

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney Region East)**

<b>JRPP No.</b>	2012SYE119
<b>DA Number</b>	505/2012
<b>Local Government Area</b>	City of Canada Bay
<b>Proposed Development</b>	Development Application for demolition of existing structures, remediation of the land, and construction of a new primary school, childcare centre, early childhood and health centre, car parking, associated facilities and landscaping and upgrade works to change rooms and sports field in Powells Creek Reserve
<b>Street Address</b>	Lot 2 DP 218758, 64 Victoria Avenue, Concord West and Part Lot 5 DP 778667, 66 Victoria Avenue, Concord West (both owned by Council) and Part Lot 118 DP 752023, 22A Conway Avenue, Concord West (Crown Land)
<b>Applicant</b>	NSW Department of Education and Communities (DEC)
<b>Owner</b>	City of Canada Bay Council and Department of Lands
<b>Number of Submissions</b>	11
<b>Recommendation</b>	Approval
<b>Report by</b>	Mr Gary A Shiels – Managing Director GSA Planning as independent planning consultant for Canada Bay Council (due to Council ownership and partnership in community facilities to be provided)

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## **1. INTRODUCTION**

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Canada Bay Council has engaged Gary Shiels & Associates Pty Ltd (hereafter referred to as GSA Planning) to prepare this independent assessment report for the Joint Regional Planning Panel (JRPP).

### **1.1 Summary of the Proposal**

The proposal is to remove and remediate contaminated landfill from the subject site, provide new fill-in, and construct a new part one and part two storey Primary School. The new school will ultimately cater for 600 primary aged children in 28 home bases, including four special education classes. The proposal will also include administrative and staff rooms, library, canteen, games court, and associated landscaping. There will also be a 47 place childcare centre near the frontage to Victoria Avenue.

In addition, it is proposed to upgrade the change rooms and playing fields which currently exist. It is also proposed to provide for 61 car parking spaces, vehicular and pedestrian access and bus turning and car drop off/pick up facilities for shared school and community use.

### **1.2 Site constraints**

There are a number of constraints that affect the subject site including the following:

1. Potential for flooding;
2. Acid Sulfate Soils;
3. Existing Contamination;
4. Landscape Heritage; and
5. Location at the end of Victoria Avenue.

These site constraints are discussed throughout this report.

In addition, when the school is fully occupied, it is likely to generate additional traffic that will put pressure on local roads. For a number of months, the Council Officers and Council's Consultants have been liaising with the applicants and various stakeholders with a view to resolving the issues identified above. There is now an agreement between the stakeholders for contribution towards traffic and flooding related work.

### **1.3 Other key matters**

There are three matters that are highlighted for the JRPP that remain unresolved at the time of preparing this report. The site is zoned RE1 Public Recreation and schools are a prohibited use. Initially a planning proposal was submitted to the Department of Planning and Infrastructure (DoPI) to rezone the land to SP2. It was then decided to add an additional scheduled use to permit the school in the existing zoning. The current proposal, as recently advised, is to rezone No. 64 to SP2 Infrastructure, as originally proposed.

### **1.4 Draft Flooding Provisions**

In addition to the Schedule Use change, a Draft Clause is proposed requiring the consent authority to be satisfied that flooding matters have been satisfactorily addressed for Crown Development Application. As this is a development application by the Crown, it cannot be refused by the responsible authority without the concurrence of the Minister. Also, conditions of development consent cannot be imposed without the Minister's concurrence. At the time of preparing this report, the DEC has agreed to contribute to resolving the flooding issue.

## 1.5 Land Ownership

The land is owned by Canada Bay Council and NSW Department of Lands. Council owns Lot 2 in DP 218758, No. 64 Victoria Avenue, Concord West and Part Lot 5 in DP 778667, No. 66 Victoria Avenue, Concord West. Part Lot 118 in DP 752023, No. 22A Conway Avenue, Concord West is Crown Land.

Council and NSW Department of Lands have granted permission for the lodgement of the application. If consent were granted, Council would need to make the land available to DEC by way of a lease.

The development application has been made by the NSW Department of Education and Communities (DEC). In accordance with Clause 88 of the *Environmental Planning and Assessment Act 1979*, the application constitutes Crown development. Draft conditions of consent have been forwarded to the Minister of Education for review.

This report is divided into nine (9) sections. Section 2 contains a site analysis, Section 3 provides the background to the proposal, Section 4 contains the details of the proposal, Section 5 outlines the statutory context of the development, Section 6 considers the submissions and referrals, Section 7 contains the detailed assessment of the environmental impacts of the proposal, Section 8 concludes the report and Section 9 makes a recommendation.

## 2. SITE ANALYSIS

### 2.1 Site Description

Concord West is located approximately 15km west of Sydney, 14km east of Parramatta and located in the Canada Bay Local Government Area (LGA). Concord West is within close proximity to the Olympic Park/Rhodes 'Specialised Centre' identified in the draft Metropolitan Plan and Draft Sub Regional Strategy – Inner West (see Figure 1).

Nos. 64 - 66 Victoria Avenue, Concord West is an irregular parcel of land and bound by Victoria Avenue to the north, George Street to the east, Powells Creek Reserve to the south, and Homebush Bay Drive to the west (see Figure 2). Legally, the subject site is known as Lot 2 in DP 218758 (No. 64 Victoria Avenue owned by Council), Part 5, Lot 5 in DP 778667 (No. 66 Victoria Avenue owned by Council), and Part Lot 118 in DP 752023 (No. 22A Conway Avenue, which is Crown land). The school is proposed to be constructed on the northern part of the site, containing Lot 2 in DP 218758 and Part 5, Lot 5 in DP 778667. The remediation works cover the entirety of the subject site, including the Crown Land.

The northern portion of the site is owned by Canada Bay Council, who has granted permission to DEC to lodge the development application. The Crown Land is managed by the NSW Department of Lands, who has granted written consent to the lodgement of the development application.

### 2.2 Topography

The subject site is generally flat with a gentle upwards slope towards the south at the sports field. The site rises slightly away from Victoria Avenue at RL 1.53AHD to the boundary line between Lot 118 and Lot 2 at 2.99AHD. The existing sports field at the rear is elevated slightly higher than school site at 2.5 AHD. The site has a cross fall of approximately 0.97m from the northern corner at Victoria Avenue to the southern corner at the sports field.



Figure 1: Concord West within the vicinity of the Olympic Park/Rhodes 'Specialised Centre' (DoPI, 2008).

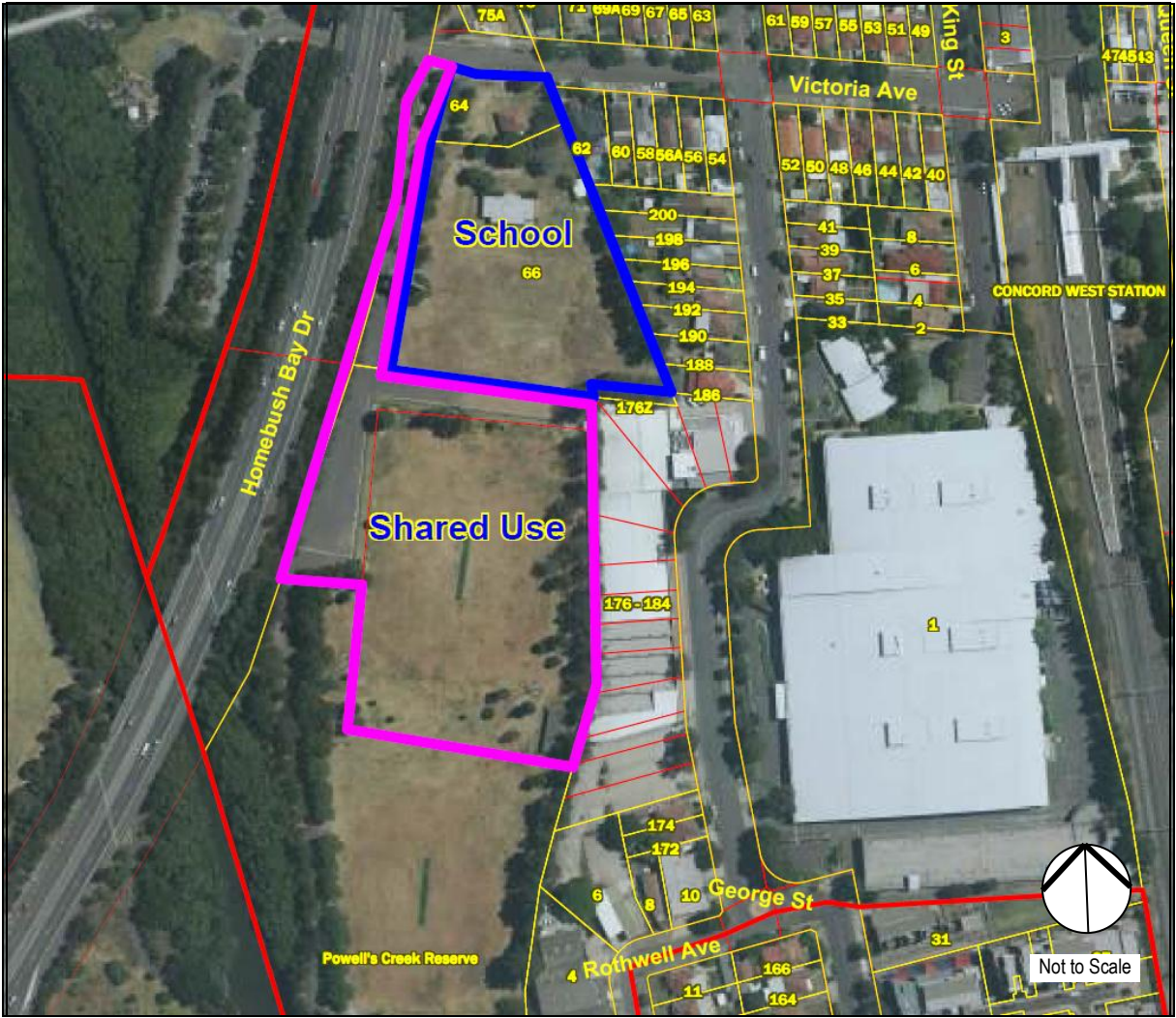


Figure 2: The Subject Site (Canada Bay Council, 2013)



### 3. BACKGROUND TO THE DEVELOPMENT APPLICATION

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#### 3.1 Background

On **20 November 2012** a community consultation meeting was held to present the development application in order to gauge the issues and concerns of the residents. Council and DEC representatives were present at the meeting, as well as Craig McLaren from McLaren Traffic Engineering.

On **18 December 2012** the development application to which this report relates (DA No. 505/2012) was lodged with Canada Bay Council.

On **7 January 2013 to 4 February 2013**, the proposal was publicly notified for 28 days.

On **16 January 2013** Canada Bay Council, DEC and GSA Planning attended and presented at a briefing meeting with the Joint Regional Planning Panel (JRPP).

On **17 January 2013** a public information session was held for members of the local community.

On **23 January 2013** a meeting of the Sydney Regional Development Advisory Committee was held with NSW Roads & Maritime Service (RMS) and Mr Craig McLaren. The RMS was concerned with potential traffic impacts on the Beronga, Pomeroy and George Streets intersection.

On **20 March 2013** a meeting was held with Public Works to discuss flooding issues.

**11 April 2013** Meeting with the General Manager, Council's senior staff, and GSA Planning to pursue the traffic and flooding issues

On **24 April 2013** NSW Public Works were issued a brief to complete an additional flood study. The Addendum to the Flood Study originally submitted with the development application was completed by NSW Public Works in **June 2013**.

On **21 May 2013**, a meeting was held with DECC, Sydney Olympic Park Authority (SOPA) and Council with a view to resolving the flooding and traffic issues.

#### 3.2 Referrals

The development application has been referred internally and externally as follows:

##### Internal Referrals

- Engineering Stormwater;
- Engineering, Traffic and Parking;
- Environmental Health;
- Access Committee;
- Landscape Architect;
- Heritage Advisor; and,
- Building Surveyor.

##### External Referrals

- NSW Roads & Maritime Service and Sydney Regional Development Advisory Committee;
- Environment Protection Authority;
- NSW Police; and,
- Energy Australia (Ausgrid).



## 4. PROPOSED DEVELOPMENT

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### 4.1 Project Overview

The proposed development is for the demolition of the existing structures, remediation of land and the construction of new school, childcare centre, early childhood and health centre with associated car parking, facilities and landscaping at Nos. 64-66 Victoria Avenue, Concord West. The application also proposes upgrade works to the change rooms and sports field in Powells Creek Reserve. The proposal will be delivered as a result of a joint venture between the NSW Department of Education and Communities and the City of Canada Bay.

The proposed new school will comprise one (1) storey buildings on the eastern side and two (2) storey buildings on the western side of the Council owned land. The new school will cater for 600 primary aged children, including four special education classes.

In addition, there will be shared use of community facilities, including the existing sporting field and amenities rooms (which will be upgraded), car parking and access ways, as well as access to the community hall outside of school hours. The project will upgrade the existing sporting fields and amenities.

In accordance with the Statement of Environmental Effects prepared by the applicant, the proposal development involves the following:

- The demolition of existing buildings and structures;
- Land remediation to remove contaminated landfill material from the school site and backfill with clean material to ensure school site is above the 1 in 100 year flood event and to provide an effective cap to the playing field to the south;
- Erection of new school buildings and facilities comprising;
  - 28 new home bases, including 4 special education classes;
  - Administrative/staff rooms;
  - Library;
  - Communal Hall/covered outdoor learning area;
  - Canteen;
  - The construction of a games court;
  - Associated landscaping.
- Community facilities being:
  - Out of school hours care;
  - A 47 placement Childcare Centre;
  - An early Childhood/Health Centre;
  - Upgrade of existing changing rooms on Powell's Creek Reserve;
- The construction of car parking and vehicular and pedestrian accesses, including bus turning capabilities and drop off/pick up facilities for shared school and community use;
- Upgrade of the sports field for school and community use.

The estimated cost of the development is \$25,100,000.

### 4.2 Demolition of Buildings

The applicant has indicated that all buildings on the subject site will be demolished. Specifically, this development work will entail the following:

- The removal of all improvements;
- Breaking down and removing all foundations and footings;
- Breaking up and removing pavements, footpaths and services not required for the development;
- Removal of vegetation not retained as part of the development; and
- Removal of debris and rubbish.

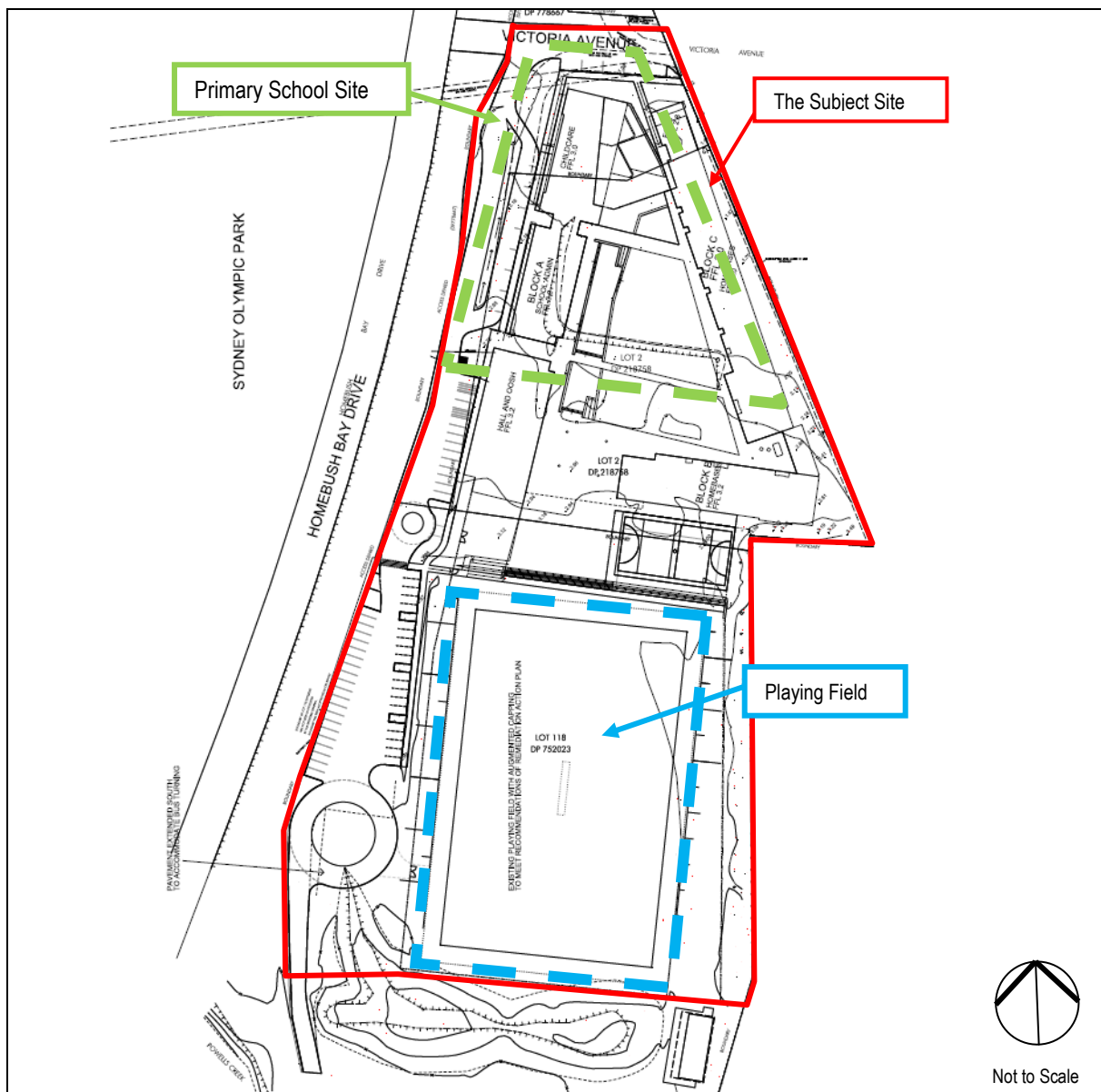


Figure 3: Extract from Site Plan

### 4.3 Remediation and Earthworks

The proposal involves remediation to remove contaminated landfill that exists on the subject site and filling to bring the site above the 1 in 100 year flood event. The Statement of Environmental Effects submitted by the applicant provides that remediation and earthworks will be carried out on the primary school site and the playing field site. These works include the following:

#### Primary School Site:

- Removal and disposal of any hazardous materials from within the existing structures'
- Demolition and recycling of existing structures; Removal of existing turf and vegetation;
- Conduct in-situ waste classification of fill materials.
- Excavate, recycle and dispose of waste materials;
- Where waste materials extend off site (anticipated along western and southern boundaries), a cut off wall will need to be installed to prevent re-contamination of the site in the future;
- Validation of underlying natural soils; and
- Importation and placement of ENM or VENM in accordance with a geotechnical specification to meet finished site levels and flood protection requirements.

**Removal of existing turf and vegetation:**

- Achieve a capping layer of 1m thick across the playing surface (this will include the existing top soil thickness if between 0.05 and 0.1m);
- Importation and placement of Excavated Natural Material or Virgin ENM in accordance with a geotechnical specification to meet drainage and playing field finished level requirements; and
- Reinstatement of the playing surface with turf.

**4.4 School and Community Facility Building Works****4.4.1 Buildings**

The proposed buildings to the west and south are two storeys in height and a single storey building is located on the eastern boundary adjoining existing low density residential. The Childcare and Early Childhood Health Centres have been positioned fronting Victoria Avenue to operate independently of the school.

The building facades have been developed using lightweight cladding - metal sheet cladding, coloured CFC accents and masonry generally to sill or window head height at ground. A full schedule of colours and finishes has been submitted with the Development Application.

**4.4.2 Proposed Use**

The proposed school comprises 28 homebases (classrooms), including 4 special education classes, and will accommodate 600 primary school students. The proposal also comprises a number of community facilities including:

- An Early Childhood Health Centre,
- A 47 place childcare centre, and
- A hall to accommodate students and public meetings.

**4.4.3 Sport and Recreation Facilities**

The proposal provides a new games court and upgrades to the existing sports field on the southern half of the site for school and community use. The playing field will be used by the school in school hours and will revert to community use out of school hours. The amenities building adjacent to the sports field will also be refurbished.

**4.5 Landscaping**

Landscaping involves the creation of formal and informal recreation spaces, the retention of existing trees where possible and new additional peripheral landscaping.

**4.6 Car Parking**

Car parking for 61 vehicles is proposed on site with access from Victoria Avenue via an upgraded driveway at the north western corner of the site. The drawings also indicate that five (5) parallel 'pick-up/drop-off' spaces are provided at the street frontage which would take the total parking provision to 66 spaces. In our opinion these constitute additional on-street parking and should not technically contribute to the off-street car parking provision of the proposal.

Seven (7) of the 61 off-street spaces are laybys proposed along the western side of the development for drop off and pick up for the school. These will double as a layby spaces for up to three excursion buses when required.

Parking for 54 staff vehicles, including 9 child care centre staff parking spaces, is provided in the car park in the south western corner of the site. Four of these spaces are accessible spaces for disabled parking. Parking will be available for community use outside of school hours.

A total of 68 car parking spaces can be provided within the proposed development if the landscaping beds to either side of the parking area in front of the community hall are modified, if the drop off zone is used for parking during the day and if the parking spaces on Victoria Avenue in front of the child care centre are included.

#### **4.7 Access**

Vehicular access for cars and delivery vehicles is proposed via an upgraded access from Victoria Avenue. Pedestrian access is also to be provided from an access point on Victoria Avenue as well as from the western access road.

#### **4.8 Staff, Student Numbers and Hours of Operation**

The school and facilities will accommodate approximately 600 students and approximately 72 staff members are expected to be employed.

The school will generally operate between the hours of 7.30am and 4.30pm. When the need arises, occasional use of the school/hall will occur between 4.30pm to 12 midnight Monday to Friday, 8am to 12 midnight on Saturdays and 9am to 10pm on Sundays.

#### **4.9 School Catchment Area**

At the time of preparing this Assessment Report, the school catchment area was not known. DEC expect that the school will largely service a local demand. The new school envisages they will enrol some students from Concord West and North Strathfield Primary Schools, which are currently overcrowded.

## 5. STATUTORY CONTEXT AND ASSESSMENT

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### 5.1 Environmental Planning Instruments

To satisfy the requirements of Section 79C(1)(a) of the Act, this report includes references to provisions of the Environmental Planning Instruments that substantially govern the carrying out of the project and have been taken into consideration in the submission of the Development Application.

#### Legislative Provisions

- Environmental Planning & Assessment (EP&A) Act 1979.

#### Environmental Planning Instruments

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land (and Contaminated Land Management Act 1997);
- Sydney Regional Environmental Plan No.24 – Homebush Bay Area;
- Canada Bay Local Environmental Plan 2008; and
- Draft Canada Bay Local Environmental Plan 2012.

#### Development Control Plans

- City of Canada Bay Development Control Plan 2008

#### Other Plans and Policies:

- NSW State Plan 2021;
- Sydney Metropolitan Strategy;
- Canada Bay Local Planning Strategy;
- Metropolitan Transport Plan 2010;
- Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005; and
- NSW Planning Guidelines for Walking and Cycling and the NSW Bike Plan.

### 5.2 State Statutory Provisions

This section will consider the objectives of the EP&A Act; SEPP No. 55 – Remediation of Land and SEPP (Infrastructure) 2007. The relevant provisions of these documents will now be considered.

#### 5.2.1 Objects of the Environmental Planning & Assessment Act 1979

The objects of the EP&A Act 1979 are contained in Section 5 of that document. Of relevance to the assessment of the subject application is consideration of the Objects under Section 5(a), particularly 5(a) (ii), (iv), (v), (vii), and (viii). Section 5(b) is also of significance given that the applicant is a Public Authority.

The social and economic benefits of the proposal have been demonstrated in the documentation submitted for assessment. There appears to be a real need for a new primary school in this location to relieve some of the enrolment pressure at primary schools in adjoining areas, including Concord West and North Strathfield. The new school will also include community services and facilities.

The environmental impacts have also been addressed in the supporting documentation. However, the impacts on flooding that are a result of the proposed school are a key issue. Conversely, danger to school children in the event of flooding is also a significant issue. Initially, inadequate technical and environmental assessments to support the proposal in terms of flooding were provided by the applicant.

These did not clearly demonstrate that the proposal's impacts could be successfully mitigated. The Flood Study submitted with the development application did not include the modelling used to reach the conclusions it has identified.

A further Flood Study and modelling has now been prepared by the NSW Public Works and is considered in Section 7.2.7 of this report.

In order to address the flooding issues pertaining to this development, it is proposed to include a clause in the LEP requiring resolution of flooding issues prior to the issuing of development consent (see Section 5.3.1)

Documentation has been provided identifying the existing vegetation on the site and an assessment was undertaken of threatened or vulnerable species, populations, communities or significant habitats. A number of trees will be removed to allow for remediation and the development to occur. Notwithstanding this, approximately 70% of the line of casuarinas on the road side near the wetland will be retained. The wetlands and the indigenous plantings along Homebush Bay Drive will also be retained.

The proposal seeks to create new primary school in an existing urban area and relies on parents to drop off and pick up their children. There will be some reliance on trains and buses. However, the existing road infrastructure is not capable of supporting the new development and increased traffic.

Ecologically Sustainable Development measures have been incorporated into the proposal. The remediation of the site is considered to be a significant sustainability initiative. Energy efficiency and environmentally sustainable development practices have been incorporated into the design of the new buildings, including rainwater harvesting. Lighting, ventilation and insulation will adhere to current DEC guidelines.

Subject to issues of traffic, parking and flooding being resolved, it is considered that the proposed development represents a suitable and sustainable use of a site as it is likely to have positive social, economic and environmental impacts on the local area.

The Objects of the Act have been considered in the assessment of the application, along with general matters for consideration prescribed within Section 79C which have been addressed within the body of this report. It is considered that the proposal is consistent with the Objects of the Act and is therefore supported.

## **5.2.2 State Environmental Planning Policy No. 55 – Remediation of Land;**

Clause 7 of State Environmental Planning Policy No. 55 Remediation of Land requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land. The provisions of Clause 7 are included as Annexure A.

In accordance with Clause 7(1), an Environmental Investigation (EI) of the subject site was undertaken in December 2012 by WSP Environment and Energy. The scope of the EI is stated, inter alia:

- *Characterisation of fill material including the extent, depth and contamination status;*
- *Assessment of potential impacts to shallow and deep groundwater, groundwater levels, flow direction, potential tidal / rainfall event influences on groundwater and the potential for contaminated groundwater to impact Powells Creek;*
- *Assessment of the groundwater impacts in accordance with the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997; and*
- *Draw conclusions regarding the requirement for soil vapour assessment and landfill gas management requirements for the proposed development.*

WSP Environment and Energy identified various constraints relating to the subject sites and these are detailed in full in the EI. The report drew numerous conclusions relating to the subject site and recommended that a Remedial Action Plan be prepared.

The EI stated the following, inter alia:

*“To mitigate the identified constraints described above, WSP recommend that a Remedial Action Plan (RAP) be designed for the Site to address identified soil, groundwater, soil vapour and landfill gas contamination issues. Prior to commencement of the RAP, it is important for WSP to understand the proposed conceptual design of the school, preferred geotechnical solution and development programme to ensure that an integrated, technically robust and cost effective solution can be formulated. WSP recommend that the RAP includes consideration of the following issues:*

- *Consideration of proposed finished site levels required to achieve flood protection levels at the site;*
- *Consideration of geotechnical requirements which may be associated with achieving the above and facilitating construction of the proposed buildings and hard standing including consideration of the effects of total and differential settlement;*
- *Consideration of the proposed method of piling and whether impacted landfill or acid sulfate soils will be brought to the sites surface;*
- *Incorporation of a clean capping layer to prevent exposure to the underlying landfilled materials;*
- *Installation of soil vapour sampling wells to determine whether methane is being generated beneath the south western part of the site or whether cross gas effects from hydrocarbon contamination in soils/groundwater is occurring;*
- *Design and installation of gas protection measures within the proposed buildings and areas of hardstanding; and*
- *Preparation an EMP to manage/monitoring residual risks including groundwater quality, landfill gas concentrations and integrity of the capping system.”*

The application was referred to the NSW Environmental Protection Agency ('the EPA') and their comments were received on 21 January 2013. The details of the referral will be further considered in Section 6.0 of this report.

The recommended conditions of consent respond to contamination. In the event these conditions are complied with, the proposal is considered by Council to satisfy the requirements of SEPP No.55, and to be appropriate in this instance The Remediation Action Plan and the Environmental Investigation Report are both approved under proposed Condition No. 1 and are reinforced in conditions 62 and 63. Council have advised that these conditions have been negotiated between Council and DEC. The remediation will require a considerable number of truck movements that should be subject to a Management Plan.

### **5.2.3 State Environmental Planning Policy (Infrastructure) 2007**

Clause 28(2)(a) of the SEPP outlines that development for the purposes of an educational establishment may be carried out with consent on land within a prescribed zone. The current zoning of the site, RE1 Public Recreation is not a prescribed zone. Subject to the Gazettal of the proposed amendments to the Canada Bay LEP 2008, educational establishments will be a permissible use and the Infrastructure SEPP will apply to the proposed development.

Clause 32 of the Infrastructure SEPP relates to the determination of development applications and requires a consent authority to have regard to the School Facilities Standards (SFS). Clause 32 of the Infrastructure SEPP is extracted at Annexure B. The applicant has addressed the SFS and states the following, inter alia:

*The School Facilities Standards predominately contains standards for new school construction. The design of the proposed school has been developed to comply with the SFS. In this regard:*

- A thorough analysis and evaluation was undertaken of site factors, including surveys, flora & fauna studies, contamination studies, flood studies and stormwater management (see the Appendices of this report);
- Attempts were made to retain significant trees where practicable;
- Critical building dimensions have been achieved to standard: room & facility areas (including critical dimensions to fit furniture), corridor widths to allow for wheelchairs, covered walkway widths and clearance heights;
- Access has been provided for people with disabilities (refer to section 19 of DEC Standards, AS1428.2 and new Schools Facilities Standards);
- Environmental design features have been included to standard: provision of natural light, orientation, appropriate insulation (will be specified), cross ventilation, single loaded corridors, water conservation measures (will be specified);



- Window sill and head heights have been designed to comply with the standards; External materials & fabric finishes have been designed to the standards (Section 40), with respect to the following requirements: cost containment, buildability, fire resistance, high durability & low maintenance, security and resistance to vandalism. The standards call for specific materials for walls, roofs, paving, steel members, concrete etc, which have been adhered to;
- Roof design has been designed to comply with the standards, including minimum pitches, downpipe location, etc.;
- Services will be designed to meet the standards: hydraulics, drainage, waste, water, gas, cooling, heating, ventilation, electrical, communications and stormwater (sections 51 - 57, & 61 - 65 & 95);
- Landscape and site works have been designed to comply with section 90 of the design standard and the SFS Landscape Standard, including paving materials and falls, vegetation selections, retaining walls etc.

The NSW Department of Public Works provided additional comment on 12 June 2013, stating, inter alia:

"The SFS is a guideline document which largely defines areas, services, fit for purpose materials and general safety. The guidelines have been adhered to in the design and documentation of the project."

We accept the submission of NSW Public Works that the application has been designed to adhere to the School Facilities Standards and consider the proposal to be appropriate in this regard.

#### 5.2.4 Summary

**In summary, this section has concluded that the proposal satisfies the relevant objectives and provisions contained in the EP&A Act, and the relevant SEPP's. The issues requiring further articulation is potential flooding of the subject site. This is dealt with later in this assessment report (see Section 7.0).**

### 5.3 Local Environmental Plans

This section will consider the relevant provisions of the existing Canada Bay LEP 2008 and the Draft Canada Bay LEP 2012. The existing and proposed permissible uses in these documents are key points for consideration by the JRPP.

The essential items in existing LEP include the zoning and permissibility, the preservation of trees and vegetation, heritage conservation and acid sulphate soils. These matters will now be considered in this section.

#### 5.3.1 Canada Bay Local Environmental Plan 2008

##### Zoning and Permissibility

The proposal is defined as a school, child care centre and community facility under the Canada Bay LEP 2008. A school is not permissible in the existing RE1 Public Recreation zone that applies to the entirety of the subject site.

As outlined, a planning proposal was submitted seeking to rezone the northern portion of the subject site to SP2 Infrastructure – School. Following discussions with the Department of Planning and Infrastructure (DoPI), it was agreed to provide for a scheduled change to the existing zone rather than change the zoning at this stage. The Draft provision states, inter alia:

**"Clause 7 Use of certain land at 64-66 Victoria Avenue, Concord West**

- (1) This clause applies to land at 64-66 Victoria Avenue, Concord West, being Lot 5, DP 778667 and Lot 2, DP 218758.
- (2) Development for the purpose of a school is permitted with development consent.
- (3) Development consent under subclause (2) must not be granted unless the consent authority is satisfied that the development:
  - (a) is compatible with any identified flood hazard for the land;
  - (b) will not significantly adversely affect flood behaviour that results in detrimental increases in the potential flood affection of development on other properties;
  - (c) incorporates appropriate measures to manage risk to life from flooding;
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;

- (e) is not likely to result in unsustainable social or economic costs to the community as a consequence of flooding.”

It is also proposed to reclassify the Council owned land to ‘operational’ as part of the planning proposal. Although the site was zoned RE1 Public Recreation at the date of finalising this report, our most recent advice is that the current proposal is a Zoning of SP2 Infrastructure – School, without the flooding clause.

The southern portion of the subject site is to remain zoned RE1 Public Recreation. Work proposed on the southern portion of the site involving filling of the playing field, construction of the games court, and provision of car parking are all permissible uses in the RE1 Zone. As the playing fields site will not be subject to any change to permit schools, in our opinion, the school use cannot have exclusive use of the parking area and playing fields. To ensure permissibility, a condition is proposed recommending that the parking and playing fields be shared by the school and the general public. Childcare Centres are a permissible use in the RE1 zone.

### **Preservation of Trees or Vegetation**

Clause 5.9 of the LEP relates to the preservation of trees and vegetation and aims to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The proposal removes a number of mature trees to enable the development to occur. The proposal retains some landscaping within the site and provides replacement planting to compensate the loss of vegetation.

The proposal has been considered in a Flora and Fauna Report prepared by ACS Environmental Pty Ltd which concludes the following inter alia:

*“It is considered unlikely that there will be any significant impact by the proposed development on any of the listed threatened species. It is, therefore, concluded that the preparation of a Species Impact Statement is not required. It is also considered unlikely that the proposal will have a significant impact on the overall biodiversity of the Canada Bay locality.”*

An Aborigicultural Assessment Report was prepared by NSW Public Works and accompanied the application. This report stated the following, inter alia:

“The trees to be affected by the proposed development were identified in the State Heritage Inventory (SHI): Reserve with planting of indigenous species from c.1970/80s, “but not recognised natural ecological communities occur” as stated in Canada Bay ACS Environmental P/L Flora and Fauna Surveys, Biodiversity Impact Assessment.

The plant species identified were Australian native and exotic species.

It is important to protect the remaining existing trees during the construction phases of the project without impacting on the trees long term health.

The proposal landscape design should provide new trees suitable for the altered environment and in keeping with the surrounding native plant theme. Planting to provide shade, screening and aesthetics to the school for the long term which should be seen as beneficial and an asset to the school and community.”

The application was referred to Council’s Landscape Architect for comment and an assessment of this component of the proposal is provided in Section 6.3.9 of this report.

### **Heritage Conservation**

Clause 5.10 relates to heritage conservation. The LEP identifies Powells Creek Reserve as a heritage item. The proposed school site is that part of Powells Creek Reserve immediately adjoining Victoria Avenue. The playing fields are immediately to the south of the site and a wetland area is further to the south beyond these fields.

The proposal has been considered in a Heritage Impact Statement (HIS) prepared by Mary Knaggs, Senior Heritage Architect for NSW Public Works.

The HIS states the following, inter alia:

“In summary while there will be considerable loss of plantings that contribute to the recognised heritage values of Powells Creek Reserve, the proposed new landscape design includes careful consideration of appropriate plantings to enhance the natural and aesthetic heritage values.”

The HIS also made a number of recommendations to maximise the heritage value of the site. The HIS has been reviewed to Council's Heritage Officer for comment. An assessment of heritage is provided in Section 6.3.5 of this report.

### **Acid Sulphate Soils**

The subject site is located within a Class 2 Acid Sulphate Soil area under the Canada Bay Local Environmental Plan 2008. Clause 6.1 (3) of the Local Environmental Plan states that development consent must not be granted for the carrying out of works in a Class 2 area where the works are below the natural ground surface or where the works are likely to lower the water table unless an acid sulphate soils management plan has been prepared in accordance with the abovementioned Guidelines. The site has the potential of removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre.

An assessment of acid sulphate soils is required to be carried out by a suitably qualified person and in accordance with the Acid Sulphate Soils Assessment Guidelines (ASSMAC August 1998). Relevant conditions of consent have been recommended to resolve acid sulphate issues.

### **Development in the RE1 Zone**

Clause 6.3 of the LEP relates to development on land in the RE1 Zone. The relevant considerations in this clause, and our responses to each, are as follows:

*In deciding whether to grant consent to development on land in Zone RE1 Public Recreation owned or controlled by the Council, the consent authority must take into account:*

(a) *the need for the proposed development on the land, and*

**Response:** The NSW DEC has identified the need for a public school and child care centre in the locality and the subject site provides the necessary land to accommodate these community uses. The southern portion of the subject site is currently used as a playing field and that use is to be retained. The proposal will continue the use of the subject site for community purposes and the development will provide a benefit to the locality and the LGA generally. In our opinion, there is a need for the proposed development and the use of the subject site as proposed is appropriate in this instance.

(b) *the impact of the proposed development on the existing or likely future use of the land, and*

**Response:** The proposal is for the long term use of the subject site for a school, childcare centre and playing field. As outlined, the proposal will provide a positive benefit to the local community and is appropriate in this instance.

(c) *the need to retain the land for its existing or likely future use.*

**Response:** The development will continue the use of the land for community purposes which is consistent with the objective of the zone and appropriate in this instance.

### **5.3.2 Draft Canada Bay Local Environmental Plan**

In accordance with the abovementioned Planning Proposal, the northern portion of the subject site is to be zoned SP2 Infrastructure – School under the draft LEP. The permissible uses in the SP2 Zone are identified as being for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. In addition, Child care centres and Community facilities are both permissible in the SP2 Zone. On this basis, the proposal will be permissible on the subject site.

The objectives of the SP2 Zone are stated, inter alia:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To ensure works are compatible with and protect biodiversity values of the natural environment.*

The applicant for this proposal is the DEC and the development application seeks consent for an educational establishment and community facilities. On this basis, the proposal contributes to the provision of infrastructure. The proposal includes remediation works and has been designed to have regard to environmental constraints in the locality. The proposed development will satisfy the relevant objectives of the SP2 Infrastructure Zone when gazetted.

### 5.3.3 Summary

**In summary, the proposal is not permissible in the RE1 Public Recreation Zone under the existing Local Environmental Plan 2008. The planning proposal to rezone the site to SP2 Infrastructure – School would need to be assessed and the rezoning gazetted before development consent could be granted. Preservation of trees and vegetation, heritage conservation and acid sulphate soils are dealt with later in this report or are subject to conditions of development consent.**

## 5.4 Non-Statutory Planning Policies

There are three (3) state and two (2) local non-statutory policies that relate to this application. They include the NSW State Plan 2021; Draft Sydney Metropolitan Strategy and Draft Central Subregional Plan; the Integrating Land Use and Transport Package – NSW Department of Planning, 2005; the Canada Bay Local Planning Strategy 2010-2013; and the Canada Bay DCP for Child Care Facilities. The relevant sections in these documents will now be assessed in the following section.

### 5.4.1 NSW State Plan 2021

The NSW State Plan 2021 aims to achieve quality services in the areas of transport, health, family and community services, education and police and justice. The Plan contains targets which are relevant to the current proposal as follows:-

<b>Target</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>- Increase the share of commuter trips made by public transport; and</li> <li>- increase walking and cycling</li> </ul>	<p>The development site is located within approximately 200m of Concord West Railway station and is well connected to the public transport network. The site also benefits from its location adjacent to Sydney Olympic Park, which incorporates a variety of shared pedestrian/cycle paths. Currently there is also a culvert beneath the railway line which provides pedestrian/bicycle access beneath the railway line, further increasing the sites accessibility. It is noted that the railway is subject to upgrades and the future of this connection is uncertain.</p>
<p>Improve education and learning outcomes for all students</p>	<p>The State Plan has a variety of targets with respect to education and schooling. The proposal involves a new public primary school which will contribute to the availability of education in the area and may assist the NSW Government in satisfying education targets.</p>

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Enhance cultural, creative, sporting and recreation opportunities

The proposal involves the remediation of an existing sporting field and the provision of an additional games court which will retain and improve on recreation facilities in the locality.

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It is considered that the proposal is consistent with the relevant sections of the NSW State Plan. The proposal may assist the NSW Government in satisfying the relevant targets relating to public transport, walking and cycling, education and learning, and sporting and recreation opportunities.

#### **5.4.2 Draft Sydney Metropolitan Strategy and Draft Central Subregional Plan**

The Draft Metropolitan Strategy is a NSW Government document that sets the framework for Sydney's growth and development to 2031. It supports the NSW State Plan and seeks to encourage sustainable growth of the City. The Draft Metropolitan Strategy seeks to provide balanced growth, a liveable city, productivity and prosperity, a health and resilient environment, and accessibility and connectivity. The Draft Metropolitan Strategy also provides priorities for the Central Subregion which includes the subject site.

The proposed development is generally consistent with the objectives and targets of the Draft Metropolitan Strategy as they apply to the subject site.

#### **5.4.3 Integrating Land Use and Transport Policy package, NSW Department of Planning 2005**

The Integrating Land Use and Transport Policy package (ILUT) was introduced in 2005 and provides a framework for State Government agencies, Councils and developers to integrate land use and transport planning at the regional and local levels.

The aim of the Policy was to ensure that urban structures, building forms, land use locations and development designs achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport;
- increasing the choice of available transport and reducing dependence on cars;
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and,
- supporting the efficient and viable operation of public transport services.

The proposal will provide education services close to housing and transport. This type of development is somewhat reliant on parents dropping off and picking up children, which will not reduce dependence on cars or the number of trips generated by the development. However, the site is readily accessible by bus and rail and is within easy walking distance of a railway station. In our opinion, the proposal is consistent with the objectives of the ILUT.

#### **5.4.4 Canada Bay Local Planning Strategy 2010 - 2031**

Canada Bay Council has developed a Local Planning Strategy to guide future planning in Canada Bay and to communicate Council's intentions to the public. The strategy was informed by various background studies pertaining to land use, housing and employment, open space and recreation needs and population and demographic profiling.

The Strategy does not specifically relate to education or educational establishments. However, the Strategy discusses access to currently unavailable facilities and states that the current community use of school sports appears to be quite limited. In fact, only one of 12 Canada Bay schools makes its facilities available for community use outside school hours.

The proposal will upgrade the existing sports field and amenities and make them available for community use outside school hours. This opportunity has been carefully considered by the applicant and Council and will provide a benefit to the community.

#### **5.4.5 Canada Bay Council Development Control Plan (DCP)**

The Canada Bay Development Control Plan (DCP) came into force on 7 March 2008 and applies to the subject site and the development application.

The relevant Section of the DCP is Part 10 – Child Care Facilities. A compliance table has been presented in the Statement of Environmental Effects and that the proposal complies with the relevant sections of Part 10 (see Annexure C). Relevant conditions have been recommended to ensure the development and operation of the child care centre occurs in an appropriate manner.

#### **5.4.6 Summary**

**In summary, in our assessment, the proposal is consistent with the NSW State Plan 2021 and the Integrated Land Use and Transport Policy 2005. The proposal is also consistent with the Canada Bay Local Planning Strategy and the Canada Bay DCP relating to Child Care Facilities.**

## 6. CONSULTATION AND SUBMISSIONS

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The public exhibition and consultation involved numerous stakeholders. Public exhibition occurred over a 28 day period and the consultation involved public authorities, internal referrals to Council Departments and submissions from members of the public. Comments made by these stakeholders and our assessment of these responses are contained below.

### 6.1 Public Exhibition Details

Under Section 79A of the EP&A Act, the Development Application must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

In accordance with Part 2 of the Canada Bay Development Control Plan 'Notification and Advertising', the application was notified to adjoining and nearby property owners and occupiers.

After accepting the Development Application, Council undertook the following actions:

- The Application was placed on public exhibition for 28 days from **Monday 7 January 2013** until **Friday 4 February 2013**. The Application could be viewed in the following ways:
  - On Council's website;
  - At Council's Library in Concord; and
  - At Council's Customer Service Centre.
- Local landowners and residents were notified about the proposal (and the exhibition period) with letters sent to all surrounding households
- Sydney Olympic Park Authority (SOPA) and Auburn Council were notified in writing;
- A public information session was held on Thursday 17 January 2013; and
- Relevant State Government Authorities and utility providers were notified.

### 6.2 Submissions from Public Authorities

The application was referred to a number of public authorities and utility providers for comment. Subsequently, submissions were received from the following:

- NSW Roads and Maritime Services;
- Sydney Water;
- Ausgrid;
- NSW Environmental Protection Agency;
- Sydney Water; and
- Jemena.

#### 6.2.1 NSW Transport - Roads & Maritime Services

NSW Transport - Roads & Maritime Services (RMS) reviewed the development application and considered the application at a meeting of the Sydney Regional Development Advisory Committee (SRDAC) on 24 January 2014.

The correspondence from the SDRAC states the following, inter alia:

"Following the meeting, electronic copies of the SIDRA models were submitted to RMS for review on 29 January 2013. RMS has reviewed the models and notes that the proposed school development will result in the Level of Service (LoS) at the intersection of George Street and Pomeroy Street changing from LoS C to LoS F as a direct result of the proposed development.



Hence the existing signalised intersection will be oversaturated with increased delays for motorists as a direct result of the proposed development and any further development in this precinct will further exacerbate delays for motorists at this intersection.

However, the modelling results indicate that the proposed left turn slip lane from George Street North to Pomeroy Street East will mitigate the traffic impact of the development and improve the performance of the intersection to LoS B.

As a result of the *above*, Council should consider either conditioning the applicant to construct the left turn slip lane from the George Street north approach to the intersection on Pomeroy Street or *having* this roadwork identified in Council's Section 94 Developer Contribution Plan and constructed at a later date once sufficient financial contributions are collected. However, it should be noted that if the proposed development was to be operational without this roadwork being constructed, the intersection will fail and delays will be experienced."

The referral also provides a number of other comments including that there is to be no access from Homebush Bay Drive, outlining various requirements for school zones, and general operation of the site from a traffic and parking point of view. These recommendations are reflected in the condition of consent.

**Comment:** A condition of consent has been recommended requiring the intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield to be improved with a left turn slip lane from George Street north into Beronga Street east. The intersection is to be designed in accordance with the McLaren Traffic Engineering Report dated December 2012.

In the event these works are undertaken the proposal will be appropriate from a Traffic Engineering point of view. It is our opinion that the proposal should not be approved without this condition being agreed to.

The recommended conditions also incorporate the other comments made by the SRDAC.

### 6.2.2 Sydney Water

Comments received from Sydney Water; dated 28 February 2013, deal predominately with wastewater, trade waste information, and water. The comments also include commentary on the need to engage a water servicing coordinator and a revised procedure for planning referrals.

The comments state the following inter alia:

#### Wastewater

*Preliminary investigations indicated that the water network has sufficient capacity to serve the proposed school. The wastewater main available for connection is the 300mm traversing the property.*

#### Trade Waste

*In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment.*

#### Water

*Preliminary investigations indicated that the water network has sufficient capacity to serve the proposed school, however upgrades will be required."*

**Comment:** A condition is attached requiring an application to be made to Sydney Water for a certificate under Section 73 of the Water Act. This application will be followed by a Notice of Requirements from Sydney Water detailing what work will be required in association with the proposal.

### 6.2.3 Environment Protection Authority

The NSW Environmental Protection Authority provided comment on the proposed development on 24 January 2013. The correspondence summarises the primary concerns and stated the following, inter alia:

*The EPA's main concerns are that any development consent ensures that the proponent adequately addresses predicted environmental impacts and proposed mitigation measures, especially those associated with:*

- (a) remediation of site contamination (including dust control and management during remediation of the subject site and overall project site);
- (b) proper management of any potential or actual acid sulfate soils;
- (c) construction-related noise and vibration (including recommended standard construction hours and respite periods for high noise impact work), dust control and management, and erosion and sediment control;
- (d) in-built passive noise mitigation with regard to traffic noise impacts from Homebush Bay Drive; and
- (e) proper assessment of potential noise and vibration impacts-
  - (i) arising from the nearby industry on the school, and
  - (ii) from school activities on adjoining residential noise receivers.

An annexure to the correspondence further expanded on the EPAs concerns and this is attached to this report as Annexure D.

**Comment:** Conditions of consent are recommended for remediation and contamination, management of acid sulfate soils and noise issues. Subject to these conditions being agreed to and complied with the proposal will be appropriate with respect of the abovementioned matters. The Remediation Action Plan and the Environmental Investigation Report are both approved under proposed Condition No. 1 and are reinforced in conditions 62 and 63. Council have advised that these conditions have been negotiated between Council and DEC and are agreed to. Condition No.57 relates to acid sulphate soils while Conditions 96, 97 and 98 refer to noise management requirements during the schools operation. The required truck movement should be subject to a Management Plan. Relevant conditions are also attached relating to the management of construction noise.

#### 6.2.4 Ausgrid

Comments from Ausgrid state that the power supply for the Concord West Public School and the surrounds will be a kiosk type substation that is to be located on the subject site. The comments further indicate that Ausgrid will supply the site from the substation and will also take electricity out to the street.

**Comment:** A condition is recommended requiring the location of the required electricity substation within the boundaries of the subject site. Its installation is to be in accordance with Ausgrid guidelines.

#### 6.2.5 Jemena Gas

A meeting was held on 12 Feb 13 between Jemena Gas and the Department of Public Works regarding the proposal. Jemena's submission references this meeting and indicates that the discussions related to the proposed construction of a building over a high pressure gas pipeline.

Jemena indicate that the construction of a school building over a gas line was not acceptable from a safety and operation point of view. The letter indicates that on 19 February 2013, Jemena was advised that the design would be altered to provide a 5m setback from the pipeline.

**Comment:** Advice from Council indicates that the proposal was amended to increase the setback of Block A to 3.286 metres from the gas pipeline (refer to Drawing No. DA-03 Revision 2 separately submitted).

### 6.3 Internal Referrals

Council referred the Development Application internally and the following referrals have been received:

- Environmental Referral (contamination)
- Property Referral (impact on Council Land)
- Engineering Referral – Drainage
- Engineering Referral – Traffic and Transport Officer
- Heritage Referral
- Building and Access Referral
- Access Referral
- Engineering Referral – Noise
- Community Development
- Landscaping Referral

### **6.3.1 Contamination**

The application was referred to Council's Environmental Services officers for comment on contamination.

**Comment:** Council have advised that the abovementioned comments from the EPA (dated January 2013) were forwarded to the DEC. The Remediation Action Plan and the Environmental Investigation Report have been approved under proposed Condition No. 1 and are reinforced in conditions 62 and 63. Council have advised that these conditions have been negotiated between Council and DEC and are agreed to.

### **6.3.2 Property**

The application was referred to Council's Property Services officers and the comments are attached as Annexure E.

**Comment:** A number of conditions have been attached reflecting the comments received from Council's property services division.

### **6.3.3 Drainage**

The application was referred to Council's City Assets Design Section and the comments are attached as Annexure F.

**Comment:** The comments from City Assets indicate that flooding on the Powells Creek Reserve is a result of rising waters from Powells Creek, the inadequate carrying capacity of the drainage network and the drainage capacity of overland flow paths into Powells Creek. The pipe capacities that drain into Powells Creek are less than the 5 year ARI storm event due to blockages, shallow gradients and downstream control.

City Assets undertook a preliminary assessment of the architectural drawings, flood reports and concept stormwater drawings. Their major concern is that the concept stormwater plans are not detailed enough for proper assessment.

A number of conditions have been attached reflecting the comments received from Council's City Assets Division. The stormwater drainage system for the proposed development shall be constructed in accordance with Condition 12.

### **6.3.4 Traffic and Parking**

On 8 January 2013 Council's Traffic and Transport Officer prepared a memorandum based on the McLaren Traffic Report dated December 2012, Statement of Environmental Effects also dated December 2012, and other material relevant at that time. The Council decided to engage Transport and Urban Planning Consultants to peer review the McLaren Traffic Engineering Report. The Peer Review was limited to evaluating the traffic modelling; reviewing the required intersection improvements; and assessing the intersection works that may be required.

The McLaren Report recommends upgrading the traffic control signals at George and Pomeroy Streets. In contrast, the Transport and Urban Planning Peer Review recommends two options. Firstly, banning the right turn movement from Pomeroy West into George Street during the AM Peak Monday to Friday; or secondly, the left turn lane north to east from George to Pomeroy Street be considered. These options were not acceptable to Council.

The application was referred to Council's Traffic Engineer for comment.

#### **Parking Provision**

The referral indicates that there is a discrepancy between the submitted DA documents and the Architectural Drawings. The documentation indicates that 68 car parking spaces have been provided, while 61 spaces are indicated on plan. The referral adopts a figure of 61 spaces.

The referral also considers the car parking demand adopted by the McLaren Traffic and Parking Report which identifies a demand of 109 car parking spaces (46 staff, 61 short term parent spaces i.e. 5 min and 2 disabled spaces).

The referral states the following, inter alia:

*The proposed on site-site parking does not satisfy the demand for 109 parking spaces anticipated by the traffic report. This represents a deficiency of 48 parking spaces.*

*The submitted traffic report indicates that during the PM period surveyed, of the 76 on-street parking space in the vicinity of the site, only 7 were unoccupied. As a result, there does not appear to be the capacity to accommodate the deficiency of 41 parking spaces on-street.*

**COMMENT:** The referral does not deal with the impact of the proposal on the surrounding road network, however this has been addressed in the comments received from RMS. The applicants Traffic Report seeks to utilise on street car parking to cater for the shortfall in car parking spaces that can be provided on site. Specifically, the proposal seeks Council to provide up to 36 short terms spaces on the street (5 minute parking on school days between 8:00am and 9:30am and from 2:30pm to 4:00 pm). It is our opinion that this would have an impact on nearby residential properties and the proposal would be better suited to an increased volume of on-site parking however, there are site constraints which restrict the ability to provide parking. In any case, this is not a matter that can be approved as part of this application as the proposal would need to go before the Local Traffic Committee. A condition is attached requiring the provision of 68 off-street car parking spaces in association with the proposal. The decision to alter on street parking conditions to 5 minute limits on school days will be a matter for further consideration by Council Staff. The Traffic and Parking matters are dealt with in more detail later in this report.

### 6.3.5 Heritage

As outlined, a Heritage Impact Statement was prepared by NSW Public Works and was referred to Council's Heritage Advisor for Comment. The comments and recommendations of the Heritage Advisor are attached at Annexure G.

**Comment:** A condition is attached requiring that three recommendations contained in the Heritage Impact Statement should be implemented prior to the commencement of works on site. These recommendations are numbered 3, 4 and 5 and are stated, inter alia:

3. The new School should be encouraged to engage with the Canada Bay Council to be part of the ongoing care and monitoring of the natural and aesthetic values of Powells Creek Reserve and to also develop its own interpretive processes for the site
4. The c.1942 brick building (preferably while still in use by the Western Suburbs Lapidary Society) and the c.1960s former Australian Turf Research Institute building and site should be recorded by archival photography.
5. A local studies research project and an oral history focussed on the use of this site by Radio 2UE, the Girl Guides Association, the Western Suburbs Lapidary Society and the Australian Turf Research Institute should be undertaken by the Local Studies team of Canada Bay Council for future interpretive projects.

### 6.3.6 Building and Access

The application was referred to Council's Building Surveyor who provided comments. The comments stated the following, inter alia:

*"I have reviewed the plans together with documentation including the report by A,E & D relating to BCA matters. The report is qualified due to a lack of specific design detail. I agree that it is difficult to give proper consideration but generally speaking there are no [significant] issues."*

**Comment:** Conditions are attached requiring compliance with the BCA and requiring the provision of Access for Persons with a Disability.

### 6.3.7 Engineering – Noise

Council's Engineers considered the Acoustic Report prepared by Acoustic Logic and note that it recommended the playground be relocated to the south-western corner to achieve compliant noise levels. The referral recommended that Council also support the relocation.

### 6.3.8 Community Development

The application was referred to Council's Community Development officer who provided comment on the social and community impacts of the development, the design of the child care centre and early childhood centre and demand for child care places and conditions have been recommended where relevant.

**Comment:** The Community Development referral contained a number of specific comments predominately relating to design of the facility. A compliance table was included in the Statement of Environmental Effects which assessed the proposal against Part 10 of the DCP – Child Care Facilities. The proposal complies with the relevant sections of Part 10.

A condition is attached for a maximum of 47 children for the Child Care Centre. A separate approval and/or license shall be obtained from the Department of Community Services for the operation of a child care centre from the subject premises.

### 6.3.9 Landscaping

The application was referred to Council's Landscape architect for comment. The landscaping referral is predominately concerned with the number of trees that are to be removed. A number of comments are made regarding the suitability of the proposed materials and the layout of the development. The referral is attached as Annexure H.

**Comment:** A number of conditions have been attached reflecting the comments received from Council's Landscape Architect.

## 6.4 Public Submissions

**Eleven (11) submissions** were received from the public. The details of the submissions and the issues raised are contained in the table below.

SUMMARY OF OBJECTIONS TOTAL NO. OF OBJECTORS: 11			
Date	Name of Objector	Address of Objector	Main Issues
03.12.12	Janet & Wayne Mann	90 George St North Strathfield	<ul style="list-style-type: none"> <li>Requests an additional entry and exit point to the school.</li> </ul>
10.01.13	Andrew & Charmain Steventon	146 George St North Strathfield	<ul style="list-style-type: none"> <li>Concerned with traffic impacts</li> <li>Concerned with increase in pedestrian foot traffic &amp; associated litter &amp; waste</li> <li>Concern of construction vehicle traffic for pedestrians &amp; vehicles</li> <li>Concern for increase use of Australia Post box as a number of accidents have occurred due to vehicles turning in &amp; out of Argonne St</li> </ul>
18.01.13	Shanthini Rathanthas	11C/19-21 George St North Strathfield	<ul style="list-style-type: none"> <li>Supports development itself however, objects to the road leading up to the proposal due to traffic impacts</li> </ul>

21.01.13	Janet & Wayne Mann	90 George St North Strathfield (additional submission)	<ul style="list-style-type: none"> <li>Proposes upgrades to the intersection of George &amp; Pomeroy Streets. <ul style="list-style-type: none"> <li>Retain current onstreet parking on western side of George St (Nos. 90-92)</li> <li>Retain current one-lane roadway in front of Nos. 88-92 George St</li> <li>Ensure no left turn permitted against traffic signals for east-bound vehicles turning left into George St from Pomeroy St</li> </ul> </li> </ul>
24.01.13	Harold Harris	62 Victoria Ave Concord West	<ul style="list-style-type: none"> <li>Objects to parking restrictions</li> <li>Has no problem with restricted parking west of No. 73 Victoria Rd as this is not outside residential property</li> <li>Parking suggestions: <ul style="list-style-type: none"> <li>Use the surplus "no mans" land next to the pumping station</li> <li>Extend the car park</li> <li>Use the parking in Sydney Bicentennial Park</li> </ul> </li> </ul>
31.01.13	Margaret & Mark Benn	14 Lorraine St North Strathfield	<ul style="list-style-type: none"> <li>Proposes an exit from Concord West to address traffic congestion</li> </ul>
31.01.13	Basil Capizzi	2D/19-21 George St North Strathfield	<ul style="list-style-type: none"> <li>Proposes that DA is refused based on inadequacy of its current traffic management plans</li> <li>Need to examine alternative traffic solutions or find an alternative site for the school</li> </ul>
01.02.13	Patricia Dearnley	200 George St Concord West	<ul style="list-style-type: none"> <li>Objects to 5 min parking</li> <li>Shares back boundary with school. Wants grass instead of trees as setback is only 3m.</li> </ul>
02.02.13	Trudy Buckett	69 Victoria Ave Concord West	<ul style="list-style-type: none"> <li>Parking restriction of 5 mins on school days 8am-9:30am will impact residents</li> <li>A Resident Parking Scheme should be available to residents on Victoria Ave</li> </ul>
03.12.13	Pam & Mark Regan	71 Victoria Ave Concord West	<ul style="list-style-type: none"> <li>Objects to 5 min parking as they have to park their second car on the street. This is inconvenient for them.</li> </ul>
13.02.13	Paul Wikingaarden for Canada Bay Bicycle User Group	77 Consett St Concord West	<ul style="list-style-type: none"> <li>Supports upgrade of Station St Underpass be incorporated in the North Strathfield Rail Underpass project.</li> <li>Expresses that the assumption that the Station St Concord West Pedestrian/Cyclist Tunnel would no longer be available after proposed Railcorp works as part of the Nth Strathfield Rail Underpass Project is incorrect.</li> </ul>

The key issues raised in the public submissions are listed below:

- Increased traffic;
- Impacts on existing parking;
- Parking restrictions will impact on residents;
- Road network and intersection capacity;
- Inadequate Traffic Management Plan

A response to these issues has been provided below:

**Issue: Increased traffic**

**Comment:** The proposed development will result in significant increases in traffic flows in Victoria Avenue and there will be impacts on the existing on-street car parking, which is currently in high demand by rail commuter. Additional comment on traffic and parking is contained in Section 7.2.4 of this report.

**Issue: Impacts on existing parking**

**Comment:** The proposal provides insufficient car parking spaces for staff and students. However a condition is attached requiring Existing on-street car parking is currently in high demand by rail commuters. The McLaren Report also recommends time restrictions for on-street parking restrictions during the AM and PM set-down and pick-up times to address on-site car parking shortfall. This will need to be reviewed in light of the current restrictions in the area by the Local Traffic Committee.

**Issue: Parking restrictions will impact on residents**

**Comment:** The proposal is likely to increase traffic congestion in the surrounding residential area and put pressure on the on-street parking situation. A resident parking scheme could be implemented to address this. However this will be a matter for future consideration of Council.

**Issue: Road network and intersection capacity**

**Comment:** The McLaren Report identifies that the proposal will adversely impact on the current level of service for the existing signalised intersection of Beronga, Pomeroy and George Streets in North Strathfield. Significant delays would occur to the right hand turn from Pomeroy Street on to George Street, which will feed Victoria Avenue. This matter was resolved the day this report was finalised. Recommended condition No.73 relates to the function of this intersection and the need for upgrade works.

**Issue: Inadequate Traffic Management Plan**

**Comment:** Traffic, traffic management, and parking are matters that are problematic for this application. There has been ongoing liaison between Council's Traffic Engineering Department and DEC to resolve these issues. The earlier referral advice provided by Council's Engineering Department is now largely superseded by subsequent negotiations. These matters will be dealt with later in this assessment report (see Section 7.2.4).



## **7. ASSESSMENT OF ENVIRONMENTAL IMPACTS**

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The following is an assessment of the proposal against the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 – predominantly Section 79C(b) Likely Impacts of the Development and 79C(c) Suitability of the Site.

### **7.1 Impacts on the Natural Environment**

This section provides an assessment of the proposal against Section 79C(b) of the EP&A Act 1979 relating to the likely natural environment impacts of the development.

#### **7.1.1 Flora and Fauna**

The impact on flora and fauna has been assessed by ACS Environmental Pty Ltd, who have concluded that no endangered or threatened flora or fauna species were identified on the site. There may be occasional visits from the Grey-headed Flying Fox and the Eastern Bent-Wing Bat. The Report concludes that the proposal is unlikely to have significant impacts on the overall biodiversity of the locality.

Council have not raised concerns with the flora and fauna assessment. Accordingly, the proposed flora and fauna is considered to be acceptable.

#### **7.1.2 Stormwater**

The development application included a Concept Stormwater Management Report and Plans. The Management Report concludes that the initiatives in the report and plans show that Council requirements can be satisfied to cater for the proposed new works. This has been discussed in detail in Section 6.0 of this report.

Accordingly, subject to compliance with the Conditions of Consent, the proposal is considered to be appropriate in terms of stormwater management and is supported.

#### **7.1.3 Contamination and Remediation**

The site has been identified as containing contaminated groundwater and fill material. The subject site was previously occupied by the Australian Turfgrass Research Institute Ltd and will require significant remediation.

While remediation of the site is considered be a significant benefit of the proposal, the remediation will need to be done in accordance with an approved Remedial Action Plan, Council's Contaminated Land Policy, SEPP No. 55 – Remediation of Land and the guidelines under the Contaminated Land Management Act. This has been discussed in detail in Section 6.0 of this report and recommended conditions are attached.

#### **7.1.4 Erosion and Sediment Control**

The proposal has the potential to result in erosion and sedimentation during demolition and construction. An Erosion and Sediment Control Plan forms part of the development application. Approved erosion and sedimentation controls are required to be in place prior to the commencement of demolition and construction works. These controls are to be maintained throughout the demolition and construction works and apply to any regrading of the ground levels and approved removal of vegetation. The controls shall be installed in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book). Accordingly, conditions of consent are imposed to ensure controls are in place prior to the commencement of demolition and construction works.

### **7.2 Built Environment Impacts**

This section provides an assessment of the proposal against Section 79C(b) of the EP&A Act 1979 relating to the likely built environment impacts of the development.

### 7.2.1 Overshadowing

Although there are no specific solar access controls for the type of development proposed, the City of Canada Bay Development Control Plan 2008 follows the planning principles adopted by the Land and Environment Court as a guide to assessing the impacts of overshadowing which may result from a development proposal. In this regard, Council's DCP states the following controls in relation to overshadowing and solar access. The objective of the controls for overshadowing is to maximise solar access to living areas and private open space of neighbouring developments to maintain their amenity. The relevant control is as follows:

*"5.2.3 (C2) Direct sunlight to north facing windows of living areas and private open space of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June."*

It is unlikely that the proposed siting and built form will result in any significant levels of overshadowing. The site adjoins Victoria Avenue to the north, residential to the east, sports fields to the south and Homebush Bay Drive to the west. Given the orientation of the site in a north/south direction, it is not expected that the proposal will significantly impact on the solar access of the dwellings to the south, particularly in the morning and midday hours. The north facing windows of adjoining dwellings will not be impacted on and will not have their solar access reduced to less than 3 hours between 9am and 3pm. Accordingly, the proposal is appropriate in terms of solar access and is supported in this regard.

### 7.2.2 Privacy and Overlooking

The proposed two storey buildings are located along the Homebush Bay boundary to provide a noise buffer to the school and residential development to the east. The proposal provides a one storey building along the eastern boundary, which is an appropriate interface to the dwellings to the east. The one storey built form ensures that there is no potential for looking down into the living rooms and private open spaces of the adjoining dwellings.

The classrooms on the eastern boundary are oriented internally and open area and landscaping along the boundary will provide additional privacy for the adjoining dwellings.

Given that school hours generally finish between 3pm and 4.30pm, there are not likely to be any impacts on privacy outside of standard business hours, when most people are at work.

### 7.2.3 View Corridors/View Sharing

There are not likely to be any views across the subject site and the proposal is considered to be appropriate in this regard.

### 7.2.4 Parking and Traffic Generation

The proposed development will result in significant increases in traffic and additional parking impacts. Of particular concern is the additional traffic and parking in Victoria Avenue and increased traffic at the intersection of Pomeroy and George Streets. The existing on-street car parking is currently in high demand by rail commuter.

The proposal also provides insufficient car parking spaces for staff and students. These issues have not been adequately addressed in the Traffic, Transport, Servicing, Pedestrian and Parking Impact Assessment, prepared by McLaren Traffic Engineering on behalf of the applicant. Accordingly, these matters have been the subject of ongoing negotiations with DEC.

An aspect of the above impact is that DEC is unable to predict catchment areas and the likely growth in school numbers. In particular, if the growth in numbers at the school is over a few years, it would allow Council to evaluate the increasing traffic generation, implement traffic management measures incrementally (perhaps in accordance with a Traffic Management Plan), and budget for these improvements over the next few years.

The McLaren Report has downgraded parking and traffic requirements. The McLaren Report relies on an assumption of 1.5 children per car in its assessment of the traffic movements likely to be generated by the proposal. Council's Traffic Engineers advise that in their experience, an occupancy rate of 1.25 children per vehicle is more accurate.

The McLaren Report also recommends 10 minute on-street parking restrictions during the AM and PM set-down and pick-up times to address on-site car parking. This will need to be reviewed by Council in light of the current restrictions in the area and assessed by the Local Traffic Committee.

It is critical that the increased traffic in Victoria Avenue is properly managed. DEC maintain that all vehicles will enter the subject site, perform a U-turn, and leave in a forward direction. The greater likelihood is that many vehicles, particularly those parking on Victoria Avenue, will perform U-turns in the street. An option being considered was the provision of a roundabout on the eastern side of the viaduct. While there appears to be sufficient land, there may be services affected and, the DEC is not prepared to contribute to the cost of providing that roundabout. Footpath, pavement, and general treatment of Victoria Avenue is a further consideration.

The McLaren Report identifies that the proposal will not adversely impact on the current level of service for the existing signalised intersection of Beronga, Pomeroy and George Streets in North Strathfield. This opinion was not supported by RMS. The modelling by RMS found that there would be significant delays at Pomeroy Street on to George Street, which will feed Victoria Avenue and the level of service would fall from "B to F". In order to address these impacts, the intersection would require a full upgrade.

Although initial discussions with DEC indicated no budgetary allocation to upgrade the intersection, a contribution has recently been offered. A letter from DEC dated 11 July 2013 confirmed that Council will contribute \$100,000 towards the cost of the upgrade works with the remainder of the cost to be paid for by the NSW Government.

A left-turn slip lane from George Street to Pomeroy Street in a south-eastern movement will now be constructed in accordance with RMS recommendations. The building alignment has been setback to facilitate this road widening at some stage in the future. The difficulty that may exist is that there are considerable services in the footpath that may need to be relocated. The likely cost of creating the slip lane is in the order of \$700,000. The cost of moving the services could be at least equal to that amount. A condition relating to the left-turn slip lane has been included.

### **7.2.5 Building Height, Bulk and Scale**

The proposed development comprises three (3) building footprints of one and two storeys with an internal play/assembly area. The proposed heights are not out of character with the one and two storey dwellings that dominate the area immediately to the east of the site and the two storey industrial buildings to the south-east.

There are no height or FSR controls that apply to the site or the proposed development. The built form is not likely to result in any adverse amenity impacts and is consistent with the scale of surrounding development. Accordingly, it is considered that the height bulk and scale of development is appropriate and the proposal is supported.

The western elevation of Block A will present as a continuous metal clad structure 121.6 metres long and between 9.8 metres and 10.4 metres high. It is proposed to be relieved by sun and acoustical baffles and a limited amount of compressed fibrous cement and fixed glazing. This elevation faces the public access to the open space and the Homebush Bay Drive. Given the extent of this western wall, every attempt should be made to provide articulation and variation in colour toning in the detailed design. The eastern elevation of Block C adjoins residential property. This will largely present as a single storey structure, and with the attention of existing landscaping and some additional planting, the building should not unreasonably impact on adjoining dwellings.

### **7.2.6 Streetscape and Urban Character**

The proposal, as viewed from Victoria Avenue, will appear as a one storey and two storey structure comprising metal cladding and compressed fibrous cement. The proposal elevation has the potential to appear as an industrial building, which would be out of character with the adjoining and nearby Victoria Avenue streetscape. In our opinion, every effort should be made to further articulate the street elevation and there should be additional landscaping and tree planting to soften the potential industrial appearance of the building when viewed from Victoria Avenue and to improve its presentation on the street frontage.

### 7.2.7 Flooding

Flooding issues associated with the proposal have been the subject of substantial discussions between Council and the applicant. A Flood Study was prepared by NSW Public Works in support of the application.

The subsequent amendment to this study, prepared in June 2013, states the following recommendations, inter alia:

*Conclusions arising from this Flood study for the proposed Canada Bay Primary School are:-*

1. *From the model runs, it is apparent that flooding on the site is currently affected by downstream controls during a 5, 10, 20 and 100 year ARI storm events. Therefore, the potential flooding issues at the new building site will need to be managed in flood events, to comply with Council's DCP. Flood mitigation measures outlined in Section 6.4 can be implemented on the site to improve the stormwater drainage and address the potential flooding issues. The procedures are compliance with the NSW Government Floodplain Development Manual (2005).*
2. *Council is aware that the existing drainage system along the Victoria Avenue does not comply with the current minor flow design standard (to cater for 10 or 20 Year ARI storm event). The TUFLOW analysis shows the current drainage system is not able to cater the flow during 5 year ARI storm event. Due to this insufficiency of existing drainage system and no perfect solution can be formulated, Council has expressed that this DA requirement should be assessed on a merit based approach.*
3. *The Habitable Floor Level (HFL) at the proposed Canada Bay Primary School is to be designed to accommodate the 100 year ARI design flood event plus a minimum of 500mm freeboard. This freeboard will provide a reasonable certainty that the risk exposure associated with a particular design flood is actually provided. The habitable floor level of the proposed new buildings will need to be set at the 100 year ARI flood level plus a minimum of 500mm freeboard, i.e. RL 2.30 + 0.5m which equals RL2.80m AHD. Therefore, the new school site will be raised to a minimum of RL2.8m AHD as part of the flood mitigation measures and site remediation works.*
4. *TUFLOW modelling show that the proposed regrading and raising of Victoria Avenue would provide adequate school frontage access and evacuate route during the 5 year ARI storm event. Refer to Figure 4 for site evacuation plan. Appendix D summarises the concept road regrading and raising design. The amount of earthworks required for this measure is approximately 600m<sup>3</sup>. A preliminary cost estimate of the proposed works amounts to approximately \$583,000.*
5. *A LOW HAZARD CATEGORY has been established for the flooding risk on the proposed new school site and school frontage, up to a 100 year ARI storm event. The modelling results show the proposed school site will cause a slight increase in inundation extend. However then flood hazard category for all storm events remains to be the same. The proposed development will not worsen existing flood effect to the school and adjacent properties.*

Recent discussions between Council and DEC have resulted in works to Victoria Avenue being agreed upon with Council to undertake the work. DEC has offered to make a contribution to the cost of these works.

Relevant conditions are recommended requiring the undertaking of the works itemised above. Subject to these works being undertaken, the proposal is considered to be appropriate from a flooding point of view.

### 7.3 Social/Economic

This section provides an assessment of the proposal against Section 79C(b) of the EP&A Act 1979 relating to the social and economic impacts of the development.

The proposal is likely to have social and economic impacts on the surrounding area and LGA. These include the following:-

#### Benefits

- The proposal is an orderly and economic use of under-utilised land;
- The site is contaminated and requires remediation. The proposal includes site remediation and once this completed, in accordance with the relevant policies and legislation, the site will be suitable for the proposed development;
- The proposal will relieve some of the pressure on existing primary schools in the area, which are overcrowded and unable to take new enrolments.;
- The proposal provides additional facilities that will benefit the wider community, including a child care centre and upgraded sports fields and amenities;

- The site is well serviced by trains and the Station is close proximity. Initiatives to escort students safely to and from the Station will provide a significant benefit; and
- The built form is not likely to adversely impact on the amenity of the residential uses to the west.

### **Impacts**

- The catchment of the school is not yet known and this may have significant implications for traffic congestion;
- The proposal will result in significant traffic and parking impacts on the surrounding road network and intersections; and,
- The site is constrained by flooding issues and, unresolved, this could impact on child safety.

## 8. CONCLUSION

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This independent assessment of the proposed Powell Creek Primary School at 64-66 Victoria Avenue, Concord West, has been prepared by GSA Planning. The application is supported under Section 79C (1d) of the EP&A Act. However, at the time of finalising this report, there remain a number of matters requiring resolution. Attempt has been made to address these matters by conditions of development consent. However, the JRPP cannot impose conditions of consent if they are not agreed to by the relevant Minister.

Summary of the key issues resolved and needing resolution are as follows:

### 8.1 Zoning

The subject site, 64-66 Victoria Avenue, Concord West, is to be added as a scheduled use for the existing RE1 Open Space zoning to allow schools as a permitted use with development consent. The gazetted LEP will have a requirement for the consent authority to be satisfied that development is compatible with identified flood hazard on the subject land. In addition, the gazetted scheduled use will also reclassify the land to operational land.

The playing fields to the south of the abovementioned site, that form part of the school use application, are not included in the schedule use. Playing fields are normally used by schools in the normal practice in local government areas. However, the proposed carpark adjoining the playing fields is intended to be primarily used by the school. In our opinion, to enable the carpark to be approved as part of the school use, it would need to be also available for use by the general public.

### 8.2 Flooding

The subject site has been subject to a Flooding Report prepared by NSW Public Works. This report identifies substantial works to be undertaken for Victoria Avenue, to alleviate the flooding problem of the subject site. These works are estimated in the order of \$583,000. The DEC has offered to make a contribution towards works and remediation in Victoria Avenue, which will assist in meeting the cost of reconstructing Victoria Avenue to resolve the flooding issues. The school should not commence use on the site until the works in Victoria Avenue are completed (see Condition 102).

### 8.3 Contamination and Acid Sulphate Soils

It is proposed to remediate the site and playing fields to a standard that is acceptable for occupation and use by school children. The works proposed for this remediation are included as a condition (see Condition 62). Truck movements will need to be carefully managed.

### 8.4 Traffic and Parking

The school will generate additional traffic in the surrounding streets as the number of pupils increase to the capacity of 600 over the next 5-6 years. The intersection at the corner of George and Pomeroy Streets is identified by RMS, the applicant's Traffic Engineer and Council, as requiring additional capacity to cater for the increase in traffic generated by the school. While the intersection is likely to operate effectively when the school first opens, it is likely to become increasingly congested in the school peaks as the pupil and employment numbers increase.

Initially, DEC indicated that they would not contribute to the upgrade of the intersection. On 11 July 2013, a letter was provided by DEC noting Council's offered contribution of \$100,000 and committing to fund the remaining cost of the upgrade above and beyond that figure (see Condition 73)

Victoria Avenue also required improvements to curbing, guttering, and overall general maintenance in conjunction with the flooding culverts.

The proposal also requests 36 short term car parking spaces in Victoria Avenue. This has received considerable objections from local residents, and in any case, cannot form part of this approval. This matter remains something to be resolved between DEC, Council, and the Local Traffic Committee.

In our opinion, a Traffic Management Plan should be prepared to refine the drop-off and pick-up of children to the childcare centre and school and the staff parking arrangements. Also, the car parking proposed is substantially less than that required by Council's DCP. A condition has been imposed to increase the number of car parking spaces from 61 to 68, however the car parking provision is still considerably less than Council's DCP.

#### **8.4 Streetscape and Character**

The one and two storey metal clad and compressed fibrous cement buildings facing Victoria Avenue have a potential industrial appearance, which would be out of character with Victoria Avenue. This report has raised streetscape concerns and recommends further articulation, appropriate colour tonings, and further landscaping to improve the presentation of the street.

#### **8.5 Pedestrian Access**

There is no pedestrian access indicated on the development application from Victoria Avenue to the existing playing fields and the Powell Creek Reserve to the south. Provision should be made for a pedestrian path or line marking to afford safe passage by pedestrians through the school drop-off and parking zone (see Conditions 19 and 20).

#### **8.6 Lease**

The subject site is owned by Canada Bay Council and therefore required Council's consent to lodge the Development Application. If the Development Application is approved, the Council would be required to grant a lease of the land to DEC to permit the occupancy of the site for the proposed school purposes. This lease is a matter between the parties and does not impact on this Assessment Report or the deliberations by the JRPP.

Subject to these matters being resolved, and the conditions being complied with, the school use of the subject site will provide for a community need in the locality and is therefore considered to be acceptable.

## 9. RECOMMENDATION

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Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 (as amended), that the Joint Regional Planning Panel, Sydney East Region, as the determining authority, grant development consent to Development Application Number DA505/12. The construction of a one and two storey building to be used for the purpose of a Childcare Centre for 47 children, and a Primary School for a maximum of 600 students, together with the provision of 68 car parking spaces at 64-66 Victoria Avenue, Concord West, in accordance with the attached conditions.

A handwritten signature in black ink, appearing to read 'Gary A Shiels', written in a cursive style.

**Prepared by:**

Gary A Shiels  
**Managing Director**  
**GSA Planning**



## General Conditions

### 1. **GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Date/s</i></b>
-	Acoustic Report	Acoustic Logic	27/8/2012
DA-01 and DA-03, Rev 2; DA-04 – DA-08 Rev 1 (inclusive)	Architectural plans	Government Architect's Office	12/03/2013, 7/03/2013, 8/03/2013 and 9/03/2013
-	Environmental Investigation Report	WSP Environment & Energy & Government Architect's Office	December 2012
-	Remedial Action Plan	WSP Environment & Energy	12/12/2012
-	Geotechnical Report	AW Geotechnical Pty Ltd	15/11/2012
DA L02a Rev 1	Landscape Plan	Government Architect's Office	8/03/2012
-	Statement of Environmental Effects	BBC Consulting Planners	December 2012
-	Statement of Heritage Impact	Public Works – Government Architects Office	December 2012
-	Waste Management Plan	-	-

***Note 1:*** Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

***Note 2:*** The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent).

*(Reason: To confirm and clarify the terms of consent)*

2. **GCP2 Child Care Centre**

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 47 children. A separate approval and/or license shall be obtained from the Department of Community Services for the operation of a child care centre from the subject premises.

*(Reason: Clarify approved use)*

3. **GCP4 Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

*(Reason: To ensure compliance with approved plans)*

4. **GCG1 Australia Post Guidelines**

Provision shall be made on the site for the receipt of mail deliveries for the approved child care centre and early childhood centre in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). In general, a clearly marked mailbox shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

5. **GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

*(Reason: To inform of relevant access requirements for persons with a disability)*

6. **GCG4 Food Premises - General**

The construction and operation of any food premises as part of the school, child care centre or early childhood centre shall comply with all applicable legislation/regulation and standards, including:

- *The Food Act 2003*
- *Food Regulation 2004*
- *Food Standards Australia and New Zealand - Food Standards Code 2001*
- *Relevant Australian Standards for Design, Construction and Fit out of Food Premises*

- *Mechanical ventilation - Australian Standard 1668.2-2002*

*(Reason: Compliance legislation and standards)*

7. **GCG7 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 relevant standards in this regard and full details of any lighting to be provided within the carpark area shall be submitted to Council for approval prior to installation.

*(Reason: Protect amenity of surrounding area)*

8. **GCG8 Materials & Finishes Schedule**

The development shall be constructed and finished in materials and colours as listed in the Schedule of Colours and Materials submitted with the Development Application on 23 December 2012.

*(Reason: Visual amenity)*

9. **GCG10 Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and

- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

*(Reason: Environmental protection)*

10. **GCG16 Tree Preservation**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained except where Council's prior written consent has been obtained.

*(Reason: Tree preservation)*

11. **GCH 4 Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- *The Building Code of Australia;*
- *Protection of the Environment Operations Act 1997;* and
- Relevant Australian Standards

**Ventilation above Cooking Equipment**

Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with relevant Australian Standards '*The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control*'.

*(Reason: Compliance with relevant standards)*

12. **GCD1 Approved Stormwater Drainage Design**

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's "Specification for the Management of Stormwater", except where amended by other conditions of consent:

Reference:	Prepared by:	Dated:
Figure 5A, Concept Stormwater Management Plan	NSW Public Works, Report No. DC12126	December 2012
Unnumbered	NSW PWD Addendum Report	June 2013

**Important Note:** Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Specification for the Management of Stormwater".

*(Reason: Stormwater management)*

## Conditions which must be satisfied prior to the commencement of demolition of any building or structure

### 13. **PCR2 Demolition**

- (a) That five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
- The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- (b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- (c) Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until Council is satisfied that all measures are in place so as to comply WorkCover's *Guide to Working with Asbestos*.
- Note:** A copy of this publication can be obtained from WorkCover Authority's website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
- (d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' AND a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.
- (e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.
- (f) Demolition works are restricted as follows:
- Monday to Saturday inclusive      7:00am - 5:00pm
  - Sundays and Public Holidays      No work
- (g) At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must

notify adjoining residents prior to demolition commencing advising the following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- The telephone number of WorkCover's Hotline (02) 8260 5885.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

14. **PCR3 Site Safety Fencing - Demolition only**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing **must be erected before the commencement of any demolition work** and maintained.

The site shall be maintained in a clean and orderly condition during demolition works.

*Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

15. **PCR4 Tree Preservation - during demolition**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained and protected during demolition works except where Council's prior written consent has been obtained.

*(Reason: Tree Preservation and Protection)*

16. **PCR5 Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout

the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed 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 Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

### **Conditions which must be satisfied prior to the Commencement of Construction Works**

17. **Heritage Measures**

The recommendations noted at points 3, 4 and 5 of the Heritage Impact Statement prepared by the Government Architect's Office and dated December 2012 shall be implemented prior to the commencement of works on the site.

*(Reason: Documenting Heritage)*

18. **Protection for Existing Billboard**

The foundations and pylon of the existing billboard sign adjacent to Homebush Bay Drive and located within the carparking area shall be suitably protected during the course of construction works to ensure that no damage is caused to this structure and its associated infrastructure.

*(Reason: Security and Protection of Council Infrastructure)*

19. **Bicycle and Pedestrian Path Adjacent to Homebush Bay Drive**

The existing bicycle and pedestrian path that extends between Sydney Olympic Park to the west and north and Powells Creek Tennis Courts to the south and which traverses the subject site shall remain open during the course of construction works on the site with appropriate protections measures implemented to ensure the safety of pedestrians and cyclists whilst construction works are in progress.

This bicycle and pedestrian path shall remain open at all times following completion of works to construct the school.

*(Reason: Public Safety and Access)*

20. **No Gates Across Entry/Exit Driveway and Pedestrian Pathway**

No security access gates shall be erected across the entry/exit point to the carpark area and the graded footpath which extends from Victoria Avenue alongside the school and the Powells Creek playing field down to the bus turning bay area to the south of the carpark. The driveway and footpath shall remain open and available at all times for the use of pedestrians and cyclists.

*(Reason: Retention of Access to Existing Pedestrian Path and Cycleway and Security for Pedestrians from Carpark traffic)*

21. **CCD1 Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the commencement of works**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. **Note:** A continuous path of travel does not appear to have been provided from the Covered Outdoor Learning Area down to the games court and the playing fields.

*(Reason: To inform of relevant access requirements for persons with a disability)*

22. **CCD2 Disabled Toilets**

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

*(Reason: To inform of relevant access requirements for persons with a disability)*

23. **CCC3 Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the commencement of works on the site. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

24. **CCG2 Construction Management Plan**

**Prior to the commencement of works**, a Construction Management Plan shall be prepared that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.



- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

*(Reason: Safety, amenity and protection of public infrastructure and the environment)*

25. **CCG5 Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must obtain a copy of the Authority to connect to the sewer system. There is to be no discharge of wastewater to the stormwater system.

*(Reason: Information)*

26. **CCL2 Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the occupation of the site shall be prepared and provided to Council. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

27. **CCV2 Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan 2008 for Bicycle Parking and Storage Facilities.

*(Reason: Convenience)*

28. **CCV4 Disabled Car Parking Spaces**

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall have minimum dimensions in accordance with the relevant Australian Standards and be located near pedestrian access routes designed for disabled persons and in the vicinity of the proposed lift and entry foyer. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

*(Reason: To inform of relevant access requirements for persons with a disability)*

29. **CCV8 Car Parking Space Provision**

A minimum of sixty-eight (68) car parking spaces shall be provided in accordance with Drawing No.'s DA-01 Rev. 2 and DA-03 Rev. 2 for the parking of staff, visitor and park patrons' vehicles. This minimum number may include the proposed spaces in the bay to be created off the Victoria Avenue carriageway in front of the child care centre and childhood health centre, if approved by the Local Traffic Committee, and the 'kiss and drop' zone in front of the Block A and the child care centre which is to be used for parking after the period for dropping off children has ceased and before the afternoon collection of children commences.

In order to achieve 68 spaces as required above, the landscaping beds to either side of the parking area in front of the community hall shall be modified to create a minimum of 15 spaces including the disabled parking spaces.

The layout of the proposed car parking area including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions shall be in accordance with AS 2890.1 – 2004 and AS 2890.

A bus turning area shall be provided at the southern end of the carparking area in accordance with the approved plans. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.

All vehicles are to enter and leave the site in a forward direction.

The carpark shall not be linemarked or signposted for the exclusive use of the school in the area adjacent to the existing Powells Creek Playing Fields.

*(Reason: Parking and access)*

30. **CCA1 Damage Report**

A Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve in Victoria Avenue in the vicinity of the development site and must be filled out and signed by the Applicant and approved by Council.

This Form will be used to assist Council in determining the extent of any damage caused to Council's infrastructure and the extent of any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

31. **CCA2 Footpath Design Levels**

Where requested, detailed footpath levels shall be obtained from Council's Manager Roads and Drainage Assets **before finalisation of the design**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a fall of 4% is obtained from the

boundary line to the line formed by the edge of Council's footpath which is closer to the kerb and gutter.

- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act). Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

*(Reason: Public Infrastructure)*

32. **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, and with relevant Australian Standards.

*(Reason: Safety)*

33. **CCA4 Submission of Plans for Works within the Road Reserve**

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve required adjacent to and outside the subject site in Victoria Avenue, Concord West including long and cross sections, details of proposed structures and specifications

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an

approved format, details of all public infrastructure created as part of the works, and

- (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

*(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)*

34. **CCA5 Vehicular Crossings**

A full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance/exit to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges.

*(Reason: To ensure appropriate access to the site can be achieved)*

35. **CCI2 Redundant Vehicular Crossings and Ancillary Works**

**Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works"** (available from Council's Customer Services Centre) and pay the appropriate fees & charges.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer, prior to the occupation of the development.

*(Reason: Public infrastructure maintenance)*

36. **CCI4 Separate Approval for Works in the Public Road (External Works) – Section 138 Roads Act**

Pursuant to Section 138 of the Roads Act 1993, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic

Facility (eg Traffic Lights) then a Road Occupancy License must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RTA. The application should be lodged at least 10 days prior to the planned commencement date.

*(Reason: Protection of Public Assets and information)*

37. **CCM2 Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater".

*(Reason: Adequate stormwater management)*

38. **CCM3 Construction or Re-direction of a Stormwater Pipeline**

No line of natural drainage nor any drainage channel, pipeline or other work shall be filled in, diverted or otherwise interfered with, except by the construction of a pipeline of a specific size, material and location approved by Council.

*(Reason: Protection of existing drainage infrastructure)*

39. **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas
- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

*(Reason: Environmental protection)*

40. **CCM7 Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council's "Specification for the Management of Stormwater" and to the satisfaction of Council.

*(Reason: Environmental)*

41. **CCS1 Dilapidation Report**

Subject to access being granted, a Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

*(Reason: Safety)*

42. **CCS4 Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and  
(b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

*(Reason: Structural safety)*

43. **CCU2 Electricity Substation**

The required electricity substation must be located within the boundaries of the site in accordance with the approved plans. The required substation shall be installed in accordance with the requirements of Ausgrid.

*(Reason: Compliance with Ausgrid Requirements)*

**Conditions which must be satisfied prior to the commencement of any development work**

44. **PCR5 Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed 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 Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

45. **PDL4 Removal of Trees**

The trees identified in the Arboricultural Assessment Report prepared by NSW Public Works – Landscape Urban Environmental Design and dated December 2012 are approved for removal.

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place **prior to the commencement of any works**.

*(Reason: Compliance with consent and tree protection)*

46. **PDR6 Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained**.

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

*Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:



- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

47. **PDR9 Toilet Amenities on Construction Site**

**Prior to commencement of any building works**, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

*(Reason: Statutory Requirement - Health and amenity)*

48. **PDR10 Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to Council **before the commencement of works**.

*(Reason: To comply with statutory requirements)*

49. **PDM2 Soil & Water Management during Construction**

Landcom's "*Managing Urban Stormwater – Soil and Conservation*" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been prepared **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

*(Reason: Environmental protection)*

50. **CCC2 Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of \$350,000 shall be paid to Council prior to the commencement of works on the site.

This Damage Deposit shall be refunded upon completion of all works to the satisfaction of Council upon occupation of the site.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

**Note:** Full panel concrete footpath replacement is required in areas where connection to all services has been undertaken. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of Council's infrastructure and assets.

*(Reason: Protection of Council infrastructure)*

**Conditions which must be satisfied during any development work**

51. **DWT1 Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

*(Reason: Health and amenity)*

52. **DWT2 Construction Hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery. Such equipment may only be used between the hours of 7.00 am – 5.00 pm Monday to Friday only.

*(Reason: Safety and amenity)*

53. **DWT3 Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

*(Reason: Safety and information)*

54. **DWT4 Dust Control**

The following measures must be taken to control the emission of dust:

- a. Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b. All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- c. All stockpiles of materials that are likely to generate dust must be kept damp or covered.

*(Reason: Environmental amenity)*

55. **DWT5 Excavation – Water**

All excavations must be kept free from the accumulation of water.

*(Reason: Health and safety)*

56. **DWT6 Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.

*(Reason: Health and amenity)*

57. **DWG2 Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

58. **DWG3 Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to Council on request.

*(Reason: Compliance with condition of consent)*

59. **DWG4 Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by

the applicant in consultation with, and with the consent of, the affected property owner.

*(Reason: Structural safety)*

60. **DWG5 Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

*(Reason: To ensure compliance with approved plans)*

61. **DWG6 Site requirements during demolition and construction**

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with

- when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc) should be kept on site as evidence of approved methods of disposal and recycling.
  - (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council including payment of relevant fees.
  - (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

*(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)*

62. **DWC6 Remediation**

**Prior to the occupation of the approved development**, the site is to be remediated in accordance with:

- a) The Remedial Action Plan prepared by WSP Environment and Energy and dated 12 December 2012, and
- b) Council's Contaminated Land Policy, and
- c) State Environmental Planning Policy No. 55 – Remediation of Land and
- d) The guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Environmental Planning Policy No. 55 – Remediation of Land.

The validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. The audit is to be carried out by an independent auditor accredited by the New South Wales Department of Environment and Climate Change NSW. Any conditions recorded on the Site Audit Statement are to be complied with.

**ADVISORY NOTE:** Prior to commencement of works on the upgrading of the playing fields as identified in the above RAP, the applicants shall contact Council's Director Technical Services and

Operations to discuss these works and the reinstatement of the existing stormwater harvesting system and irrigation infrastructure

*(Reason: Compliance with Statutory Requirements)*

63. **DWC4 Site Audit Statement**

The applicant shall submit to Council a Site Audit Statement and Summary Site Audit Report from a Site Auditor, accredited by the NSW EPA under the Contaminated Land Management Act, 1997, certifying that the site is suitable for the proposed development.

*(Reason: Compliance with Statutory Requirements)*

64. **DWI1 Road Opening Permit**

**Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council.** In this regard the Applicant is to contact Council's Customer Services Centre. A Road Opening Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.** **Note:** Road Opening Permits do not include driveway and layback construction.

*(Reason: Maintain public asset)*

65. **DWN1 Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline – Construction Site Noise and AS 2436-1981 – “Guide to Noise Control on Construction, Maintenance and Demolition Sites” for the control of construction noise which specifies that:

Construction period of 4 weeks and under – The  $L_{10}$  level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks – The  $L_{10}$  level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A).

Silencing – All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Attenuation)*

66. **DWN2 Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

*(Reason: Safety and Amenity)*

67. **DWN3 Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

*(Reason: Noise attenuation)*

68. **DWA1 Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

69. **DWA2 Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover.

*(Reason: Safety)*

70. **DWA3 Protection of Footpath**

The footpath must be protected against damage by means of close boarding with chamfered ends.

*(Reason: Protection of infrastructure and the environment)*

71. **DWR1 Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

72. **DWS1 Progress Survey – Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be provided to Council. Work shall not proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

*(Reason: To ensure compliance with approved plans)*



**Conditions which must be satisfied prior to the use of the building or part**

73. **Improvements to Intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield**

In accordance with the recommendations contained in the McLaren Traffic Engineering Report dated December 2012, the intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield shall be improved with a left turn slip lane from George Street north into Beronga Street east, and the other additional improvements to this intersection as shown in Annexure F to the McLaren report. All improvements to this intersection referred to in this condition shall be constructed in accordance with the funding arrangement referred to in the letter from the Department of Education dated 11 July 2013.

The required road work shall be designed and constructed in accordance with Austroads, Roads and Maritime Services's (RMS) Traffic Signal Design Manual and other relevant Australian Standards and shall be endorsed by a suitably qualified practitioner. Certified copies of the traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the commencement of any road works. Note: RMS fees for administration, plan checking, signal works inspection and project management apply and shall be paid prior to the commencement of works.

The applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The WAD will need to be executed prior to RMS assessment of the detailed traffic signal design plans and before the commencement of works.

*(Reason: To ensure ongoing public safety and traffic management)*

74. **School Zones**

The requirements contained in points 2 – 7 inclusive of the Sydney Regional Development Advisory Committee letter from Roads and Maritime Services dated 28 February 2013 with regard to the provision of School Zones and other information for the proposed development and surrounding area shall be satisfied with all costs associated with these works to be borne by the applicants.

*(Reason: To ensure the safety of children/motorists attending/using the site and its environs)*

75. **School Traffic Management**

The school traffic management recommendations contained in Section 7 of the McLaren Traffic Engineering Report dated December 2012 relating to widening of footpaths in Victoria Avenue, pavement markings, kerbside parking restrictions, children's crossing and the internal road for the school shall be implemented with all costs associated with these works to be borne by the applicants.

In addition to the above, Council requires the installation of a Stop Sign and linemarking at the carpark exit in Victoria Avenue.

The design details of the proposed marked foot crossing on George Street and other regulatory signage and details as required above shall be referred to Council's Local Traffic Committee for approval prior to installation.

*(Reason: To ensure the safety of children/motorists attending/using the site and its environs)*

76. **OCG1 Certification of Engineering Works**

**Prior to occupation of the site**, the following documents must be submitted to Council:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) A "Work - As - Executed" plan of the engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that the Engineer supervise the works.

*(Reason: Asset management)*

77. **OCA1 Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Construct the footpath works required to satisfy the school traffic management recommendations contained in Section 7 of the McLaren Traffic Engineering Report dated December 2012.
- Reconstruct existing public drainage pit/pipe system
- Provide a new vehicular crossing.
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to occupation of the site**. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager, City Construction and Fleet in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: Preserve Council asset and amenity)*

78. **OCA3 Construction of Concrete Kerb and Gutter**

Standard 150 high concrete kerb with gutter shall be constructed across the full length of the front of the property.

The above works must be programmed and constructed **prior to the occupation of the site**.

Where the Applicant would prefer Council to undertake the civil and stormwater works, they should contact Council's Senior Manager, City Services to obtain an estimated cost of construction, and contract to undertake the works.

*(Reason: Preserve Council asset and amenity)*

79. **OCM1 Drainage System - Maintenance of Existing**

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be *removed*, not flushed from the system.

A certificate shall be provided by a suitably qualified person (eg., a registered plumber or a person of equivalent or greater experience or qualification) **prior to the occupation of the site** to confirm that the system is in good working order and adequate to accept additional flows.

*(Reason: Maintenance and environment)*

**Conditions which must be satisfied prior to the Occupation of the Site**

80. **FOC1 Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the occupation of the site**.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

1. Forwarded to City of Canada Bay Council;
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

*(Reason: Fire safety)*

81. **FOC2 Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work, a Certificate of Test of Mechanical Ventilation shall be obtained and a copy provided to Council from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

82. **FOG2 Evacuation Plan - Child Care Centres**

**Prior to the occupation of the child care centre**, an evacuation plan complying with AS3745 should be prepared and implemented. The emergency evacuation should consider:

- (a) The mobility of children and how this is to be accommodated during an evacuation;
- (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- (c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- (d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

*(Reason: Safety)*

83. **FOG3 Health Compliance - Final inspection**

**Prior to occupation of the site**, the child care centre premises shall be inspected by an Authorised Officer of Canada Bay Council under the Public Health Act 1991 to determine compliance with the *Public Health Act 2010*, *Public Health Regulation 2012* and NSW Health Department Skin Penetration - Code of Best Practice.

*(Reason: Compliance with relevant legislation, guidelines and codes)*

84. **FOG5 Wash down of Brickwork**

**Prior to occupation or use**, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

*(Reason: Visual amenity and environmental health)*

85. **FOL1 Arborist's Report - Follow up**

As part of the on-going assessment of the tree to be retained, the consulting arborist engaged by the applicant is to assess the health and any impacts suffered by the tree as a result of the proposed approved development. Findings are to be compiled in a detailed report to be provided to Council at the completion of construction which documents the following:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

*(Reason: Ensure survival of trees to be retained)*

86. **FOM1 Certification of the Constructed Stormwater Drainage System**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to the occupation of the site.**

*(Reason: Adequate stormwater management)*

**Conditions which must be satisfied during the ongoing use of the development**

87. **OUB6 Deliveries**

All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

*(Reason: Protect amenity of surrounding property)*

88. **OUB15 Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

*(Reason: Adequate servicing)*

89. **OUE1 Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade;  
and
2. Prominently displayed in the building.

*(Reason: Fire safety)*

90. **OUH1 Chemical Storage**

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; &
- The Dangerous goods Act 1975

*(Reason: Environmental protection)*

91. **OUH2 Control of Litter**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of City of Canada Bay Council with regard to the regular sweeping, collection and disposal of rubbish.

*(Reason: Environmental health)*

92. **OUH5 Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- Public Health Act 2010 and Regulations
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

*(Reason: Health and safety)*

93. **OUH6 Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

*(Reason: Environmental protection)*

94. **OUH8 Registration of Water Cooling and Warm Water Systems**

The owner or occupier of the premise where a water cooling or warm water system is installed must within 30 days of becoming the owner or occupier notify Council of the particulars relating to the systems onsite by completing Council's Water Cooling and Warm Water System (Regulates Systems) registration form.

*(Reason: Health and safety)*

95. **OUH11 Water Quality Treatment Systems**

To ensure that the environment is protected from pollution, **after development**, appropriate water quality treatment systems or pollution control devices are to be installed to ensure that the following the minimum pollutant loads are retained on the site:

<b>Pollutant</b>	<b>Retention of post-development loads</b>
Total Suspended Solids (TSS)	80%
Total Phosphorus (TP)	45%
Total Nitrogen (TN)	45%
Gross Litter	Litter – retain 70% Material > 50mm

These devices are to be installed and monitored regularly to ensure that they achieve their treatment objectives and that their performance meets the above criteria. If they fail to meet these objectives or if so required by the Appropriate Regulatory Authority (ARA), it shall be modified to achieve them, and the systems upgraded.

These systems shall be designed to ensure ease of maintenance.

*(Reason: Environmental protection)*

96. **OUH13 Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, incorrectly implemented or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the person/s entitled to act on the development consent shall employ the services of a qualified acoustic consultant to undertake an assessment of the development and will undertake all work required by the consultant, implement any recommendation made by the consultant and adhere to any further direction given by Council in relation to noise abatement.

*(Reason: Noise Control and Amenity)*

97. **OUH17 Noise Complaints Relating to Use or Equipment**

Following occupation of the site and installation of any air conditioning should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with the Council and the operator/owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

*(Reason: Amenity and Noise Control)*

98. **OUH19 Compliance with Noise Control Legislation**

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

*(Reason: Noise Control and Amenity)*

99. **OUH20 Waste Management Plan**

The demolition, construction, and ongoing waste management activities related to this development shall be undertaken in accordance with the relevant provisions of Council's Comprehensive Development Control Plan. A copy of this document is available from Council's Customer Service Centres during office hours.

The Comprehensive Development Control Plan requires submission of a detailed Waste Management Plan (WMP) for the proposed development. Details relating to each stage of the development such as demolition (where applicable), construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP shall include the completion of all relevant forms within Appendix C of the Comprehensive Development Control Plan, and must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

Submission of the completed WMP shall be undertaken **prior to the commencement of construction works.**

*(Reason: Waste Management Control)*

100. **OUH21 Mechanical Exhaust**

Any proposed mechanical exhaust ventilation system must comply with AS 1668 set and the Building Code of Australia (BCA).

*(Reason: Compliance and Amenity)*



101. **Flood Evacuation**

**Prior to the occupation of the site**, the Applicant shall install all measures identified in the Canada Bay Primary School: Addendum 3 – Flood Evacuation Plan and Procedures dated 17 June 2013 prepared by the Public Works Department, details of which shall comply with the NSW Flood Plain Development Manual, providing a safe route for persons on foot to escape the site in the case of a flood during storms in excess of the 5-year ARI storm event.

*(Reason: Public safety)*

102. **Rectification Works in Victoria Avenue**

Victoria Avenue shall be reconstructed to achieve the design road alignment levels proposed by the Public Works Department to ensure that the road achieves the school's access requirements. These works shall be undertaken in conjunction with the necessary road reconstruction works required as a result of road damage in Victoria Avenue during construction activities. These works are to be fully completed **prior to the occupation of the site**.

*(Reason: Asset Management and Public safety)*

103. **Construction of the Road and Engineering Plans**

Prior to the commencement of the rectification and re-grading works referred to in the above Condition, the Applicant shall provide a monetary contribution of \$350,000 towards these works. This contribution shall be used for the necessary construction works and the preparation of full engineering detailed design drawings to be prepared by Council which are suitable for the construction of Victoria Avenue such that a longitudinal fall in the road can be achieved from No. 71 Victoria Avenue towards Powells Creek.

The site shall not be occupied until the abovementioned section of Victoria Avenue is either:

- (a) Fully re-constructed in accordance with the approved plans, or
- (b) an agreement has been made with Council which will result in the complete restoration of Victoria Avenue to Council's satisfaction.

*(Reason: Public safety)*

**Advisory Notes (ANN) –**

Please note: the following may not apply to all consents

1. **ANN1 Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at

[www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



*Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

2. **ANN2 Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

3. **ANN5 Lapsing of Consent**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

4. **ANN7 Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

5. **ANN8 Review of Determination**

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

6. **ANN9 Right of Appeal**

Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

7. **ANN10 Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

8. **ANN11 Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

9. **ANN12 WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

**ANNEXURE A – STATE ENVIRONMENTAL PLANNING POLICY NO.55  
REMEDICATION OF LAND - CLAUSE NO.7**

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**STATE ENVIRONMENTAL PLANNING POLICY NO.55 REMEDIATION OF LAND - CLAUSE NO.7**

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- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
  - (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

**ANNEXURE B – STATE ENVIRONMENTAL PLANNING POLICY  
(INFRASTRUCTURE) 2007 – CLAUSE NO.32**

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**32 Determination of development applications**

- (1) *(Repealed)*
- (2) *Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*
  - (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
  - (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006),*
  - (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*
- (3) *If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.*
- (4) *Copies of the standards referred to in subclause (2) are available for inspection by the public at the head office of the Department of Planning and such other offices of the Department (if any) as the Director-General may determine.*
- (5) *If a development application has been made before the commencement of the amendment to this clause by State Environmental Planning Policy (Infrastructure) Amendment (Group Homes) 2009, and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not been made.*



**ANNEXURE C – CANADA BAY DEVELOPMENT CONTROL PLAN – PART 10 CHILD  
CARE CENTRES – COMPLIANCE TABLE PREPARED BY BBC CONSULTING  
PLANNERS**

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Control	Complies/ Comment
<b>Part 10 – Child Care Facilities</b>	
<b>10.4 Planning and design criteria</b>	
C1 The minimum site area for a Child Care Centre is 800m <sup>2</sup> .	Yes
C2 Child Care Centres are not to have a direct street frontage or vehicle access point to an arterial road, or any other road which in the opinion of the Council is unsuitable for a Child Care Centre, having regard to: (a) Prevailing traffic conditions; (b) Pedestrian and vehicle safety; and (c) The likely impact of the development on traffic flows.	Yes
C3 The design and siting of a Child Care Centre should consider the following attributes: (a) Existing vegetation; (b) Land slope and changes in level; (c) Site orientation and solar access; (d) Prevailing winds; (e) Natural drainage; (f) Retention of any special qualities or features of the site; (g) Significant noise sources; (h) Views to and from the site; (i) Pedestrian and vehicular access; (j) Existing buildings on the site; (k) Location of surrounding building, uses, open space areas adjoining or adjacent to the site;	Yes
<b>10.5 Building design, appearance and neighbourhood character</b>	
C1 The Child Care Centre should comply with the relevant height, floor space ratio and setback controls as stipulated in the Canada Bay LEP and this Policy as are applicable to the zone in which the Child Care Centre is to be located.	Yes
C2 Council encourages the use of single storey buildings for the purposes of Child Care Centres for reasons of safety, access within the centre and access to outdoor areas. In residential zones, the maximum height limit for a Child Care Centre is two (2) storeys. In circumstances where a two (2) storey building is proposed, the use of the first floor should be restricted to office/staff and storage uses. Where a Child Care Centre is proposing to locate in an existing building in a commercial/business zone, the location of the Child Care Centre is limited to the ground floor of the building. Child Care Centres proposed in a commercial/business zone, must be located on the ground floor of the building that they occupy.	Yes
C3 The built form should be in character with the existing streetscape. In residential areas, the building should be designed so that it is in character with the surrounding residential areas in terms of bulk, scale and form.	Yes
C4 Roof design is to be compatible with surrounding properties with respect to height, pitch, building materials and colour.	Yes
C5 A Child Care Centre will not be permitted on the ground floor of residential flat buildings, where balconies of the building are open and overlook/overhang the outdoor play space.	Yes
<b>10.6 Traffic, parking and access</b>	
C1 One (1) car parking space is to be provided for every four (4) licensed places at the Child Care Centre.	Yes. This requires 12 parking spaces. The development provides 9 staff parking spaces and 5 drop off spaces. The child care centre is one of a number of uses served by integrated car parking provision.
C2 All on-site parking arrangements should ensure the visual attributes of the streetscape are maintained, particularly having regard to the built form, existing landscaping, tree removal and number of vehicle crossings.	Yes
C3 Vehicle and pedestrian access points to the centre and parking areas are to be appropriately marked and signposted.	Yes
C4 All vehicles should be able to enter and leave the site in a forward direction.	Yes
C5 Parking and vehicle areas are to be separated from any area used by children by appropriately safety fencing and gates.	Yes

<p>C6 All applications for Child Care Centres involving greater than 20 children should be supported by a Traffic Report, prepared by a suitably qualified person, addressing as a minimum the following factors:</p> <ul style="list-style-type: none"> <li>(a) The prevailing traffic conditions;</li> <li>(b) The likely impact of the proposed development on existing traffic flows and the surrounding street system;</li> <li>(c) Pedestrian and traffic safety;</li> <li>(d) Justification of any variation to the parking requirements; and</li> <li>(e) How impacts of drop off and pick up will be accommodated.</li> </ul>	Yes
C7 Development proposals for centres containing 50 or more children may require referral to the Roads and Traffic Authority as identified in Schedule 1 of State Environmental Planning Policy (Infrastructure) 2007.	N/A
C8 There should be one pedestrian point of entry and exit for parents/children/visitors so as to ensure separation with vehicles and unauthorised access.	Yes
<b>10.7 Indoor spaces</b>	
<p>C1 The design of indoor spaces within the Child Care Centre is to take into account the following factors:</p> <ul style="list-style-type: none"> <li>(a) A minimum of 3.25m<sup>2</sup> of unencumbered indoor floor space must be provided for each child;</li> <li>(b) Safety and security within the Child Care Centre in relation to occupational health and safety of children, staff and visitors, and external security to ensure that access into the centre is monitored, which may require the installation of camera surveillance, and installation of a security system with access only permitted to authorised persons;</li> <li>(c) Clear and unobstructed lines of site to all areas within the Child Care Centre for views of staff and children at all times, especially in toilets, nappy change areas and sleeping areas.</li> <li>(d) Easy accessibility between different areas within the Child Care Centre;</li> <li>(e) Convenient access from indoor to outdoor spaces;</li> <li>(f) The convenient location of children's toilets, nappy change areas and storage cupboards and ensuring clear and unobstructed lines of sight for staff and children.</li> <li>(g) The provision of kitchen areas which enable safe food preparation;</li> <li>(h) The provision of windows to allow for access to natural light and views to the outdoors;</li> <li>(i) Where achievable, windows of indoor play areas are to be located with a northern orientation and should receive at least three hours of sunlight between the hours of 9am and 3pm on June 21;</li> <li>(j) Appropriate external shading of windows;</li> <li>(k) Access to natural ventilation through appropriate placement of openings (including Nappy change rooms);</li> <li>(l) Use of safety glass and safety markers at child and adult height is required;</li> <li>(m) The use of energy efficient appliances;</li> <li>(n) Adequate storage and construction of garbage and recycling areas; and</li> <li>(o) Mechanical ventilation of nappy change areas and toilets.</li> </ul>	Yes
<p>C2 Indoor space to include the following facilities within the Child Care Centre:</p> <ul style="list-style-type: none"> <li>(a) A room or an area that is used only for administration of the Child Care service and for private consultation between staff and parents;</li> <li>(b) A room or an area, located away from the areas used by children that is used for respite of staff;</li> <li>(c) A room or an area that is used only for sleeping for children under two years of age;</li> <li>(d) Where children under the age of three years are cared for, the Child Care Centre should have laundry facilities, that include at least a laundry tub connected to both hot and cold water;</li> <li>(e) Separate craft preparation facilities, including sink, bench top and lockable cupboard. This area can be located in a play room but is not to be included in the calculation of useable indoor or outdoor floor space, or located next to a food preparation area or nappy change area;</li> <li>(f) Designated area that is safe and hygienic for food preparation and storage, that is designed, located and maintained to prevent children gaining access to harmful substances or equipment, and includes a stove or microwave, sink, refrigerator, suitable disposal facilities and hot water supply;</li> <li>(g) Where a separate kitchen is provided, the kitchen should have a door, half gate or other barrier to prevent unsupervised entry by children into the kitchen;</li> <li>(h) Designated area that is safe and hygienic for the preparation of bottles for children under two years of age, which is located away from nappy change areas;</li> <li>(i) Safe toilets, hand washing and bathing facilities that are appropriate to the ages of children cared for in the Child Care Centre and consistent with the Building Code of Australia;</li> <li>(j) Nappy change facilities, with adult hand washing facilities in the immediate vicinity and sanitary storage facilities is for centres catering for under three year olds or any child in nappies. Nappy change areas should be adequately ventilated.</li> <li>(k) Sleeping areas, with cots, beds, stretchers, mattresses and other bedding to be arranged so as to be in an area that has natural light and allow easy access to and exit of any child;</li> <li>(l) Storage facilities for indoor and outdoor equipment that are secure and inaccessible to children;</li> <li>(m) Storage facilities for children's belongings; and</li> <li>(n) Garbage storage and recycling facilities.</li> </ul>	YES
C3 Children's toilets are to be located so they are directly accessible to children's indoor and outdoor play spaces.	Yes

C4 Food preparation areas are to be constructed and provided in accordance with the relevant sections of the Australian/New Zealand Food Standards Code. Guidance may be obtained from the National Code for the Construction and Fitout of Food Premises published by the Australian Institute of Environmental Health and relevant Australian Standards. In the case of any inconsistency between these documents, the Australian/New Zealand Food Standards Code should prevail.	Yes, can be achieved by condition of consent
C5 New hot water systems are to have a minimum Greenhouse score of 3.5. Hot water systems are to be located as close to the kitchen and bathrooms as possible to reduce pipe lengths. Hot water pipes are to be insulated with a minimum of 10mm thick foil outer wrap.	Yes, can be achieved by condition of consent
C6 The structural fittings and fixtures for all internal rooms should be selected to enhance non-chemical pest management of the premises with all cracks and crevices being sealed.	Yes, can be achieved by condition of consent
C7 Power points in indoor play areas should be at adult height.	Yes, can be achieved by condition of consent
<b>10.8 Outdoor areas</b>	
C1 A minimum of 7m <sup>2</sup> of usable outdoor space per child that is exclusively for the use of children is to be provided. Plans of outdoor spaces are to demonstrate that they meet this requirement.	Yes
C2 In accordance with best practice principles, outdoor spaces are to provide for a variety of experiences through the provision of different spaces within the outdoor area. These different areas are to be: (a) Open areas for activities such as running; (b) Quiet areas and formal quiet areas; and (c) Active areas.	Yes
C3 Outdoor play spaces are to be: (a) Located away from the main entrance of the Child Care Centre, car parking areas or vehicle circulation areas; (b) Integrated with indoor space and provide direct and easy access between those areas; (c) Of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the Child Care Centre; (d) Located away from existing and potential noise and environmental pollution sources; (e) Where is a predominantly residential area, located away from the living/bedroom windows of surrounding dwellings; (f) Inaccessible from public areas outside the Child Care Centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement. (g) Located away from areas where objects can be projected down onto play areas; and (h) Adequately fenced on all sides.	
C4 A physical division, in the form of a low level fence (600mm high) or a similar structure, is to be maintained between the play spaces provided for children under the age of two years, and children over the age of two years to ensure that younger children have access to adequate spaces and equipment. Proposed divisions of play spaces are to be shown on a plan, ensuring that the allocation of play space is appropriate to the numbers of children to be cared for in the Child Care Centre.	Yes
C5 Outdoor play spaces are to be adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Refer to the Appendix D for further information. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.	Yes
C6 Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area. Shade devices should be fire retardant.	Yes
C7 Rainwater tanks are required for new Child Care Centres. The rainwater tanks should be plumbed for toilet flushing, laundry and irrigation purposes.	Yes, can be achieved by condition of consent
C8 Outdoor balconies above ground floor level do not constitute satisfactory out door space.	Noted
C9 In commercial zones particular consideration must be given to isolating the children from the effects of noise, pollution and winds and providing access to natural light and air.	Yes
C10 Outdoor space should be exposed to the sky to provide direct sunlight, breezes and fresh air, and have access to shelter and shade. Planting, climbing equipment and visual features must provide an interesting and stimulating experience for the children.	Yes

<p>C11 Transitional Area:</p> <p>(a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground. It may comprise a verandah;</p> <p>(b) The roof area of the transitional area must be a minimum of 4m in width to ensure sufficient activity zones with access space around them;</p> <p>(c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall; and</p> <p>(d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation.</p>	Yes
<b>10.9 Visual and acoustic privacy</b>	
<p>C1 Where noise abatement from or to the Child Care Centre is required, an acoustic report prepared by a suitably qualified acoustic consultant is required to be submitted with the development application, describing and assessing the impact of noise emissions from the Child Care Centre or to the Child Care Centre from surrounding noise sources. The investigation should include but not be limited to the following:</p> <p>(a) The identification of sensitive noise receivers potentially impacted;</p> <p>(b) A statement of the proposed hours of operation of the Child Care Centre;</p> <p>(c) The qualification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW EPA requirements);</p> <p>(d) The identification of all noise that is likely to emanate from the Child Care Centre and the subsequent predication of resultant noise at the identified sensitive receiver locations from the operation of the premises. Where appropriate the prediction procedures should be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;</p> <p>(e) Details of any acoustic control measures that will be incorporated into the proposal; and</p> <p>(f) The prevention of a sense of enclosure.</p>	Yes, the child care centre has been designed having regard to proximity to Homebush Bay Drive with an appropriate façade treatment, glazing thickness and air-conditioning.
<p>C2 Consideration is to be given to the following design mechanisms in respect to noise abatement for properties in the surrounding area:</p> <p>(a) The appropriate design and siting of the Child Care Centre;</p> <p>(b) The appropriate layout and arrangement of outdoor space and activities;</p> <p>(c) The location of windows in respect to the location of windows in neighbouring properties;</p> <p>(d) The appropriate location of outdoor play areas away from main living area or bedroom windows of any surrounding dwellings in predominantly residential area, and away from external noise sources;</p> <p>(e) The use of acoustic barriers and design, such as screen fencing or planting as noise buffers for external noise sources or transmission of noise from the child care centre to surrounding properties; and</p> <p>(f) Noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24).</p>	Yes
<p>C3 Where sites are adjoining or adjacent to railway land, the State Rail publication entitled Rail Related Noise and Vibration: Issued to consider in Local Environmental Planning - Development Applications and Building Applications should be considered.</p>	N/A
<b>10.10 Landscaping</b>	
<p>C1 A detailed landscape plan prepared by a suitably qualified landscape professional should be submitted with all development applications for Child Care Centres and should demonstrate the following:</p> <p>(a) Separation of outdoor space into active quiet areas;</p> <p>(b) Proposed planting, with a variety of trees and plants to be used which create visual interest for children, and can provide shading where appropriate;</p> <p>(c) Locations of play equipment;</p> <p>(d) Separation of outdoor space according to age ranges, including the locations of lower fencing or other structures which divide the outdoor space spaces; and</p> <p>(e) Outdoor spaces which include a variety of surfaces such as grass, sand, soft porous paving and the like. Surfaces should comply with AS4422 – Playground surfacing.</p>	Yes
<p>C2 Landscaping and fencing should be designed to provide a noise barrier and privacy screen for adjoining residents. In residential zones or on land adjoining residential zones, a 1.5 metre wide landscaping strip is to be provided on all boundaries to help with noise abatement and privacy.</p>	Yes
<p>C3 Minimum soil depths for outdoor space and landscaped areas above basement parking should be a minimum of 600mm.</p>	N/A
<p>C4 The minimum depth of sandpits is 600mm.</p>	Yes, can be achieved by condition of consent
<p>C5 Outdoor play equipment is to comply with Australian Standards.</p>	Yes, can be achieved by condition of consent
<p>C6 Existing natural features and significant vegetation of a site should be conserved where possible to help increase the amenity of the area.</p>	Yes

C7 All existing vegetation on the site and on the sites directly adjoining the site are to be assessed in order to ensure they are free of toxins or safety hazards such as seeds, poisonous, spiky or potentially dangerous plants. Landscaping is to be free of toxins or safety hazards such as seeds, poisonous, spiky or potentially dangerous plants.	Yes, can be achieved by condition of consent
C8 Preference is to be given to plant species that require little or no watering, and planting should be grouped according to species with similar water needs.	Yes
C9 Areas likely to be subject to high water demand are fitted with a water efficient irrigation system such as drip irrigation with moisture sensors.	Yes, can be achieved by condition of consent
C10 Irrigation should use rainwater or recycled water in preference to mains water.	Yes, can be achieved by condition of consent
<b>10.11 Fencing</b>	
C1 Outdoor space is required to be fenced on all sides and have regard to: (a) The safety and security of children; (b) The prevention of children climbing over, under or through fences and leaving the premises unsupervised; (c) The prevention of those from outside the centre to access the site through climbing over, under or through fencing; (d) The integration with building design and proposed materials and colour scheme; (e) The integration of existing and proposed landscaping with fencing; and (f) The prevention of a sense of enclosure.	Yes
C2 A series of barriers in the form of child proof gates are to be provided at the entry to the premises. This may include a gate on the front boundary and a gate into the reception area.	Yes
C3 Outdoor play areas should be fenced on all sides by fencing of at least 1800mm in height.	Yes
C4 Gates are to be self closing and child proof, with child proof locks and latches, and able to be permanently locked.	Yes, can be achieved by condition of consent
<b>10.12 Signage</b>	
C1 For Child Care Centres in residential zones, advertising should be limited to not more than one sign per Child Care Centre which (a) Has a maximum area of 0.5m <sup>2</sup> ; and (b) Serves only to identify the name and phone number of the Child Care Centre and the hours of operation.	N/A
C2 For Child Care Centres in all other zones, compliance should be achieved with Council's signage requirements.	Noted
<b>10.13 Access for people with disabilities</b>	
C1 All new Child Care Centres, building conversions and additions to existing premises should comply with the minimum access requirements of the BCA.	Yes
<b>10.14 Emergency evacuation</b>	
C1 Prior to the issue of an Occupation Certificate for child care centre an evacuation plan complying with AS3745 should be prepared and implemented. The emergency evacuation should consider: (a) The mobility of children and how this is to be accommodated during an evacuation; (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings; (c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and (d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child:staff ratios.	Yes, can be achieved by condition of consent
C2 Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.	Yes, can be achieved by condition of consent
<b>10.15 Operational controls</b>	
C1 Hours of operation within residential areas should not extend outside the core hours of 7.00am to 7.00pm. Consideration may be given to a variation in the hours of operation within residential areas if the proposed Child Care Centre is adjoining or adjacent to a commercial or other non residential land use.	Noted
C2 Within mixed-use areas or predominantly commercial areas, the hours of operation for each Child Care Centre will be assessed on its merits in terms of compatibility with adjoining or upper level land uses.	N/A

## **ANNEXURE D – ENVIRONMENTAL PROTECTION AUTHORITY COMMENTS**



your reference: DA:505/2012  
Our reference: DOC13/70  
Contact: J Goodwin 9995 6838

Mr G Sawyer  
The General Manager  
City of Canada Bay Council  
Locked Bag1470  
Drummoyne 1470

Dear Mr Sawyer

#### **PROPOSED CANADA BAY PUBLIC SCHOOL PROJECT**

I am writing to you in reply to your invitation to the EPA to provide comments concerning the above project.

The EPA's main concerns are that any development consent ensures that the proponent adequately addresses predicted environmental impacts and proposed mitigation measures, especially those associated with:

- (a) remediation of site contamination (including dust control and management during remediation of the subject site and overall project site);
- (b) proper management of any potential or actual acid sulfate soils;
- (c) construction-related noise and vibration (including recommended standard construction hours and respite periods for high noise impact work), dust control and management, and erosion and sediment control;
- (d) in-built passive noise mitigation with regard to traffic noise impacts from Homebush Bay Drive; and
- (e) proper assessment of potential noise and vibration impacts –
  - (i) arising from the nearby industry on the school, and
  - (ii) from school activities on adjoining residential noise receivers.

The EPA expands on its concerns in Attachment A to this letter.



Should you require clarification of any of the comments in Attachment A please contact John Goodwin on 9995 6838.

Yours sincerely



24/1/13

**FRANK GAROFALOW**  
Manager, Metropolitan Infrastructure  
NSW Environment Protection Authority

Attachment A – Comments on Development Proposal

## - ENVIRONMENT PROTECTION AUTHORITY COMMENTS -

### CANADA BAY PUBLIC SCHOOL COMMUNITY FACILITIES AND ASSOCIATED SITE REMEDIATION AND EARTHWORKS

#### 1. General

The EPA considers that the project comprises two distinct phases (construction and operational) and has set out its comments on that basis.

#### 2. Construction phase

The project Statement of Environmental Effects (SEE) raises a number of environmental concerns about environmental impacts during the construction phase of the development which should be addressed by the conditions on any consent that may be forthcoming.

The EPA anticipates that construction and construction related activities will be required to be undertaken in an environmentally responsible manner with particular emphasis on -

- site remediation and preparation
- effective erosion and sediment control
- recommended standard construction hours
- feasible and reasonable noise and vibration minimisation and mitigation
- intra-day respite periods from high noise generating construction activities such as jack hammering, pile driving and saw cutting
- effective dust control and management

##### 2.1 Site remediation and preparation

The SEE indicates that part of the site was filled over many years without the benefit of formal controls and that chemical contaminants and asbestos cement have been detected on the site. SEE section 2.6.1 (p.8) further indicates the likely presence of landfill gas which suggests the presence of vegetation or putrescible waste in the fill material and the need to manage associated risks on the site and surrounding filled land.

##### 2.1.2 *site contamination and remediation*

The scope of the investigations conducted at the site is considered appropriate to characterise the general contamination status of the site, noting that additional works are recommended by WSP to make the site suitable for the proposed use(s).

The investigations have identified fill material at thicknesses ranging between 1-3.5m at the proposed primary school site, overlying natural clays and weathered shale. Contaminants identified within the fill material include heavy end petroleum hydrocarbons (C10-C36), polycyclic aromatic hydrocarbons (PAHs) and some metals (chromium, copper, lead and mercury), predominantly in the southwest section of the site and at the playing field to the south of the proposed primary school site. Some asbestos containing material was also identified in fill material during additional soil testing.

Shallow groundwater within the fill material was also found to be impacted with petroleum hydrocarbons, BTEX and naphthalene, also predominantly in the southwest section of the site. Shallow groundwater is inferred to flow to the northeast. WSP has noted that the shallow groundwater impact is believed to be associated with the fill materials and does not appear to be migrating. Landfill gas, predominantly in the southwest section of the proposed school site, has also been identified as an issue that will need to be managed as part of the development of the site.

The EPA also considers the proposed remedial actions outlined in the Remedial Action Plan (RAP) are appropriate. The proposed actions include –

- excavation of fill material from the proposed school site,
- classification and offsite disposal of the excavated material,
- management of water encountered during excavations,
- improving capping at the playing field site, and
- measures to prevent the recontamination of the remediated primary school site (i.e. installation of a cut-off wall).

The EPA concurs with the RAP that proposed use of a cut-off wall raises important considerations including the influence of that wall on perched groundwater flow and the movement of landfill gas. Page 26 of the RAP notes that soil vapour landfill gas risks have been identified in the northern portion of the playing field site. Further guidance on assessing and managing the risks posed by landfill gases at closed or old landfill sites may be obtained from the EPA guidelines *Contaminated Sites: Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases* available at the following web page:

(<http://www.environment.nsw.gov.au/resources/clm/120932GroundGas.pdf>)

The RAP includes several references to a Site Auditor, however it is not clear from the application documents that an Auditor has been engaged for the project at this point in time. Considering that the site is to be redeveloped for a more sensitive land use (i.e. a primary school, child care and a playing field), the involvement of a Site Auditor who has experience in similar projects (i.e. determining site suitability for school/child care sites) is considered warranted for this project.

Schedule 1 to the Protection of the Environment Operations (Waste) Regulation 2005 prescribes waste to which waste tracking requirements apply. Although the SEE does not appear to address the issue of wastes that are required to be tracked, the EPA suggests that such wastes might be expected to be identified during the course of site remediation. A fact sheet on 'tracked waste' is available at the following web page: <http://www.environment.nsw.gov.au/resources/owt/trackwaste07522.pdf>

The proponent should be required to:

- (1) engage a Site Auditor accredited under the Contaminated Land Management Act 1997 to approve the Remedial Action Plan for the site and ultimately issue a site audit statement commenting on the suitability of the remediated site for the proposed use subject to such conditions as deemed appropriate by the Site Auditor (example: an Environmental Management Plan including appropriate ongoing monitoring);
- (2) remediate the site in accordance with a Remedial Action Plan approved by an accredited Site Auditor for the purpose of making the site suitable for the proposed use;
- (3) prepare and implement contingency measures to identify and manage waste referred to in Schedule 1 to the Protection of the Environment Operations (Waste) Regulation 2005.;
- (4) ensure
- (5) ensure that any risks associated with landfill gas are properly understood and mitigated, particularly given that fill material will remain in place at the playing field and surrounding land.

### 2.1.3 acid sulfate soils

Statements of Environmental Effects section 2.6.1 (p.8) indicates the presence of acid sulfate soils on the site and adjoining land disturbance of which may have significant environmental impacts, including potential odour emissions.

The site Remedial Action Plan (RAP) indicates that care will be taken to only excavate the fill material and leave the underlying natural soils in place. However, any potential acid sulfate soils that needs to be excavated as part of the site redevelopment must be managed in accordance with the *Waste Classification Guidelines Part 4: Acid Sulfate Soils* which are available at the following web page:

<http://www.environment.nsw.gov.au/resources/waste/08446acidsulfsoils.pdf>

If Acid Sulfate Soils (ASS) or Potential Acid Sulfate Soils (PASS) is to be removed from the site for disposal there is only one landfill currently licensed to accept that type of waste.

The proponent should be required to assess and manage any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) in accordance with:

- (a) the 1998 *Acid Sulfate Soils Manual* published by the NSW Acid Sulfate Soil Management Advisory Committee (ASSMAC) and ;
- (2) the EPA's *Waste Classification Guidelines Part 4: Acid Sulfate Soils*.

#### 2.1.4 special waste (asbestos sheeting)

Statements of Environmental Effects section 2.6.1 (p.8) indicates the presence of asbestos sheeting (i.e. 'bonded asbestos') in fill material on the site and adjoining land.

The proponent should apprise itself of the requirements of the Protection of the Environment Operations ('Waste Regulation) 2005 with particular reference to 'special wastes'. The EPA provides additional guidance material at its web-site <http://www.environment.nsw.gov.au/waste/asbestos/index.htm>.

The proponent should be required to consult with Workcover NSW.

## 2.2 Waste control and management (general)

Section 2.1 to these comments only canvasses certain types of wastes likely to be encountered during site remediation.

However, all wastes generated during the project must be properly assessed, classified and managed in accordance with the EPA's guidelines to ensure proper treatment, transport and disposal at a landfill legally able to accept those wastes.

The EPA further anticipates that, without proper site controls and management, mud and waste may be tracked off the site during the course of the project.

The proponent should be required to ensure that :

- (1) all wastes generated during the project is assessed, classified and managed in accordance with the "*Waste Classification Guidelines Part 1: Classifying Waste*" (Department of Environment Climate Change and Water, December 2009);
- (2) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to prevent any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and
- (3) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the premises.

## 2.3 Dust control and management

The EPA considers dust control and management to be an important air quality issue during site preparation and subsequent construction. Bulk earthworks inevitably generate dust as a result of –

- (a) the excavation, processing and handling of excavation spoil,
- (b) wind action on spoil stock piles, and
- (c) wind action on and plant movement across areas bare of vegetation or other cover.

The proponent should be required to:

- (a) minimise dust emissions on the site, and
- (b) prevent dust emissions from the site.

## 2.4 Erosion and sediment control

The Managing Urban Stormwater Soils and Construction, 4<sup>th</sup> Edition published by Landcom (the so-called 'Blue Book') provides guidance material for achieving effective erosion and sediment control on construction sites.

The EPA emphasises the importance of –

- (a) not commencing earthmoving or vegetation removal until appropriate erosion and sediment controls are in place, and
- (b) daily inspection of erosion and sediment controls which is fundamental to ensuring timely maintenance and repair of those controls.

## 2.5 noise and vibration

The EPA considers that the project is likely to generate significant noise and vibration impacts on surrounding residences and other noise sensitive land uses during construction.

The proponent should –

- (a) identify surrounding noise sensitive land uses, and
- (b) undertake a noise and vibration impact assessment of construction activities, especially any such activities –
  - (i) likely to generate noise with annoying characteristics, or
  - (ii) proposed to be undertaken outside the recommended standard hours discussed in Interim Construction Noise Guideline (ICNG).

Guidance material is available on the EPA web site including downloadable copies of –

- the Interim Construction Noise Guideline (2009), and
- Assessing Vibration: a technical guideline (2006).

### 2.5.1 *construction hours (including respite periods)*

Interim Construction Noise Guideline section 2.2 (p.8) specifies the recommended standard hours for construction outside of which long experience shows increasing levels of community concern about construction noise impacts.

At the same time, the EPA accepts that certain emergency work may need to be undertaken urgently (other than during the standard recommended hours) in order to avoid –

- loss of life,
- damage to property, or
- environmental harm.

ICNG section 4.5 specifies construction activities proven to be particularly annoying to nearby residents or otherwise likely to generate noise with impulsive, intermittent, low-frequency or tonal characteristics. The EPA anticipates that those activities generating noise with particularly annoying characteristics would be subject to a regime of intra-day respite periods where –

- (a) they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours, and.
- (b) 'continuous' means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the work referred to in ICNG section 4.5

The proponent should address:

- (a) the issue of construction hours as recommended in Table 1 Chapter 2 of the Interim Construction Noise Guideline, July 2009; and
- (b) whether there are likely to be any special circumstances under which construction might need to be carried out outside the recommended standard hours
- (c) scheduled intra-day 'respite periods' for construction activities identified in the Interim Construction Noise Guideline as being particularly annoying to surrounding residents and other noise sensitive receivers.

### *2.5.2 reversing and movement alarms*

The EPA has identified the noise from 'beeper' type plant movement alarms to be particularly intrusive and is aware of feasible and reasonable alternatives. Transport for NSW (nee Transport Construction Authority), Barangaroo Delivery Authority/Lend Lease and Leighton Contractors (M2 Upgrade project) have undertaken safety risk assessments of alternatives to the traditional 'beeper' alarms. Each determined that adoption of 'quacker' type movement/reversing alarms instead of traditional beepers on all plant and vehicles would not only maintain a safe workplace but also deliver improved outcomes of reduced noise impacts on surrounding residents.

Interim Construction Noise Guideline Appendix C provides additional background material on this issue.

The proponent should undertake safety risk assessment of construction activities to determine whether it is practicable to use audible movement alarms of a type that would minimise the noise impact on surrounding noise sensitive receivers, without compromising safety.

## **3. Operational phase**

The EPA anticipates that environmental impacts once the school commences operation can largely be averted.

### 3.1 Traffic noise

Traffic movements on Homebush Bay Drive would almost certainly generate noise at a level sufficient to interfere with –

- (a) the learning environment in the school and associated child care facilities, and
- (b) sleeping rooms in the child care facilities.

Guidance material on appropriate passive noise mitigation to ensure an acceptable acoustic environment are available in the Department of Planning publication *Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008*. And, Table 3.1 to the Guideline identifies airborne noise criteria for various types of occupancy.

### 3.2 School maintenance activities

The EPA regularly receives noise complaints about school activities impacting on surrounding residents.

The proponent should be required to ensure that noise maintenance activities such as waste collection and grounds maintenance (involving the use of leaf blowers, lawn mowers or other noisy equipment) are undertaken only between the hours of 7.30 am and 6.00 pm Monday to Friday.

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**ANNEXURE E – REFERRAL COMMENTS FROM COUNCIL’S PROPERTY SERVICES  
MANAGER**

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## School DA Comments – Property Services

### Access/Drive Way

- 'External Works Site Plan – DA-03' currently doesn't show any security access gate. Replacement of the existing vehicular security gate at the entrance to the driveway is essentially for security for both DEC & Council. A boom gate or similar type of security access is required to be installed, preferably as close to the street entry as possible.
- 'External Works Site Plan – DA-03' currently identifies 'bollards at min. 300mm from base of sign'. This is insufficient distance/clearance from the base of the existing advertising sign located within the driveway. The Licence document between Council & DEC states that a clearance of approx. 2 metres is required around the entire base of the sign.
- The existing cycleway and walking path that runs along the western boundary of Council's land has not been recognised in any way on the plans. As a minimum this path needs to be at least marked on the road surface to identify the cycleway/pedestrian path if there is no exclusive area set aside for this purpose.

### Playing Field

- Existing pedestrian and vehicular access points through the perimeter fence are inadequate. Council requires at a minimum an additional vehicular access on the southern side of the fence (to the east) in addition to the proposed pedestrian entry point at that location. Additional access point should be 4m width in total (unencumbered width) preferably a sliding gate.
- There is currently no detail on how the Palissade fence around the playing field will be operated during and after school hours. This is not clear.
- It would seem that emergency access into the internal section of the school site as well as the playing field will be gained from the set of double gates proposed to be installed in the fence (adjacent to the small roundabout on the Access way /south of the school Hall & OOSH). This access point is approx. 3m wide – Is this sufficient width for emergency vehicles? Further, without any details on how the Stormwater Harvesting system (see below) is to operate then no vehicles can be permitted to cross over this section of land (currently below the ground in this location is the stormwater harvesting infrastructure – heavy vehicles should not be driven over it).
- There is very limited detail within the DA and supporting documents relating to the remediation and other works that are proposed to be undertaken to the playing field. Contained within the draft Licence agreement for use of the field are the following conditions:
  - *the Licensee must at its expense upgrade the Playing Field to a standard acceptable to the Licensor and undertaken by a qualified sportsfield (turf) contractor including re-instating the Stormwater harvesting and irrigation infrastructure and ensuring that the system is re-commissioned to Council's satisfaction, installing appropriate*

*sports field drainage and replacing top soil by re-turfing the Playing Field, erecting any fencing with sufficient access points and gates for access and otherwise by carrying out such works as are required to decontaminate the Playing Field by furnishing a Site Audit Statement to the Licensor*

- the surface of the Playing Field after the completion of the works specified in this clause must be turfed and contain such synthetic cricket pitch or pitches as are on the Playing Field prior to the commencement of the decontamination works*
  - More information is required in relation to the proposed works to the playing field as part of the DA.*
- 
- While I am not certain whether it is required of this DA or not, there is no detail in relation to the proposed refurbishment of the existing amenities block located on the South East corner of the playing field.
  - There is no mention or consideration of whether the playing field will meet any Australian Standards in relation to size of the field for the playing of soccer & cricket.

**ANNEXURE F – REFERRAL COMMENTS FROM COUNCIL’S ASSETS DIVISION**

# Inter Office Memo

**To:** John Osland  
**From:** Thomas Lau  
**Subject:** Proposed Concord West Public School at No 64  
Victoria Avenue, Concord West  
**Date:** 6 June 2013 **File No:**

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**Document/s to which these comments relate to:**

- NSW Public Works Canada Bay Primary School and 66 Victoria Avenue, Flood Study Addendum, June 2013.
- Memo to John Osland, dated February 2013.

**Comments and Recommendations:**

City Assets Design Section provides the following comments:

- Whilst the raising of Victoria Road is a City Assets Design Section recommendation previously discussed in memo to John Osland, dated February 2013, the proposed NSW Public Works design only caters for the 5-year ARI storm event. This means that all storms in excess of the 5-yr ARI will flood the street and the hazard still remains.
- The NSW Public Works road design long-section through Victoria Avenue shows that there will be extensive raising of the road levels but it still retains a crest near/under the free way. It is unclear why the proposed road finish is not completely re-graded to fall completely towards Powells Creek thereby eliminating any future flooding along Victoria Avenue. In my opinion, the design needs to be amended to achieve this.
- The (Emergency Flood) Evacuation Plan, prepared by NSW Public Works, as given on Figure 4 of the Addendum Report, shows a secondary route directing children/persons towards Powells Creek, which in my opinion is unacceptable. In the February 2013 memo to John Osland, it was recommended that a secondary emergency escape route was to be provided to George Street via No 186 George Street. This would require land acquisition and is understood the cost could be prohibitive. It is suggested that an easement be acquired through No 186 George Street instead, which would still offer an alternative safe route but would be more cost effective.
- Our estimated cost for the re-grading of Victoria Avenue was about \$650,000. The NSW Public Works estimate is \$583,000. It is suspected the cost of re-grading should be much higher and therefore the figures need to be checked,

especially the type of fill to be used. It is also unclear how funding is to be arranged and who will be undertaking these works.

- The February 2013 memo to John Osland recommended the creation of a formal overland flow path by re-grading a section of road in Victoria Avenue between No 71 Victoria Avenue to the car park in Sydney Olympic Park beyond the mini basketball court. The proposed solution offered by NSW Public Works appears to be sound but should be extended further into the Park.
- No supporting calculations are included in the Addendum Report. Electronic files need to be provided to Council for checking to confirm flows, design levels and overall assessment are correct.

### **Conditions to be Applied:**

City Assets does not recommend the issuing of the Development Consent until all funding arrangements (including the signalised traffic lights which are not included in this discussion) are agreed to and the above matters are satisfied.

Once these above matters are resolved, general and special conditions could be provided as follows:

#### **General**

GCD1 (Approved documents: NSW PWD Addendum Report), PCR6, CCC2 (\$650,000), PCR5, CCF1, CCF2, CCG1 (drainage amendments required), CCG2, CCA1, CCA3, CCA4 (road design), CCA5, CCI2, CCI3, CCI4, CCI5, CCM1, CCM2, CCM3, CCM4, CCM7, CCS1, CCS2, OCG1, OCA1, OCA3, OCM1, FOM1, FOM2, PDM2, OUH11, ANN1, ANN11.

#### **Special**

SP1 – Engineering Plans: Prior to the issue of the Construction Certificate, the Applicant shall submit full engineering drawings which must be approved by Council which are suitable for the construction of Victoria Avenue such that a longitudinal fall in the road can be achieved from No 71 Victoria Avenue towards Powells Creek.

*(Reason: Public Safety)*

SP2 – Flood Evacuation: Prior to the issue of the Construction Certificate, the Applicant shall submit a Flood Evacuation Plan, details of which must comply with the NSW Flood Plain Development Manual, providing a safe route for persons on foot to escape the site in the case of a flood during storms in excess of the 5-year ARI storm event.

*(Reason: Public Safety)*

SP3 – Construction of the Road: The Applicant shall be responsible for the full cost of construction of Victoria Avenue, in accordance with the detailed design drawings as

approved by Council. Occupation Certificate shall not be issued until the road is fully constructed in accordance with the approved plans to the satisfaction of Council.

*(Reason: Infrastructure)*

**Thomas Lau**  
**Design Section**  
**City Assets**

# Inter Office Memo



**To:** John Osland  
**From:** Thomas Lau  
**Subject:** Proposed Concord West Public School at No 64  
Victoria Avenue, Concord West  
**Date:** February 2013 **File No:**

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## Background:

Powells Creek Reserve has a documented history of flooding. It acts as informal flood storage during higher than normal rainfall when the adjoining drainage system that flows into Powells Creek cannot cope.

Flooding on this reserve is a result of a combination of rising waters from the adjoining Powells Creek, the inadequate carrying capacity of the drainage network (both private and public system of conduits) and overland flows from the adjoining urbanised catchment not being able to drain quickly enough into the Creek.

The capacity of Powells Creek itself is directly affected by the choking of mangroves, its relative narrow and shallow shape, the deposition of gross pollutants conveyed by stormwater which includes large amounts of rubbish, leaves (adjacent casuarinas the main cause), silts and sediments.

Pipe capacities that drain into Powells Creek are less than the 5-yr ARI storm event due to blockages, shallow gradients and downstream control.

The NSW Public Works Department (Department of Commerce) on behalf of the NSW Education Department submitted a Development Application (DA No. 505/2012/10) for the construction of a new school on the northern end of Powells Creek Reserve. The proposed works include the demolition of existing structures, remediation of the contaminated land, construction of a new public school, childcare centre, early childhood and health centre, car park, associated facilities, landscaping and sports field at the southern end.

Council therefore has concerns with the proposed development in as much as the land is in a known flood affected area. This is not to say that Council objects to the proposal but rather the development needs to take into consideration the current flood issues and find mitigating measures to ensure that flooding does not have a negative impact on the development and the development does not have a negative impact on adjoining land.

Discussion with long term Lapidary Club Members indicate that water has entered the old 2UE building at a depth of 280mm above the floor.

### **Evaluation of the Proposed Development:**

Architectural drawings, a stormwater conceptual plan and a Flood Report prepared by the NSW Public Works Department were lodged as part of the development application.

Council's City Assets Section undertook a preliminary assessment of the submitted documentation and found a number of deficiencies in the Report.

The major concerns are as follows:

- Conceptual plans are not detailed enough for proper assessment.
- It would appear that the grounds around the proposed buildings are to be raised with floor levels above the 100-yr flood levels. However if they are to be built above natural ground levels, they will become affectively "blocked obstructions" resulting in major loss of flood storage hence the potential for flooding to upstream properties, in particular those properties along the eastern side of the site fronting George Street (No.'s 186 to 200 George St and No.'s 58 to 62 Victoria Avenue).
- The Flood Report did not include supporting modelling data (eg Hec-Ras, DRAINS, RAFTS, TUFLOW).
- Proposed overland flow paths especially those adjoining properties need supporting calculations to confirm effectiveness.
- Flood Report indicated a "Low Risk" flood zone using the redundant velocity times depth ( $v \cdot d$ ) ratio comparison which is inappropriate for this site and is not used in the NSW Floodplain Development Manual.
- The Flood Evacuation Plan is too simplistic and does not comply with the NSW Floodplain Development Manual. In addition, the escape route along Victoria Avenue is not acceptable.
- No detailed stormwater drainage design was submitted with the proposal.
- The recommendation in the Report stating that since the site is already "flood affected", a slight increase in flood levels is acceptable. This conclusion is inappropriate.
- The assumption that the existing drainage network, is adequate, without a thorough evaluation, is however incorrect with respect to current accepted standards.
- Connection into existing drainage system is not acceptable as the current drainage system in the vicinity is already found to be at capacity (refer Brian Woolley's comments and ODG Report attached).



Detailed comments are given in the 10 January 2013 memo to the Planning Section.

In regards to Traffic matters, the main concerns raised by Council's Traffic Section needs to be considered carefully. In general, but not limited, to the following comments:

- Logistically, the site can only be entered and exited from George Street, and as such, the intersection of George and Pomeroy Streets needs to be upgraded to improve traffic flow.
- Emergency access to the site is difficult and combined to single route and which the Police have also raised concerns.
- Parking is limited and the proposed parking spaces are not sufficient to meet the demands of the school and child care facility.

#### **Further Comments and Recommendations:**

City Assets advises that the development proposal could proceed if a number of issues are dealt with adequately. These would include the following:

- The loss of flood storage needs to be addressed. A suggestion is that this could be dealt with by way of alternative building design, such as elevating building platforms and allowance for flows to pass under buildings (e.g. Queensland style) and formally created safe overland flow paths. Alternatively provide an area to off set for the loss of flood storage (it must be noted that no flood storage checks have been performed at this stage because detailed drawings have not been provided so this option may not be feasible).
- The protection of adjacent buildings from flood by increasing the capacity of the existing drainage network. This can be achieved by amplifying the pipe network along Victoria Avenue and behind the properties in George Street (No's 186 to 200 George Street and No 62 Victoria Avenue) which are adjacent to the site.
- Drainage of the proposed school is to be catered for by a separate new drainage network which drains directly into Powells Creek (possibly discharged near/adjacent to the existing bridge).
- The clearing of mangroves in Powells Creek at the outlets to the existing drainage pipes to maintain unobstructed flow.
- Creating formal overland flow paths to relieve the upstream catchment. One suggestion would be to re-grade a section of road in Victoria Avenue between No 71 Victoria Avenue and the car park in Sydney Olympic Park beyond the mini basketball court.
- Acquisition of land (No 186 George Street) to allow for a safe evacuation route and improved traffic flow.

- Upgrade the signalised intersection at George/Pomeroy Streets.

**Estimated Costs:**

Some of the estimated cost of works suggested in recommendations above are summarised as follows:

- Stormwater Drainage Improvements along Victoria Avenue: \$1,500,000
- Provision of a formal overland flowpath by re-grading Victoria Avenue: \$650,000
- Land Acquisition (two properties): \$1,800,000 (2014 prices)
- Upgrade signalised traffic lights and intersection design (excludes land acquisition for slip lanes): \$1,000,000

## **ANNEXURE G – REFERRAL FROM COUNCIL’S HERITAGE ADVISOR**

## INTER OFFICE MEMO



To:	Narelle Butler		
From:	Helen Wilson		
Subject:	64 and 66 Victoria Avenue, Concord West		
Date:	15 January 2013	File No:	505/2012/10

### Comments

Narelle

Comments in relation to heritage impacts on the above application follow.

#### Documentation

Documentation provided for comment includes:

Drawings for Canada Bay Primary School DA00 to DA08 inclusive and Landscape Plans DA-L01 and DA-L02 by NSW Public Works Government Architect's Office; Detail and Contour Survey 1/B, 2/A, 3/A and 4/B by NSW Public Works and NSW Education and Communities  
Statement of Environmental Effects (including Statement of Heritage Impact) prepared for NSW Public Works  
Exterior Colour and Finishes and Colour and Finishes Schedule by NSW Public Works Government Architect's Office Nov 2012

#### Planning Instruments

Relevant planning instruments include:

Canada Bay Local Environmental Plan 2008  
Canada Bay Development Control Plan

#### Proposed Work

The proposed work includes:

Demolition of existing structures, remediation of land, construction of new school, childcare centre, early childhood and health centre, car parking, associated facilities and landscaping and upgrade works to change rooms and sports field in Powells Creek Reserve

#### Existing Site

Reserve beside drainage canal, along Homebush Bay Drive, leading to the Sydney Olympic Games site. Mounding and tree planting of generally indigenous species from c.1970/80s include Port Jackson figs, melaleuca species, blue gums, swamp casuarinas and acacia glauca to c.15m. Also retains some lombardy poplars from possibly earlier planting scheme possibly c.1950/60s. Reserve includes a group of tennis courts and soccer fields.

There are a number of structures on the site: a c1942 building (Building 4), formerly used by radio station 2UE later a Girl Guides Hall and now used by the Western Suburbs Lapidary Club, a c1960s blonde brick building and garage (Buildings 5 and 6), formerly the Turf Grass Research Institute and a water tank. A large signage pylon is adjacent to the site.

#### Statement of Significance

Reserve with planting of indigenous species from c.1970/80s. Notable landscape element adjacent to freeway leading to Olympic Games site.

#### Heritage Controls in Canada Bay Development Control Plan

The following comments relate to the controls in the Canada Bay Development Control Plan for development affecting heritage items.

#### Buildings

The buildings on the site have not been listed as significant. There is no problem in heritage terms with the demolition of Buildings 5 and 6, however Building 4, c1942 building (Building 4), formerly used by radio station 2UE

later a Girl Guides Hall and now used by the Western Suburbs Lapidary Club, has been identified as of some local heritage value. It would be preferable if this building could be retained and the proposal amended to allow this to happen.

#### Landscape Elements including Paving and Driveways

The position of proposed new plants and trees are not given on the planting plan, so it is not possible to assess the form of the proposed planting and how it would relate to Powells Creek Reserve.

Many if not most of the trees on the site are proposed to be removed to make way for roads, paths and parking, and to allow the ground level to be raised to cap and remediate the site. Insufficient significant planting to Powells Creek Reserve has been retained in the proposed development.

Tree 8 on the nature strip (*Lophostemon confertus*- Brush Box) is proposed to be removed to make way for a new street path. This tree has been assessed as 'C- Little or no significance and not relating to the heritage values of Powells Creek Reserve', but appears to be a good specimen and an imposing street tree. (However, I note that Tree 16, the same species of tree was elsewhere assessed as 'B- of some heritage significance to the landscape heritage values of Powells Creek Reserve'.) It would appear that this tree could be retained if the line of the path was adjusted to curve around the tree group.

The school should be designed to blend in with the native planting of Powells Creek Reserve and have a bushland character rather than being 'hard edged'. The perspectives show large areas of concrete hard paving not be in keeping with the 'bushland reserve' character of Powells Creek Reserve. Surface materials which are soft in appearance e.g. decomposed granite, consolidated fine gravels or bark mulch should preferably be used for roads and pathways, and dark surfaces should be selected in order to be recessive in preference to light and glary surfaces.

#### Car Parking

The planting on the site is predominantly perimeter planting with has aesthetic and social value. The car parking, access roads and bus turning circle will result in the removal of much of the significant planting on the site.

#### Fencing

Whilst undoubtedly the school will be fenced, no details have been provided of the proposed fencing.

#### Signs

The large advertising pylon which appears to be located on Council's land as it is intrusive in terms of the landscape heritage values of Powells Creek Reserve, however it is not proposed to be removed as part of this development

#### **Recommendations**

##### Recommendations to Council:

- Recommend Council investigate the potential for removal of the large advertising pylon which appears to be located on Council's land as it is intrusive in terms of the landscape heritage values of Powells Creek Reserve.

##### Recommendations on the proposed development:

- ✗ The Western Suburbs Lapidary Club (Building 4) has been identified as of some local heritage value. It would be preferable if this building could be retained and the proposal amended to allow this to happen.
- ✓ An Archival Photographic Recording should be carried out of the c1942 brick building (preferably whilst still in use by the Western Suburbs Lapidary Club), and the former c1960s Turf Grass Research Institute building and site.
- ✓ A local studies research project and an oral history focussed on the use of this site by Radio 2UE, the Girl Guides Association, the Western Suburbs Lapidary Society and the Australian Turf Grass Research Institute should be carried out funded by the NSW Government.
- ✓ Insufficient significant planting has been retained to Powells Creek Reserve in the proposed development and the plans should be revised to retain more of the significant planting.
- The planting plan is to be amended to show the position of proposed new plants and trees and the plan provided at a large scale, to enable the form of the proposed planting and how it would relate to Powells Creek Reserve to be assessed. The new landscape plan for the outer and shared areas of the school is to compliment the landscape heritage values of Powells Creek reserve.

- Although Tree 8 on the nature strip (*Lophostemon confertus*- Brush Box) appears to be a good specimen and an imposing street tree that could be retained if the line of the path was adjusted to curve around the tree group. ✓
- Where mature trees are to be retained in or adjacent to the new development, advice of an aboriginalist is to be followed in regard to the foundation details, landscape and civil engineering works and to protect the trees and roots during construction.
- No details appear to have been provided of the proposed fencing of the school site. Any fencing should be dark in colour to be recessive and open in character (e.g. wire mesh or simple vertical metal palisade fencing) again to be recessive, and also to allow vegetation to grow through the fences. ✓
- The school should be designed to blend in with the native planting of Powells Creek Reserve and have a bushland character rather than being 'hard edged' as proposed. Surface materials should be chosen for paths, parking areas and roads that are soft in appearance and have a bushland character, such as decomposed granite, consolidated fine gravels or bark mulch rather than the concrete selected. ✓

Helen Wilson  
Heritage Advisor

**ANNEXURE H – REFFERAL COMMENTS FROM COUNCIL’S LANDSCAPE  
ARCHITECT**

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# Inter Office Memo

**To:** Ms N. Butler  
**From:** Landscape Architect - Ben Richards  
**Subject:** Canada Bay Primary School  
**Date:** 16<sup>th</sup> January 2013

## Comments:

- The ground plane of the external spaces that make up the internal courtyard are very harsh due to the materials selected. The use of softer, natural materials would result in a much more inviting space.
- There is concern as to the number of trees proposed for removal. Of most concern is the Tallowood and the trees that make up the grove of Melaleuca where the driveway is proposed. There has to be a more efficient way to organise the proposed built elements so that some of this listed trees can be maintained. If the removals are a result of the capping method maybe a new method needs to be investigated or a combination of methods used.
- The asphalted area between the buildings and the oval does not seem to serve any other purpose than circulation. A much nicer aesthetic would be to use a soft material for the ground plane and continue the grove planting east, to the next line of trees. This would also protect the internal courtyard from strong southerlies.
- The arrangement and provision for active play within the internal courtyard looks like the space will be chaotic if it is all being used at the same time. The noise this type of activity will generate within an enclosed, hard paved space will likely make the internal spaces uncomfortable.
- This internal courtyard will likely be more inviting and interesting if it were more naturalised for reflective, exploratory and sensory play. Soft playable mounds or similar, could also be used to create more intimate spaces that would encourage creative.
- Is there an actual need for the roundabout at the end of the proposed car park. If there isn't this should be green space where access is not required.
- The western sides of the OOSH, Hall, Admin and Childcare are going to get very hot in summer. More trees are required along these edges. More trees would be more beneficial than the swale that if not maintained will quickly become redundant.
- The space between the two Home Bases, that has been treated with rubber and decking might become dead space as it will be hard for the teachers to supervise this area. If that is the case this might allow the buildings to be closer together and more trees along the street frontage.
- Is there an opportunity to connect the car park drainage to the Powells Creek water reclamation infrastructure?

Regards  
Ben Richards