities and amenities such as reception areas, the canteen, student amenities and staff facilities, as well as 4 (four) learning areas. The other stages consist of 2 (two) learning rooms each. It is predicted the stages are required to give the school the option of staggering the transfer of the students from the old site to the new. Council's town planning staff have consulted with council's building surveyors and collectively have no objection to allowing the applicant some flexibility in their building project by staging the development in this way.

c the suitability of the site for the development

The site is currently vacant land and is considered capable of supporting the development subject to the appropriate conditions on the Consent.

d any submissions made in accordance with the Act or the regulations

The application was notified and advertised in accordance with the notification requirements of Part A of the NDCP and no submissions were received by Council either in support of nor raising an objection to the proposal.

e the public interest

The provision of a new Education Establishment to serve the needs of the local area will be a benefit to existing families within the Shire and for the potential new residents who will occupy the new South Macksville urban area, once completed.

SUSTAINABILITY ASSESSMENT:

Environment

The proposed development does not have the potential to harm the environment subject to the appropriate conditions being placed on the Consent.

Social

The proposed development will provide a considerable benefit to the existing community with the construction of a new Education Establishment within the South Macksville Urban Release Area.

Economic

The proposed Education Facility is a key community facility and has the potential to facilitate employment opportunities, land development and commercial activities.

Risk

The SEE and assessment of the application have considered all relevant risks associated with the development and subject to the application of conditions, there are no identifiable risks outstanding.

The largest risk to overcome was that this application can not assume the subdivision approved through development application 2012/109 will be completed, even though the applicant for both development applications advice council that it the intention is that it will. Condition 11 and 37 have addressed the risk associated with approving a development application for a school prior to the application site being exercised from its residual land.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The construction of the internal collector road for the South Macksville Urban Release Area will need to be constructed to an adequate standard to support this type of development and associated traffic volume, or council could potentially have to alter road widths and introduce traffic calming measures in the future to address traffic problems. Conditions 2, 11 and 37 ensure this.

Source of fund and any variance to working funds

Council does not have the funds to facilitate any future upgrade works to support traffic generated by the development and the adequate infrastructure must be in place prior to release of the Occupation Certificate.

DRAFT CONDITIONS OF CONSENT

DETAILS OF CONDITIONS

GENERAL CONDITIONS OF THIS CONSENT

Development is to be in accordance with approved plans

- 1 The development is to be implemented generally in accordance with the plans and supporting documents endorsed with the Council stamp, dated 21 February 2013 and authorised signature, and set out in the following table except where modified by any conditions of this consent.

Plan Document	No/Supporting	Version	Prepared by	Dated
Location Plan DA01		1	DRA Architects	21.09.12

Plan Document	No/Supporting	Version	Prepared by	Dated
Site Plan DA02		1	DRA Architects	21.09.12
Staging Plan DA03		1	DRA Architects	21.09.12
Floor Plan DA04		1	DRA Architects	21.09.12
Roof Plan DA05		1	DRA Architects	21.09.12
Site Elevations DA06		1	DRA Architects	21.09.12
Block A Floor Plan DA10		1	DRA Architects	21.09.12
Block A Elevations DA11		1	DRA Architects	21.09.12
Block A sections DA12		1	DRA Architects	21.09.12
Block B Floor Plan DA20		1	DRA Architects	21.09.12
Block B Elevations DA21		1	DRA Architects	21.09.12
Block B Sections DA22		1	DRA Architects	21.09.12
Block C Floor Plan DA30		1	DRA Architects	21.09.12
Block C Elevations DA31		1	DRA Architects	21.09.12
Block C Sections DA32		1	DRA Architects	21.09.12
Block D Floor Plans DA40		1	DRA Architects	21.09.12
Block D Elevations DA41		1	DRA Architects	21.09.12
Block D Sections DA42		1	DRA Architects	21.09.12
Block E Floor Plan DA50		1	DRA Architects	21.09.12
Block E Elevations DA51		1	DRA Architects	21.09.12
Block E Sections DA52		1	DRA Architects	21.09.12
Block F Floor Plan DA60		1	DRA Architects	21.09.12
Block F Elevations DA61		1	DRA Architects	21.09.12
Block F Sections DA62		1	DRA Architects	21.09.12
Outdoor Learning Area DA70		1	DRA Architects	21.09.12
Maintenance Building DA71		1	DRA Architects	21.09.12
Statement of Environmental Effects			GeoLINK	2012

In the event of any inconsistency between conditions of this development consent and the plans/ supporting documents referred to above, the conditions of this development consent prevail.

Consent Granted For Works within the Road Reserve

- 2 This development consent includes the works within the road reserve set out in the table below. The work must be carried out in accordance with the standard specified in the column opposite the work. All works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Work	Standard to be provided
Footpath/cycleway for the full frontage of the site	2.5m wide at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40)
Kerb and gutter, road pavement and associated drainage construction, footpath formation across the full frontage of the site.	Location of kerb and gutter must be outside the wheel paths of anticipated bus turning movements
New kerb and gutter and road pavement to merge with collector road	Provision of concrete kerb and gutter and extension of the bitumen seal to the new kerb and gutter to Council's Adopted Engineering Standard.
School Zone line marking and signs	School zone shall be sign posted and line-marked to up-to-date Roads and Maritime Services and Australian Standards

Integrated Approvals

- 3 The following approvals are granted under Section 78A of Environmental Planning and Assessment Act 1979 as part of this development consent:

New South Wales Rural Fire Service

NSW RFS issued a bush fire safety authority as required under Section 100B of the Rural Fires Act 1997, subject to the following conditions

3a) The development proposal is to comply with the layout identified on the Overall Site Plan prepared by DRA Architects Pty Ltd, reference 12025 – DA 02, dated 21 September 2012.

3b) Asset Protection Zones

A the Commencement of building works and in perpetuity the property around the school buildings to a distance of 50 metres, shall be maintained as an asset protection zone (inner protection area) 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.

Where the asset protection zone extends over the boundary of proposed Lot 1 (school site identified under DA 2012/109) a restriction to the land in accordance with Section 88B of the Conveyance Act 1919 shall be placed on the adjoining Lot containing the asset protection zone, requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zone may be extinguished upon commencement of future residential development over the affected areas.

3(c) Evacuation and Emergency

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:

An emergency and evacuation plan addressing 4.2.7 of 'Planning for Bush Fire Protection 2006's shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issue of an occupation certificate.

3(d) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Water supply, sewerage and stormwater drainage work

- B1 Carry out water supply work
- B2 Draw water from a council water supply or a standpipe or sell water so drawn
- B3 Install, alter, disconnect or remove a meter connected to a service pipe
- B4 Carry out sewerage work
- B5 Carry out stormwater drainage work
- B6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- 4 All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- b to the erection of a temporary building.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

Water and Sewerage Section 68 approval required

- 5 An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.
- a) The water service shall be provided with an appropriate backflow prevention device in accordance with the requirements of AS 3500.
 - b) The sewer should be designed to cross the northern end of the school site and around the western boundary of the proposed stormwater detention basin and connect into the pump station along an alignment following the route of the final access road.

NOTE: This design is different to the suggested gravity sewer in the embankment for the proposed detention basin.

Backflow Prevention

- 6 Backflow prevention devices shall be installed appropriate to the hazard rating for the approved land use, in accordance with the current edition of AS/NZS 3500.1 and the NSW Code of Practice for Plumbing & Drainage.

Details of the proposed backflow prevention devices shall be provided to Council for approval with a Section 68 Application and prior to connecting to the water supply.

Trade Waste Section 68 approval required

- 7 An approval under Section 68 of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained. Internal sewer shall be fitted with appropriate pre-treatment devices as required by Council's liquid trade waste policy. This may include a grease trap if hot food is to be cooked in the school canteen.

Stormwater details required

- 8 The application for a Construction Certificate is to include plans and specification for the construction of stormwater disposal from the site in accordance with the plans approved by this consent. The drainage system is to be designed for 1 in 20 year storm event and must discharge to the inter-allotment drainage system. The engineering plans are to include connection to the kerb via a suitable kerb adaptor and the pipeline located within the road reserve to be sewer grade or equivalent. The stormwater system must be designed to comply with the requirements of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

Such plans and specifications must be approved as part of the Construction Certificate.

Engineering plans and specifications must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

The plans must be in compliance with Council's Adopted Engineering Standard.

Car parking plans required

- 9 The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking. Plans are to include, but not be limited to, the following items:
 - a pavement description;
 - b site conditions affecting the access;
 - c existing and design levels;
 - d longitudinal section from the road centreline to the car space(s);
 - e cross sections every 15 metres;
 - f drainage (pipes, pits, on-site detention, stormwater treatment, etc.);
 - g a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways;
 - h a clearance height 2.2m for all internal car parking areas. Where disabled parking is to be provided a minimum clearance height of 2.5m is required. Building

- elements such as pipes, ducts, conduits and beams are not to encroach below the specified clearance height;
- i turning paths; and
- j line-marking and signs.

Bus Parking Bay Plans

- 10 Plans need to be submitted prior to release of Construction Certificate to be assessed and approved by Council. The bus bay must be of sufficient size to cater for all buses expected to service the school at any one time.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

Temporary Right of Carriageway

- 11 A temporary right of carriageway (ROC) needs to be provided from Upper Warrell Creek road to the Education Establishment site, until the subdivision approved under reference number DA2012/109 has been completed, including the release of subdivision certificate by Council which will ensure Council's Engineers have approved the collector Road.

The ROC must be constructed to public road standards (sealed).

The temporary ROC must be shown on plan submitted to Council and approved by Council's Engineers and can be extinguished once the permanent collector Road has been completed. Such plans and specifications must be approved as part of the Construction Certificate.

For the provisions of this condition, Educational Establishment site is identified as the white hatched area on Location Plan DA01 prepared by DRA Architects which forms part of this application and is endorsed within Condition 1 of this Consent.

Garbage storage area required

- 12 The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. The garbage storage area is to be designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining road.

Specifically, the garbage storage area is to contain the following design elements:

- a Bunded, with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest;
- b Provided with a hose tape connected to the water supply;
- c Paved with impervious material;

- d Graded and drained to the sewer system; and
- e Roofed to prevent the entry of rainwater.

Such plans must be approved as part of the Construction Certificate.

Plans of retaining walls and drainage

- 13 The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area has been approved via this development consent to exceed 600mm in height. Adequate provision must be made for drainage in the design of the structures.

Such plans and specifications must be approved as part of the Construction Certificate.

Geotechnical Report required – Building Works on filled land

- 14 Council's records show that the subject land has been filled. A certificate from a professional Engineer experienced in Geotechnical Science is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726 (Geotechnical Reports).

Sediment and erosion measures required

- 15 The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Manual 2004, "Managing Urban Stormwater, Soils and Construction".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. Such plans and specifications must be approved as part of the Construction Certificate.

Water and Sewerage Section 68 approval required

- 16 An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained. This application is to include the installation of any proposed rainwater tanks and any associated plumbing.

It is highly encouraged for building with uses such as this incorporate water harvesting and re-use of collected storm water, at least for garden and grounds maintenance, but with the potential for further uses in the future.

Access and facilities for persons with access disabilities

- 17 The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with Disability (Access to Premises – Building) Standards

2000 and AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*.

Such plans and specifications must be approved as part of the Construction Certificate.

Contributions and Certificate of Compliance (Water, Sewer and Drainage)

18 Contributions set out in the following table are to be paid to Council.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	No of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	12.9	\$11,774	\$151,884.60	JUNE 2013
Sewer	21.5	\$6,616	\$142, 244	JUNE 2013

Landscaping plan required

19 The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Council's Development Control Plan. The landscaping plan must indicate:

- a location of trees identified for retention in the development application plans,
- b proposed location for planted shrubs and trees,
- c botanical name of shrubs and trees to be planted,
- d mature height of trees to be planted,
- e location of grassed and paved areas,
- f screening of clothes drying areas and garbage receptacles from public view,
- g locations of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered, and.
- h an effective physical barrier between public spaces, vehicles, access-ways, parking areas and the surrounding landscaped area.

Such plans and specifications must be approved as part of the Construction Certificate.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

Erosion & sediment measures

20 Erosion and sedimentation controls are to be in place in accordance with the Managing Urban Stormwater - Soils and Construction Vol 1, 4th Edition prepared by Landcom and Development Control Plan (Erosion and Sediment Control) 2009. Particular

attention is to be given to the provision of the following sediment and erosion control measures:

- a Temporary driveway from the edge of road to the building site;
- b Temporary downpipes immediately that the roof has been erected;
- c Silt fence or sediment barrier.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

Plumbing Standards and requirements

- 21 All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Plumbing and Drainage Act 2011, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Toilet facilities

- 22 Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

If sewerage infrastructure has not been installed Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site to PCA and/or Council satisfaction.

Site construction sign required

- 23 A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:
- a showing the name, address and telephone number of the principal certifying authority for the work, and
 - b showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

Consent required for works within the road reserve

- 24 Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.

Construction times

- 25 Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- a Monday to Friday, from 7.00 am to 6.00 pm.
 - b Saturday, from 8.00 am to 1.00 pm.

No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Construction dust suppression

- 26 All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but not are limited to:

- a restricting topsoil removal;
- b regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c alter or cease construction work during periods of high wind;
- d erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Builders rubbish to be contained on site

- 27 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

No filling around trees

- 28 No soil or fill material is to be placed within the drip-line of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

Maintenance of sediment and erosion control measures

- 29 Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Measures to control stormwater runoff

- 30 Measures must be put in place to control stormwater runoff. These control measures must be in place prior to the commencement of works so as to prevent soil erosion and the transport of sediment from the site into either:
- a adjoining land,
 - b natural drainage courses,
 - c constructed drainage systems, or
 - d waterways.

All disturbed areas must be stabilised and revegetated. Turfing or another approved seeding method must be undertaken in each part of the development within 7 days of completion of earthworks. Topsoil must be preserved for site revegetation. Details of sediment control measures and revegetation works must be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

Underground electricity to be provided

- 31 Written evidence must be provided to the Principal Certifying Authority that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply from the existing electricity supply to the building.

Car parking areas to be completed and signs to be provided

- 32 The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

Sewer and water to be connected

- 33 Sewer and water supply is to be connected to the premises in accordance with an approval granted under Section 68 of the Local Government Act 1993.

Access and facilities for persons with disabilities are to be provided

- 34 Access and facilities for persons with disabilities are to be provided in accordance with AS 1428 - *Design for Access and Mobility* and Disability (Access to Premises – Building) Standards 2010. An accessible car parking space is to be provided on each of the two car parks i.e. the visitors and employees.

Inspection of water and drainage works required

- 35 An inspection must be undertaken by the Council prior to the covering of the works specified below:

- a sanitary plumbing and drainage
- b potable water supply plumbing
- c completion of all plumbing and drainage works
- d rainwater supply
- e re-claimed water supply

The local water supply authority requires a minimum of 24 hours notice to undertake the inspection. You will need to quote your Development Application number and property description to arrange your inspection.

Food premises fit-out

- 36 The food premises are to be fitted out to comply with the AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Food production is to comply with the Food Act 2003, Australian New Zealand Food Standards Code.

Separate wash hand basin is to be provided to the proposed food preparation area to comply with food safety standards 3.2.3, "Food Premises & Equipment".

Food business is required to be registered with NSW Food Authority under Section 100 of the Food Act 2003, and notified to Council.

Easements required

37 If the creation of the Lot approved through DA2012/109 has not been completed at the time of the application for an Occupation Certificate, including the issues of new Title and Title Plans from Land Titles Office, then the following Easements must be provided through the residual land to the application site for the Education Establishment.

- a. An easement must be provided through Lot 102 from Upper Warrell Creek Road to the application Site for a temporary Right of Carriageway (ROC), until the Collector Road is constructed, at which time the ROC can be extinguished.

The ROC must be constructed to public road standards (sealed).

- b. An Easement must be provided for the provision of water service, running from the main reticulated water supply on Upper Warrel Creek road to the application site.
- c. An Easement must be provided for access from the sewage pump station to the application site.
- d. An Easement must be provided for the bicycle connection.

For the provisions of this condition, the application site is identified as the white hatched area on Location Plan DA01 prepared by DRA Architects which forms part of this application.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

Operation of car parking area

38 All car parking spaces are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

Car parking spaces are to be available for the approved use

39 Employees and visitors of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.

Fire extinguisher and fire blanket to be located in every kitchen

- 40 An appropriate fire extinguisher and fire blanket must be located and maintained in every kitchen. An effective evacuation plan must be developed and displayed to ensure the safe escape of patrons from all areas of the building.