

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

JRPP No	2012SYW054
DA Number	445/2012
Local Government Area	Camden
Proposed Development	Educational Establishment – Oran Park Primary School 704 student (primary school student special education school) and associated works
Street Address	400F The Northern Road, Oran Park Lot 1000, DP 1164435
Applicant/Owner	Department of Education and Communities
Number of Submissions	0
Recommendation	Approval with conditions
Report Prepared By	Ron P Dowd, Urban Planner

Assessment Report and Recommendation

PURPOSE OF REPORT

The purpose of this report is to seek a determination by the Joint Regional Planning Panel (the Panel) of a development application (DA) for an educational establishment at the abovementioned premises.

The Panel is the determining authority for this DA pursuant to Part 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (the Act), as the capital investment value (CIV) exceeds the CIV threshold of \$5 million (for Crown development) for Council to determine the application.

SUMMARY OF RECOMMENDATION

The application has been assessed to be in compliance with relevant planning provisions and subject to the requirements of Section 89 of the Act, it is recommended that the Sydney West Joint Regional Planning Panel approve DA 445/2012.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a 704 student educational establishment (comprising a 660 student primary school and a 44 student special education school) and

associated works on Lot 1000, DP 1164435, known as 400F The Northern Road, Oran Park.

The DA has been assessed against the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly notified and advertised in accordance with Camden Development Control Plan 2011. No submissions were received by Council.

At its briefing to the Panel, Council officers raised concerns with the proposed road design, the lack of drop-off/pick up facilities provided, acoustic amenity impacts and the lack of public utilities currently available to the site. Council officers subsequently requested additional information from the applicant in order to address these concerns. A response was subsequently received on behalf of the applicant, which did not fully address Council's assessment concerns.

Council officers issued draft conditions to the applicant for comment. These conditions were formulated in order to address Council officers' concerns. The applicant provided comments on these draft conditions, disagreeing with the wording and imposition of many of them. Council officers have reviewed the applicant's comments and have modified many of the draft conditions as a result.

Council officers' do not agree with all of the comments received from the applicant and only recommend that this DA be approved subject to the conditions contained in this report.

A list of Council's conditions, the applicant's comments and a response from Council officers' is provided as a separate supporting document to this report.

SITE AERIAL PHOTO



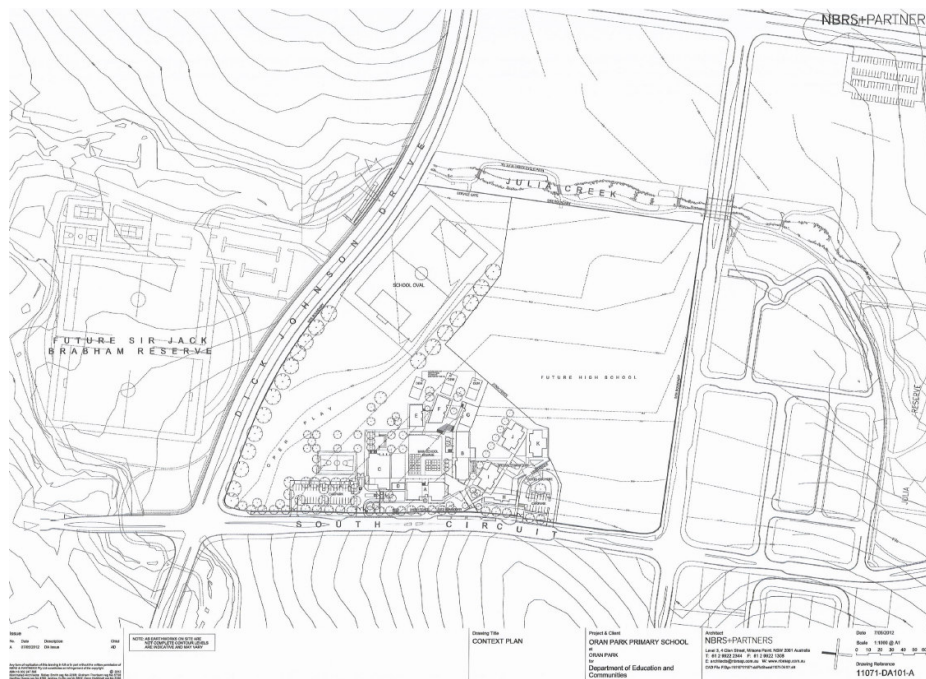
Figure 1 – Aerial Photo

THE SITE

The land subject to this application is known as Lot 1000, DP 1164435 being 400F, The Northern Road, Oran Park. The land is owned by the Department of Education and Communities and has an area of 8.9 hectares. Only 4.9 hectares of the site is subject to this application. The remainder is intended for a future application for a high school and associated works.

The land is a greenfield site which does not have frontage to any approved or public road and is not serviced by any public utilities. The land is located 200 metres west of the Oran Park Town Centre and the closest public road is Oran Park Drive.

Figure 2 – Development Site



HISTORY

The development history of the subject site is summarised in the following table:

Date	Development
December 2007	South West Growth Centre rezoned by NSW Government for urban development
13 April 2011	Creation of subject as a residue lot approved under DA 427/2011 – access and servicing subject to separate applicant.
15 June 2011	Lot 1000, DP 1164435 registered
30 June 2011	DA 1548/2010 for bulk earthworks approved - No drainage or stream works approved for the site
17 November 2011	DA 1491/2010 for landscaping and engineering works for Julia Creek - Withdrawn
24 February 2012	DA 142/2012 lodged proposing road access and public utilities to the site - currently not approved
9 May 2012	1. Subject primary school DA lodged 2. Amendments to Part B5 Car Parking Requirements of Camden DCP 2011 came into affect

THE PROPOSAL

Development Application No. 445/2012 seeks approval for a 704 student educational establishment. Specifically the proposed development involves:

- a 660 student primary school (Kindergarten to Year 6) - comprising a two storey development of 16 classrooms, site earthworks, arrival square, school hall, library, canteen, office and administration, covered outdoor learning area, main courtyard, outdoor amphitheatre and hard games court;
- land for future demountable classrooms (demountable classrooms not part of this application);
- 44 student special education school (Kindergarten to Year 12) – comprising 6 class rooms, port cochere, half hard games court, covered open learning area, auxiliary / office building;
- associated staff car parking, identification signage, internal drainage, a 2.1 metre palisade metal fencing and landscaping;
- school oval (for the proposed primary school and future high school); and
- proposed hours of operation of 7am to 10pm Monday to Friday.

Correspondence has been received from the applicant clarifying that no off-site works (i.e. road access, children drop-off, off-site drainage, provision of public utilities etc.) are proposed as part of this DA.

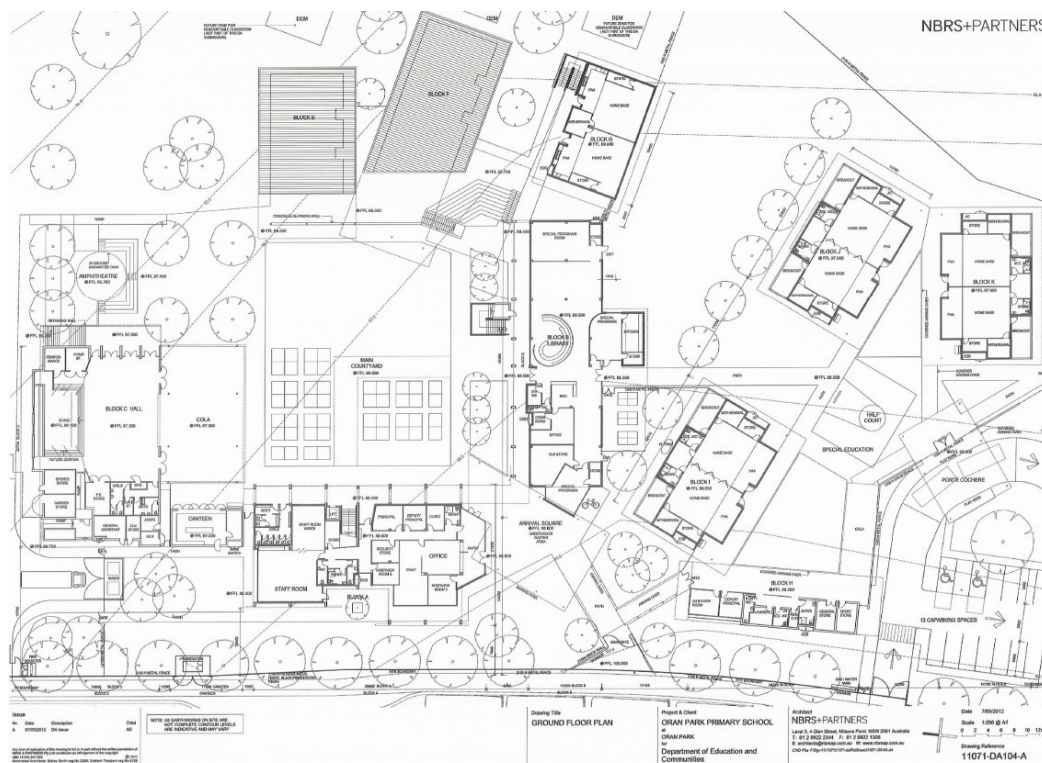


Figure 3 - Floor Plan

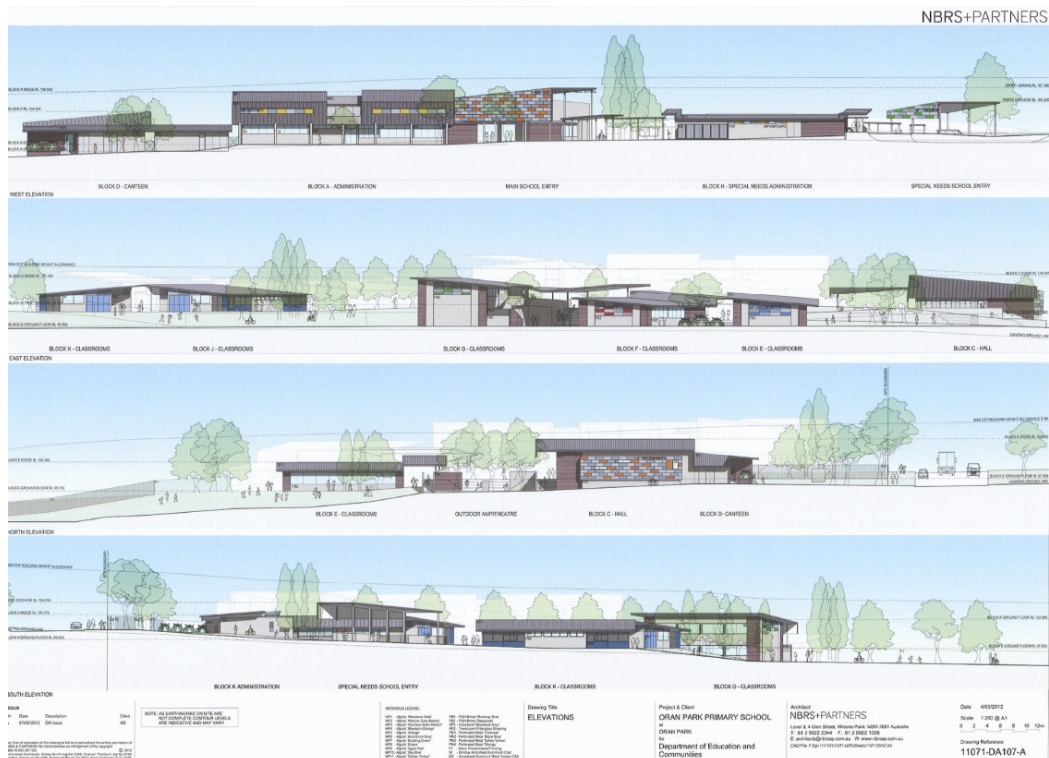


Figure 4 - Elevations

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as relevant in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy Sydney Region Growth Centres 2006 (SEPP)

The Growth Centres SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region. The land subject to the development is Zoned R1 General Residential and R3 Medium Density Residential Zone.

Permissibility

The proposed development is defined as an “educational establishment” which is permissible with consent in each zone. Other use of school facilities including child care, outside of school hours care (OOSH) or any other use will require separate approval.

Zone Objectives

The objectives of the “R1 General Residential” zone are as follows:

- To provide for the housing needs of the community.

This objective is not relevant to the proposed development as the proposal is for an educational establishment. However the proposed use, subject to conditions, would not detract from the provision of housing.

- To provide for a variety of housing types and densities.

This objective is not relevant to the proposed development as the proposal is for an educational establishment. However the proposed use, subject to conditions, would not detract from the provision of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development has been assessed to provide day to day educational needs for school aged residents attending primary school or the special needs school.

- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

This objective could be achieved subject to the imposition of conditions to protect acoustic and traffic amenity of proposed or nearby residential development.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

This objective is not relevant as the proposal is for an educational establishment.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

This objective is not relevant as the proposal is for an educational establishment.

- To provide for a variety of recreational uses within open space areas.

This objective is not relevant as the proposal is for an educational establishment.

The objectives of Zone R3 “Medium Density Residential” read as follows:

- To provide for the housing needs of the community within a medium density residential environment.

The proposed use, subject to conditions, would not detract from the needs of the community with a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development has been assessed to provide day to day educational needs for school aged residents attending primary school or the special needs school.

- To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

This objective could be achieved subject to the imposition of conditions to protect acoustic and traffic amenity of proposed or nearby residential development.

- To provide for a variety of recreational uses within open space areas.

This objective is not relevant as the proposal is for an educational establishment.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

This objective is not relevant as the proposal is for an educational establishment.

Relevant Clauses

The DA was assessed against the following relevant clauses of Appendix 1 (Oran Park and Turner Road Precinct Plan 2007) the SEPP:

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5 metres	Proposed to maximum 9.4 metres	Yes
5.10 Heritage Conservation	Licence to destroy aboriginal relics	Section 90 licence issued	Yes
6.1 Public Utility Infrastructure	Public utilities available	Separate applications required (See additional detail provided below)	Yes - Condition

Clause 6.1 Public Utility Infrastructure

Water, sewer and electricity are not currently available to the site. This application does not propose any public utility infrastructure and specifically acknowledges that a separate DA (DA 142/2012 – currently before Council) will provide road access,

underground electricity and reticulated water and sewer to the site by Greenfield Development Company (applicant of the aforementioned application).

The SEPP provides that the consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure is available or that adequate arrangements with utilities have been made.

No development consent has been issued for the construction of roads to access the site and public utilities to service the land. The provisions of the SEPP can be satisfied by way of a recommended condition that requires public utilities to be made available prior to the occupation of the development.

State Environmental Planning Policy (Infrastructure 2007) (SEPP)

The aim of the SEPP is to provide a consistent planning regime for infrastructure and the provision of services across NSW.

Permissibility

The land is zoned R1 General Residential and R3 Medium Density Residential, which are prescribed zones under Division 4 Part 3 of the SEPP. An educational establishment is permissible with development consent in these zones.

School Facilities Standards

The SEPP provides that before a DA for a school can be determined, the consent authority must take into consideration all relevant standards in the School Facilities Standards (for Landscape Standards, Design Standards and Specifications Standard). The SEPP also provides that the School Facilities Standards prevail over any inconsistency between them and a provision of a development control plan.

It is recommended that a condition of development consent be imposed requiring the development comply with the School Facilities Standards

Traffic Generating Development

The proposed development is traffic generating development as defined by the SEPP and was forwarded to the Roads and Maritime Services (RMS) for comment. The DA was discussed with the RMS at the Sydney Regional Development Advisory Committee on 6 June 2012. Correspondence was subsequently received from the RMS on 8 August 2012. The RMS raised a number of concerns in relation to the proposed traffic and road design being inadequate for the development including the following matters:

- the RMS advised that traffic warrants are not met for two adjacent signalised road intersections and that alternative traffic control facilities be provided;
- the RMS also raised concerns that insufficient carriageway width is proposed for the school frontage and recommend the number of vehicular accesses be reduced to minimise vehicular and pedestrian conflicts; and
- the RMS also notes that adequate drop-off / pick up facilities need to be provided to Council's satisfaction.

The RMS comments have been considered and the identified traffic and road design issues can be overcome by the imposition of conditions provided at the end of this report and as described below:

- as the RMS is the responsible authority for school zones, conditions are recommended that school zone signage, flashing lights and pavement markings be approved and installed in accordance with RMS requirements prior to the operation of the school;
- Council officers consider that the drop off/pick up facilities as proposed are inadequate and unacceptable for a new school, particularly one proposed in a Greenfield area with no adjoining development or other constraints in the vicinity.

Council's current DCP requires the provision of adequate drop off/pick up areas. This requirement was included in the DCP as the result of traffic impacts experienced at existing school facilities across the LGA.

It is considered that the drop off/pick up facilities as proposed can and should be improved. Accordingly, it is recommended that the development be modified to provide improved drop off/pick up area and bus bay parking.

It is noted that the applicant was requested to modify the development however the amended plans do not address this issue. It is therefore recommended that appropriate conditions be imposed to achieve this;

- the on-street bus layby depth must be 4 metres to accord with the Schools Facilities Standard. These standards apply to all new build projects at public schools. It is noted that these standards are higher in response to the findings of judicial proceedings and coronial enquiries.
- the car parking spaces and access to and from the car park and spaces shall be designed in accordance with AS2890.1. AS2890.6 – "Off Street Parking for People with Disabilities" applies to the development and will be conditions to be complied with. Pedestrian crossings are proposed shown on the proposed plans. On-street lighting will be required to satisfy the requirements of Australian Standard AS1158 – Lighting for Roads and Public Spaces; and
- Council's Local Traffic Committee will be required to approve any regulatory signage proposed in the vicinity of the access points (eg; "No Stopping").

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

This land has been subject to a phase 2 detailed contamination assessment (Report on Phase 2 Contamination Assessment: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, dated May 2011 approved under DA 1548/2010 for Bulk earthworks of the site).

The contamination assessment concluded that no contaminants of concern are present and therefore suitable for the proposed development. Council is therefore satisfied with the findings of the assessment consider the site to be suitable for a sensitive use such as a school.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP)

The development proposes the erection of an under awning sign with 300mm letters that read “Oran Park Public School”. School identification and way finding text is also proposed to be affixed to 2.1 metre high brick walls at the entry to the site. Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be “building identification signs” as opposed to advertising signs in that they simply identify the educational establishment but do not include the general advertising of products, goods or services. The proposed signs have been assessed against the Schedule 1 assessment criteria of the SEPP. The signs are considered acceptable on the basis that:

- they are deemed compatible with the existing and desired future character of the area, being reflective of typical industrial area signage and complementary to the use of the site;
- the signs will not detract from any special areas such as residential or environmentally sensitive area;
- the proposed signage is not considered that it will dominate the local skyline or unacceptably detract from views into, out of or through the area;
- the proposed signage is considered to be an appropriate scale and form for this area and will not protrude above buildings or significant landscape features in the area;
- the scale and proportions of the signage is considered acceptable, having regard to their identification functions, the proposed school building, the surrounding landform and landscape features;
- the proposed signage will not be internally illuminated.
- given their proposed locations and designs, it is not considered that the signs will reduce safety for passing pedestrians or motorists or that they will obscure any sight lines.

Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River (SEPP)

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Requirements are in place for water quality and water quantity.

As expanded later in this report, the proposal in its current form is not consistent with the adopted and endorsed strategies and master plans for water quality and water quantity in Oran Park.

In order to comply with the aims and objectives of the SEPP, conditions are recommended that require that the development’s water quality and water quantity measures be consistent with the adopted and endorsed strategies and master plans for water quality and water quantity in Oran Park and the requirements of Camden Council’s current engineering specifications.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

Draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 were publicly exhibited between 7 and 21 March 2012. The draft SEPP applies to certain lands zone E4 Environmental Protection and does not proposed to amend any provisions relating to this development.

(a)(iii) The Provisions of any Development Control Plan

Oran Park Development Control Plan 2007 (DCP)

The following is an assessment of the proposal's compliance with the relevant controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
2.1 Indicative Layout Plan	Footprint of land uses and densities	No – DCP Variation 1	No
2.2 Vision and Development Options	Future education needs of precinct	Yes	Yes
2.4 Infrastructure Delivery and Development Staging	Provision of infrastructure	Yes - condition	Yes
3.1 Street Network and Design	School Facilities Standards prevail over DCP	No – condition to comply	Yes
3.2 Pedestrian and Cycle Networks	Pedestrian/cycleway in road reserve	Yes - condition	Yes
3.3 Public Transport Networks	School Facilities Standards prevail over DCP	Yes - condition	Yes
4.1 Public Parks and Landscape Strategy	Adjoins future passive open space	Yes	Yes
4.2 Education, Civic and Community Facilities	Location of education facilities Iconic and landmark building design	No – DCP Variation 1	No
		Yes – Proposed	Yes
6.2 Flooding and Watercycle Management	Compliance with Council policies	No – condition	Yes
6.3 Salinity and Soil Management	Salinity resistant construction	Yes - condition	Yes
6.4 Aboriginal and European Heritage	Section 90 licence	Yes	Yes
6.6 Tree Retention and Biodiversity	Detailed landscaping plans and street tree planting	Yes - condition	Yes
6.7 Contamination Management	Contamination assessment and	Yes	Yes

Control	Requirement	Provided	Compliance
	remediation (if required)		
6.9 Acoustics	Compliance with Council's Environmental Noise Policy	Yes – condition to comply with Council's Environmental Noise Policy <i>(See additional detail provided below)</i>	Yes
8.3 Stormwater and Construction Management	Compliance with Council policies	No – condition <i>(See additional detail provided below)</i>	Yes
8.7 Safety and Surveillance	Design in accordance with "Safer by Design" principles	Yes – conditions to comply with Camden Police CPTED Assessment <i>(See additional detail provided below)</i>	Yes

DCP Variation 1 – Indicative Layout Plan

The school site as shown in the adopted Indicative Layout Plan (ILP) for the Oran Park precinct is located to the north east corner of the proposed town centre on the northern side of the future Dick Johnson Drive sub-arterial road. The proposed school has been relocated to the south to now be on the southern side of Dick Johnson Drive.

The applicant has submitted the land developer's sales masterplan in support of the application which shows the proposed school in the modified location. Whilst the sales masterplan is not a planning document and has not been adopted by Council or the Department of Planning and Infrastructure, it is considered that the modified site shares a similar proximity to the town centre, future adjoining residential development, open space and road networks as that of the ILP required school site to the north. On this basis it is recommended that the modified location of the school be supported.

6.9 Acoustics

Internal Noise Criteria

Council's Environment and Health Branch have raised concern in regard to the issue of acoustic amenity for the school buildings, as a result of noise from a future sub-arterial road that will be adjacent to the site. Conditions are recommended that internal noise levels must be compliant with the relevant internal noise criteria contained with AS 2107:2000 *Acoustics - Recommended design sound levels and reverberation times for building interior*.

External Noise Criteria

In order to ascertain background noise levels the applicant has relied upon *Australian Standard AS1055.2. Acoustics - Description and Measurement of Environmental Noise Part 2: Application to Specific Situations*. Council's Environment and Health Branch contend this standard is intended to be used in environments where background noise is already high and where accurate, site specific, figures cannot be obtained.

Council's Environment and Health Branch has provided the applicant background noise figures for the purposes of this application, which is consistent with the approach taken with other all major developments in the precinct. The applicant has chosen not to use Council's noise figures, but rely on the Australian Standard. Based on background noise figures provided by Council, some of the external areas of the school will not comply with Council's Environmental Noise policy, resulting in non-compliances regarding the impact of road traffic noise upon the school oval.

The issue of traffic noise impact upon the school oval, while non-compliant with Council's policy, is not considered to be as significant in that the oval will only be used for relatively short periods of times by different school classes. Additionally, use of the oval will occur outside of peak traffic times and therefore significant road traffic noise will not impact upon it. It is noted that no DA has been received for the adjacent sub-arterial road and that the consideration of road traffic noise from this road should form part of that application.

Conclusions

Overall it is therefore recommended that the development be approved subject to the draft conditions provided at the end of this report. This includes those that address acoustic amenity by restricting mechanical plant noise and ensuring that the school is designed to provide students with suitable acoustic amenity whilst indoors.

8.3 Stormwater and Construction Management

The development proposes a stormwater drainage system which relies upon works constructed off-site. At this stage there are no lodged or approved DAs for those off-site stormwater and drainage works and in any case, such works would be inconsistent with the endorsed stormwater masterplan and water cycle management strategy for Oran Park.

There are no existing downstream drainage works and the development will require an easement to drain water over adjoining private property. The proposed drainage works shown on the plans are also inconsistent with the voluntary planning agreement for the land.

The off-site stormwater and drainage works envisaged in this DA are not supported and it is recommended that conditions be imposed to ensure that the development complies with the endorsed stormwater masterplan and water cycle management strategy for Oran Park. Appropriate conditions that achieve this are provided at the end of this report.

8.7 Safety and Surveillance

The DA was referred to Camden Local Area Command (NSW Police) for a "Safer By Design" Assessment. The police have assessed the development as a low crime risk,

however have recommended conditions relating to fencing in accordance with the Schools fencing standard, the installation of alarm systems, that lighting be provided to Australian Standards, clear areas are provided around pathways, graffiti management and signage for entry/exit points and car parks.

It is noted that the comments received by NSW Police raise concerns about the provision of drop off/pick up areas for the school. As aforementioned, these issues have been resolved via the recommended conditions provided at the end of this report.

All of these comments have been reviewed by Council officers'and are recommended as conditions.

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the relevant controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Yes - condition	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity/character, be in scale with development and within property boundaries	Yes	Yes
B5.1 Off-street Car Parking Rates and Requirements	See DCP Variation 2	No – DCP Variation 2 (<i>See additional detail provided below</i>)	No

DCP Variation 2 - Car Parking, Drop Off/Pick Up and Bus Bays

Amendments to the provision and rate of car parking required by the DCP came into effect on the same day this DA was lodged with Council. While the development complies with the former DCP car parking rates, it is not consistent with the current rates.

Control	Required	Proposed	Complies
Former			
1 space per 2 staff members; plus 1 visitor space per 100 children	46 Staff = 23 Visitors = 7 Total = 30	32 Primary 13 Special (including disabled parking space) = 45	Yes
Current			
1 space per staff; plus 1 space per 100 students; plus 1 space per Year 12 equivalent; plus	46 Staff = 46 Student = 7 Total = 53	32 Primary 13 Special (including disabled parking space) = 45	No - 8 spaces deficient.

adequate delivery, drop off/pick up area and buses bays			
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Car Parking

Council has assessed the provision of car parking and notes that it does not comply with Council's current DCP car parking rate. However the proposed car parking does comply with Council's former rate which changed on the day the subject DA was lodged. Notwithstanding this variation, compliance with Council's former car parking rate is deemed to be satisfactory and Council is satisfied that sufficient on-site car parking spaces for the development will be provided.

Drop Off/Pick Up Area and Bus Bays

The issue of adequate pick up and drop off facilities has been addressed in the "State Environmental Planning Policy (Infrastructure) 2007" section of this report.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

The Oran Park Urban Release Area Planning Agreement (VPA) applying to the land was signed on 22 September 2011. The proposed development is located within stage F on Greenfield Development Company No. 1 (GDC 1) land. The VPA specifies that the developer has agreed to provide the following works (at various stages of final lots):

- playing fields (1,200th final lot);
- other passive open space (90% Nett Developable Area (NDA) within the stage);
- a recreation and youth centre (4,000th final lot);
- watercycle management (90% NDA within the stage);
- cycleways (90% NDA within the stage); and
- the embellishment of riparian lands.

Under the terms of the agreement, the approval of Council in terms of detailed design, is required prior to the lodging a development application, for these facilities. In addition to these commitments, a cash component is also prescribed at a rate of \$2,227 (indexed to CPI) per hectare of NDA.

The land subject to this DA is not included in the NDA figure and as such a cash component does not apply. Greenfield Development Company No. 1 (GDC 1) has agreed to provide the above listed works, thereby satisfying the terms of the agreement.

(a)(iv) The Regulations

The Regulations prescribe several development consent conditions that are provided as part of the recommended development consent conditions at the end of this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

It is considered that the proposed development in its current form will have impacts on traffic and parking in the locality. Council Environment and Health Branch has also raised concern over potential impacts on acoustic amenity in the locality. It is considered that the recommended conditions can address the impacts assessed in other sections of this report.

(c) *The suitability of the site*

In its current form, development of the site is premature, without provision being made for road access and provision of public utilities. This can be satisfied by way of conditions.

(d) *Any submissions made in accordance with this Act or the Regulations*

The application was publicly advertised in the Camden Advertiser and notified to surrounding property owners, in accordance with Camden Development Control Plan 2011, between 21 May and 7 June 2012. No submissions were received by Council in response to this notification.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, subject to the imposition of development consent conditions the proposed development is consistent with the public interest

EXTERNAL REFERRALS

The development application was referred to Camden Local Area Command (NSW Police) for a "Safer By Design" assessment. Comments were received on 22 June 2012 and are recommended as conditions.

The application was referred to the RMS pursuant to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. Comments were received from the RMS on 8 August 2012. Where the comments relate to this DA, it is proposed to impose conditions to address them for the reasons previously described in this report.

CONCLUSION

Camden Council has received a DA for an educational establishment at Oran Park. The application has been publicly advertised and notified to adjoining properties with no submissions being received by Council. The DA has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments, plans and policies.

The development is supported subject to conditions that require an on-site drop off/pick up area, modified vehicular access, provision of stormwater drainage and services. Accordingly, it is recommended that the Panel approve Development Application 445/2012 subject to the conditions provided at the end of this report.

RECOMMENDED

Subject to the requirements of section 89 of the Environmental Planning and Assessment Act, 1979, it is recommended that the Sydney West Joint Regional Planning Panel approve Development Application 445/2012 subject to the conditions provided at the end of this report.

Details of Conditions:

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
11071-DA100A 11071-DA101B 11071-DA102B 11071-DA103A 11071-DA104A 11071-DA105A 11071-DA106A 11071-DA107A 11071-DA108A 11071-DA109A	Site Analysis Context Plan Site Plan Lower Ground Floor Ground Floor First Floor Roof Plan Elevations Sections Street Elevation	NBRS+Partners	7 May 2012
11071	External Finishes	NBRS+Partners	April 2011
11071 LDA p2	Landscape Plan	NBRS+Partners	11 April 2012
L06002.58_SK38 L06002.58_SK40	Pedestrian and Raised Crossing	Brown Consulting	12 June 201
SY_T- 13166.00_101 R8	Surface Water Drainage Schematic	OPUS	21 June 2012
SY_T- 13166.00_102 R1	Surface Water Sediment and Erosion Control	OPUS	4 May 2012

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Roads and Traffic Works** - Compliance with the following traffic conditions must be achieved for this development:
- (a) The road configuration for Road No. 3 shall be consistent with road designs approved by Council under a separate development consent. A typical carriageway width of 12.3 metres shall be provided.
 - (b) The plans shall be amended to provide on-site student drop-off/pick up facilities.

- (c) The bus bay shall be a minimum of 4 metres wide and for 4 buses, and a minimum 3 metre wide footpath must be provided adjacent to the bus bays, in accordance with Schools Facilities Standards.
- (d) Access to the primary (main) school driveway shall be limited to left in/left out operation only.
- (e) A children's crossing with kerb returns shall be provided on Road 3 to be upgraded to a wombat crossing (raised marked, sign posted and illuminated) pedestrian crossing) once RMS warrants are achieved, at no cost to Council. Appropriate sight distances shall be provided and maintained.
- (f) Appropriate street lighting shall be provided for the wombat crossing standard, in accordance with Australian Standard AS 1158, prior to the occupation of the development.
- (g) A shared foot/cycle path minimum 2.5 metres wide shall be provided on the school frontage on Road 3 (South Circuit) and a 1.2 metre wide footpath to the opposite frontage.
- (h) School buses shall only set down and pick up students at the designated bus bays at the school frontage to Road No. 3 (South Circuit).
- (i) Waste collection areas are to be constructed at the grade of driveway access and clearly marked on the ground with pavement marking to prohibit car parking.
- (j) Submission of traffic regulatory signs, lines and devices to Local Traffic Committee for concurrence prior to the occupation of the development.

These road and traffic works must be designed, constructed and dedicated in accordance with these requirements prior to the occupation of the development.

- (3) **Separate Approval** – Community use of school facilities, child care, outside of school hours care or any other use not specified in this consent requires separate approval, as may be required under the Environmental Planning and Assessment Act, 1979.
- (4) **Prescribed Conditions** - The Applicant shall comply with the prescribed conditions of development consent under Clause 98 of the Environmental Planning and Assessment Regulations 2000.
- (5) **Building Code of Australia** – In accordance with the requirements of the Environmental Planning & Assessment Regulation 2000, the proposed development must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Disability Discrimination Act** – This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

- (7) **Wheelchair Access** – Provision shall be made for wheelchair access to the building on the site for disabled persons in accordance with AS 1428 Parts 1 to 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment.
- (8) **Drainage Easement** – A drainage easement of a width, in accordance with Council's current engineering specifications, shall be obtained over any downstream property, up to a defined watercourse or Council drainage system. The registration of the easement shall be completed prior to the occupation of the development.

2.0 - Construction Requirements

The following conditions of consent shall be complied with prior to the certification of Crown building works.

- (1) **Design and Construction Standards** – All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
 - (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),
 - (d) Camden Council's Current Engineering Specifications, and
 - (e) the recommendations of the Salinity Management Plan

Designs for line marking and regulatory signage associated within public roads MUST be submitted to and approved by the Roads Authority, Camden Council prior to the certification of Crown building works

- (2) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "*Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011.*"
- (3) **Car Parking Spaces and Areas** - A minimum of 36 car spaces on the primary school site and a minimum of 13 car spaces on the special education site shall be provided. All areas are to be fully sealed with asphaltic concrete, kerb and guttered and drained. Swept paths demonstrating that the design vehicle can satisfactorily access the site. The layout of the proposed car parking areas associated with the subject development (including driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) must conform with Camden Council's Car Parking Code (Development Control Plan 2011) and Camden Council's Current Engineering Specifications, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited

Certifier/Suitably qualified person prior to the certification of crown building works.

- (4) **All Works/Regulatory Signposting and Street lighting** – All works, regulatory signposting and street lighting upgrades associated with the proposed development shall be completed at no cost to the RMS or Council. School speed zones are to be provided in accordance with RMS requirements.
- (5) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 and to the requirements and approval of Council and the Roads and Maritime Services. Plans and proposals must be approved by Council prior to the certification of crown building works.
- (6) **Directional and Safety Signage, and Internal Road Markings** – Clear, legible and appropriately located signage and road markings shall be provided on site to ensure the safe circulation and parking of vehicles. Signage shall include, but not be limited to, the entry being appropriately signposted “IN” and the exit being appropriately signposted “OUT”. Signs shall also indicate truck/service vehicle access.
- (7) **Access Gates** – Where proposed, entry and exit gates and solid walls located to ensure Safe intersection sight distances (SISD) are achieved in accordance with 2890 from the property boundary. Footpath crossings should have a minimum width in accordance with requirements outlined in AS/NZS 2890.1:2004 across the full length, and have a perpendicular alignment to the street. However the width may be increased depending on the use of the building and the type of vehicle using the site. Footpath crossings are to be located so as to provide maximum sight distance.
- (8) **Speed Control** - Speed humps or similar measures must be provided along the internal driveways at sufficient intervals so as to discourage the travel of motor vehicles within the development at unreasonable speed.
- (9) **Fencing** - Appropriate pedestrian fencing, in accordance with the approved plans, to prohibit pedestrian movements from the school playgrounds into carparking, loading, bus bay drop off and internal roads shall be erected for the development.
- (10) **Waste Collection** - Provision must be made for the storage of waste bin within the site. Waste bins must be emptied on a regular basis to prevent odour and fire hazard occurring.

The location of waste bin storage and collection areas must be clearly indicated on building plans prior to the certification of crown building works. The location chosen for storage of the bins should not diminish the allocated number of off-street parking spaces nor have any detrimental impact upon access to fire services and emergency exit doorways.

- (11) **Sewer Access Chambers And Mains:-**

- No sewer access chambers are to be constructed within the Road Reserves, Public Reserves and Drainage Reserves without prior approval of Camden Council.
- No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Camden Council.

(12) **Services -**

- i) All services within the development shall be underground.
- ii) All service connections to existing works in Council's Road Reserve requires a road opening permit from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owners permission (ie, Camden Council).

(13) **Design of Proposed Utility Plant/Infrastructure** – The design of all proposed public utility plant/infrastructure must be consistent with all aspects of the approved road design. All proposed Public Utility Authority plant/infrastructure connections in existing public roads must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.

(14) **Drainage Design** - Prior to the certification of crown building works a stormwater management plan is to be prepared to ensure that the final stormwater flow rate off the proposed development site is no greater than the maximum flow rate currently leaving the existing site for all storm events up to the 1:100 storm event. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties. The plan must be comply with the following adopted Oran Park masterplans:

- (a) Oran Park Precinct Masterplan Stormwater Quantity Management & Flooding, dated March 2007, reference Report No. X06061-03A prepared by Brown Consulting
- (b) Integrated Water Cycle Management Study Water Sensitive Urban Design Component March 2007 prepared by Ecological Engineering Pty Ltd

(15) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded in accordance with Council's current Engineering Specification. The drainage system must flow to a suitable pre-treatment device prior to discharge. Design shall comply with the Department of Environment and Climate Change (DECC) environmental stormwater objectives, Table 11, Oran Park Development Control Plan 2007.

(16) **Stormwater Detention** - The capacity of the proposed stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Civil Engineer prior to the certification of crown building works.

Location of stormwater detention basin shall be generally in accordance with Plan Number L06002.58-BE-DA Drawing Number 101 Revision 02, prepared

by Brown Consulting and approved under DA 1548/2010 or to Council current engineering design specifications in individual site.

An easement and all downstream works required to discharge stormwater to a defined watercourse or Council drainage system shall be provided in accordance with Council's current Engineering Specification.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor and submitted to Camden Council. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the occupation of the development. The plans are to be certified by the designer and are to clearly make reference to:

- i) the works having been constructed in accordance with the approved plans,
- ii) actual storage volume and orifice provided,
- iii) the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88B Instrument for approval by the appropriate authority (Camden Council or Crown) which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Camden Council must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
- (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

- (17) **Environmental Management Plan** - An Environmental Site Management Plan must be prepared prior to the certification of crown building works. A copy shall be submitted to Camden Council. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction

traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.

- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by an RMS accredited Certifier.

- (18) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing of the undermentioned information must be prepared prior to the certification of crown building works:

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

- (19) **Detailed Landscaping Plans** - Prior to the certification of Crown building works, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, and must be in accordance with the Schools Facilities Standard. The Landscape designer shall refer to Camden Council's current Engineering Design Specifications, where there is not an inconsistency with the Schools Facilities Standard.

The following items listed must be included with the other landscaping elements, in the detailed Landscaping Plans.

- (a) Eucalyptus, Angophora, Araucaria and other very large trees are not to be installed in any Median Strip, Public Open Space areas including any

Road Verge or Nature Strip without approval from the Consent Authority (i.e. Camden Council).

- (b) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans lodged with the Development Application for Consent.
- (c) The detailed Landscaping Plans must clearly show any proposed road verge Estate Entry Feature, Landmark Entry Tree Planting, Statement Feature Wall, or Entry Statement Signage. These works are not to be positioned on any Public Open Space areas such as the Nature Strip or other Council maintained area. Any Entry Statement Wall, Landmark Entry Feature or other Entry Feature is to be installed only within the boundaries of private property.

- (20) **Street Tree Protection Standards During all Development and Construction Works** - The protection of existing nature strip street trees, other than any existing street trees authorised by Camden Council for relocation, removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites. Camden Council must approve and authorise any works or impacts on any existing nature strip street tree prior to those works or impacts occurring.

The works and procedures involved with the protection of existing street trees are to be carried out by a suitable qualified and experienced Arborist or organisation. Minimum suitable qualifications for the Arborist are to be at a standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture.

Prior to the certification of crown building works, all initial procedures for the protection of existing trees as detailed in AS 4970-2009, must be installed. All procedures for the protection of existing street trees must be applied, functioning and appropriately maintained during any earthworks, demolition, excavation (including any driveway installation) and construction works applicable to this Consent.

- (21) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.
The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any

adjoining nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

- (22) **Safer By Design (CPTED) Requirements** - The Development must be designed in accordance with the NSW Police Service, Camden Local Area Command, Safer By Design Crime Risk Evaluation Report applying to this Development, dated 7 June 2012.
- (23) **Outdoor Lighting** - All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (24) **Public Risk Insurance Policy** - Prior to the certification of crown building works, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (25) **Canteen and Food Preparation Areas** – The following conditions relate to the canteen and any food preparation areas:
 - (1) **Food Codes And Regulations Compliance** - The construction and fit-out of the canteen, food preparation areas or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Camden Council's *Food Premises Code, the Food Act, 2003* and the *Food Regulations 2004* (incorporating the Food Standards Code).
 - (2) **Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.
 - (3) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a greasetrapp and a trade waste agreement. A written response must be submitted to the Camden Council prior to the Occupation Certificate being issued.
 - (4) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
 - (5) **WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this

development. A written response must be submitted to the Principal Certifying Authority Prior to the Occupation Certificate being issued.

- (6) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2 metres above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.
- (7) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.
- (8) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.
- (9) **Ceilings** - Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.
- (10) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.
- (11) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (12) **Dishwashing Facilities** - The premises must be provided with a:
 - (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77 degrees Celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one compartment.
- (13) **Hand Wash Basins** - The premises must be provided with a wash basin in, or convenient to:
 - (a) each toilet;
 - (b) each kitchen area.

The wash basin must be:

- (a) provided with water at least 40°C from a mixed hot and cold water supply;
- (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
- (c) kept in clean and sanitary conditions and in good repair at all times;
- (d) not used for any other purpose other than the washing of hands.

- (14) **No Noise Nuisance** - All refrigeration equipment and associated fittings must be installed so that they operate without causing a vibration nuisance or offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
- (15) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (16) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

- (17) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
- (18) **Certification Of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.
- (19) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60 °C.
- (20) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5 °C.
- (21) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.
- (22) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a probe thermometer accurate to +/-1oC to measure the core temperature of food. (It is recommended that sterile alcoholic wipes be used to sterilise the probe thermometer between use.)
- (23) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances

are to be provided from vertical surfaces in accordance with Council's Food Premises Code.

- (24) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (25) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (26) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by or on behalf of the PCA prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (27) **Storage Of Stock** - Floors throughout the premises must be maintained free of stored stock so as to allow cleaning and removal of waste.
- (28) **Floor Waste** - The floor of the food preparation area should be graded to a sanitary floor waste.
- (29) **Wall Tiles** - The walls behind the benches, sinks, tubs, hand basins, cupboards and similar fittings shall be tiled for a height of 450mm with glazed ceramic tiles.
- (30) **Partition Walls** - All timber partition walls must be vermin-proofed by the provision of flat galvanised iron or similar material under the bottom plates and extending at least 450mm up from the floor on both sides of the wall. Alternatively, where practical, such partitions or screen walls must be supported on round metal supports at least 200mm above the floor level.
- (31) **Wall Construction** - All walls must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete, concrete blocks, structural fibrous cement or other similar homogenous material.
- (32) **Dry Store** - A suitably sized dry store must be provided within the community building. The dry store is to allow for the storage of dry food and cutlery / crockery and the like to support the use of the kitchen.
- (33) **Hand Washing Facilities** - Hand basins shall be provided in accessible locations within each food preparation and food service area that includes the bar area. (Note: AS4674-2004 requires that hand basins are accessible and no further than 5 m from any place where food handlers are handling open food). The hand basins must be:

- a) Provided with water at least 40oC from a mixed hot and cold supply;
- b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
- c) Kept in a clean and sanitary condition and in good repair at all times;
- d) Not used for any other purpose other than the washing of hands.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the Environmental Planning and Assessment Act, 1979 and Clause 103 of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works.
- (2) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600.00, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation maybe issued by Camden Council.

- (3) **Performance Bond** - Prior to the commencement of works a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (4) **Roads Act 1993 Consent** - Prior to any works within a road reserve, consent pursuant to s.138 of the *Roads Act 1993* must be obtained from the roads authority, Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- i) the construction of kerb and gutter, road shoulder and drainage
- ii) footway formation
- iii) public utility service adjustment or installation
- iv) an Environmental Site Management Plan.

Further all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the N.S.W Department of Planning or, where no scheme exists,
- ii) persons who are suitably qualified and, are specialists and in that regard, currently practicing in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority.

and prepared in accordance with Camden Council's Current Engineering Design Specification.

(5) **Protection of Public Places** – If the work involved in the erection or demolition 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 enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

(6) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
- (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (7) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
- (8) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker in accordance with Council's standard drawing SD 31 must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Approved Plans to be On-site** - A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of any relevant authority certifying works.
- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.
- (3) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - (a) The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - (c) Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - (d) Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
 - (e) A waste control container shall be located on the development site.

- (4) **Construction Noise Levels** - Noise levels emitted during all works shall be restricted to comply with the Department of Environment and Climate Changes (DECC) Interim Construction Noise Guideline 2009.
- (5) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.
- (6) **Compaction (Building Areas and Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (7) **Re-grassing** - All disturbed ground shall be re-grassed or otherwise permanently stabilised.
- (8) **Vehicles leaving the site** - The contractor/demolisher/construction supervisor must ensure that: -
 - (i) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - (ii) the wheels of vehicles leaving the site: -
 - (a) do not track soil and other waste material onto any public road adjoining the site.
 - (b) fully traverse the Stabilised Access Point (SAP).
- (9) **Removal of Waste Materials** - Where there is a need to transfer any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the *NSW DECC Waste Classification Guidelines (April 2008)* (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (10) **Fill Material** – Prior to the importation and/or placement of any fill material (VENM permitted only) on the subject site a validation report and sampling location plan for such material must be submitted to Camden Council.

The validation report and sampling location plan must be prepared: -

- i) by a practicing engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with: -
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) The Department of Environment and Conservation – Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW".

iii) and confirm that the fill material:

- a) provides no unacceptable risk to human health and the environment;
- b) is free of contaminants;
- c) has had salinity characteristics identified in the report;
- d) is suitable for its intended purpose and land use, and
- e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No. of samples per volume	Volume of fill (m ³)
Virgin Excavated Natural Material	1 (see note 1)	1000

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

- (11) **Unexpected Findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the earthworks process all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to Camden Council for written approval prior to the removal or treatment of such findings contamination / hazardous materials. If remediation is required, a Remediation Action Plan (RAP) with an application for consent must be lodged with the Consent Authority in accordance with Council's Management of Contaminated Lands Policy.

5.0 - Prior To The Occupation of the Development

The following conditions of consent shall be complied with prior to the occupation of the development.

- (1) **Public Road Access** – The development shall have frontage and direct access to a Public Road prior to the occupation of the development.
- (2) **Services and utilities** – All Services and utilities shall be installed and commissioned prior to the issue of any occupation certificate for any school or any associated buildings.

- (3) **Road widening** – Any road widening where the public footpaths, bus bays and drop off areas encroach upon the school site shall be dedicated as public road, at no cost to Council. The alignment of such road widening must be in accordance with the detailed plans approved by Council which must be finalised prior to occupation of the development.

The plan must be registered by the Department of Lands (Land and Property Information) and documentary evidence forwarded to Council prior to the occupation of the development. An electronic version of the Plan of Consolidation shall be submitted to Council in either Document Exchange format (.dxf) or Drawing format (.dwg) prepared in the following co-ordinates AGD66. ISG Zone 56/1 for integration into Council's mapping system.

- (4) **School Zone** – Prior to the occupation of the development, the developer shall obtain written authorisation from Roads and Maritime Services:

- (a) 6 weeks prior to student occupation of the site the following is to be submitted to RMS for review and approval;
- (i) A copy of Council's development consent
 - (ii) The proposed school commencement / opening date
 - (iii) Two sets of detailed design plans showing the following;
 - school property boundaries
 - all adjacent road carriageways to the school property
 - all proposed school access points to the public road network and any conditions imposed/proposed on their use
 - all existing and proposed pedestrian crossing facilities on the adjacent road network
 - all existing and proposed traffic control devices and pavement markings on the adjacent road network (including school signs and pavement markings)
 - all existing and proposed street furniture and street trees

For further information regarding the school speed zone, please contact the RMS' Speed Management Officer on 8849 2745.

- (b) School zone signs, flashing lights and pavement parking patches must be installed in accordance with RMS's approval/authorisation, guidelines and specifications.
- (c) School zone signs, flashing lights and pavement markings must be installed prior to student occupation of the site.
- (d) All School Zone signs, flashing lights and pavement markings are to be installed at no cost to RMS or Council.
- (e) The developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.
- (f) Following installation of all school zone signs, flashing lights and pavement markings the developer must arrange an inspection with RMS for formal handover of the assets to The RMS. The installation date information must also be provided to RMS at the same time. Note: Until the assets are formally handed over and accepted by RMS, RMS takes no responsibility for the school zone(s)/assets.

- (g) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS or Camden Council
- (5) **Footpath Crossing Construction** - Prior to the occupation of the development a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (6) **Sydney Water Clearance** – Prior to the occupation of the development a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and a copy submitted to Camden Council.
- (7) **Works as Executed Plan** - prior to the occupation of the development, a works-as-executed drawing must be submitted to Camden Council, in accordance with Camden Council's current Engineering Construction Specification, for all works on Council land or future Council land.
- (8) **Canteen Compliance Letter** - An inspection of the canteen must be undertaken by the Camden Council prior to the occupation of the development. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (9) **Registration and Notification** - Proprietor/s of the canteen are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (10) **Trade Waste** - The applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
- (11) **Fencing and Landscaping** – Fencing and landscaping shall be completed prior to the occupation of the development.
- (12) **Street Trees, their tree root barrier guards, protective guards and bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the occupation of the development.
- (13) **Damaged Assets** – Damage to Council's assets/infrastructure caused by any activity and/or work associated with public utility relocation shall incur no cost to Council. Any such damage must be made good prior to the occupation of the development.

- (14) **School Management Plan** – Prior to the occupation of the development a school management plan is to be prepared by the applicant, school principal and other appropriate staff members. The Plan is to address the following:
- (a) Documentation to be submitted to parents detailing school hours, when school supervision commences and concludes daily and what time classes begin and conclude;
 - (b) Measures introduced to ensure safety and security to reduce the likelihood of accident, injury and criminal activity;
 - (c) Supervision by school staff before school, during recess and lunch times to ensure noise and any disturbance likely to impact on adjoining properties is kept to a minimum;
 - (d) Complaints Handling Register;
 - (e) Information to be distributed to properties within 250m from site when there is likelihood for any disturbance or increase in demand for off street car parking spaces (i.e. school award ceremonies and any after school activities);
 - (f) Litter Management Program.
- (15) **School Road Safety Plan** – Prior to the occupation of the development, a School Road Safety Plan is to be prepared in conjunction with the Principal, school representatives, Camden Council and other relevant persons and is to incorporate the following:
- a) Management/supervision program for students from the “kiss and drop” zone(s), car parking areas and bus drop off and pick up areas;
 - b) Supervision and monitoring conducted by school teaching staff during am and pm peak times;
 - c) Supervision and monitoring conducted by school teaching staff of the bus pick up and drop off area during am and pm peak times;
 - d) Preparation of educational information relating to pedestrian safety to be distributed to students;
 - e) Preparation of educational information in relation to school road safety which is to be distributed to parents.
 - f) On street Education and enforcement programs with drivers in partner with council and police
- (16) **Waste Management Plan** - The proponent must prepare and submit a Waste Management Plan to address issues such as:-
- (a) waste minimisation strategies incorporating the hierarchy of:
 - i. avoidance
 - ii. reduce
 - iii. reuse
 - iv. recycle
 - (b) an industry waste reduction plan.
 - (c) waste and recycling management details including storage, control service and the like.

In the preparation of the Waste Management Plan due regard must be given to the Regional Waste Plan. The Waste Management Plan must be submitted to Camden Council prior the occupation of the development.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Approved Capacity** – The approved capacity of the Educational Establishment (primary school and special education school) is 704 students and 46 staff as proposed in the applicant's statement of environment effects.
- (2) **Hours of Operation** – The hours of operations for this development are limited to between 7.00am and 10.00 pm Monday to Friday. Deliveries and service vehicles are to be scheduled to access the site outside of peak am and pm pick up and drop off times to minimise conflict between different vehicle modes, pedestrians and conflict over car parking spaces.
- (3) **Sewer and Water Supply** - potable water supply and reticulated sewer are provided by a regulated utility supplier for each building in the development prior to the occupation of the development.
- (4) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (5) **Acoustic Compliance Report** - A report shall be submitted to Camden Council (Consent Authority) within 3 months after the commencement of school operation (occupation of the development). The report shall be undertaken during the school term when students are attending and be prepared by an independent acoustic consultant with the purpose to demonstrate compliance with the environmental noise impact report ref. 4818 rev. A dated 21 June 2012 prepared by Day Design Pty. Ltd.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to Section 96 of the EP&A Act for the modification of the issued development consent must be submitted to Camden Council for determination, with the recommended amendments to be implemented following Council Consent.

The owner / occupier must then provide a supplementary acoustic report to the Principal Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (6) **Air Conditioning Units** - The approved air conditioning unit must operate at all times so:
 - (a) as not to cause "offensive noise" as defined by Section 4 of the *Protection of the Environment Operations Act, 1997*;
 - (b) as to be inaudible in neighbouring dwellings during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (d) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in

contravention of the requirements of the *Protection of the Environment Operations Act, 1997*.

- (7) **Graffiti Management Plan** - A graffiti management plan must be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.
- (8) **Liquid Waste** - All liquid waste other than stormwater generated on the premises must discharge to the sewer in accordance with the requirements of Sydney Water in particular the trade waste section.
- (9) **PA System – School Bell or Public address Noise** – The maximum sound pressure level from any of the speakers used for the school bell or public address system shall not be greater than 80 dB(A) when measured at 3 meters from any speaker.
- (10) **Unobstructed Driveways and Parking Areas** - All driveways and parking areas shall be unobstructed at all times. Location of on-street parking, bus bays and the like shall not obscure driveway ingress/egress or visibility entering or exiting the site. Car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.
- (11) **Mechanical Plant Noise** - Noise from the combined operation of all mechanical plant and equipment operating at the school shall comply with the environmental noise impact report ref. 4818 rev. A dated 21 June 2012 prepared by Day Design Pty. Ltd.

Selection of suitable mechanical plant for noise assessment and control must be undertaken with noise compliance to be demonstrated (if required) prior to the certification of Crown building work.
- (12) **Noise From External Play** – The noise levels from children participating in external play areas shall comply with the environmental noise impact report ref. 4818 rev. A dated 21 June 2012 prepared by Day Design Pty. Ltd.
- (13) **Classroom Internal Noise Levels** – The school must be designed to achieve a noise level of LAeq (1hr) 50 dB(A) inside all classrooms with windows open. If windows are required to be closed to achieve this noise level then mechanical ventilation (air conditioning) will be required to be provided to the classrooms to ensure that adequate air ventilation is provided. Air ventilation for classrooms should meet the minimum standards prescribed by the Building Code of Australia.
- (14) **Administration Buildings Internal Noise Levels** – For administration buildings all internal noise levels must be compliant with the relevant internal noise criteria contained with AS 2107:2000. If windows are required to be closed to achieve noise levels then mechanical ventilation (air conditioning) will be required to be provided to the classrooms to ensure that adequate air ventilation is provided. Air ventilation for classrooms should meet the minimum standards prescribed by the Building Code of Australia.