

**JOINT REGIONAL PLANNING PANEL  
HUNTER AND CENTRAL COAST REGION**

<b>JRPP No</b>	2013HCC009
<b>DA Number</b>	8/2013/347/1
<b>LGA</b>	Cessnock City Council
<b>Proposed Development</b>	Alterations and Additions to Existing Educational Establishment Comprising a Heavy Vehicle Training Centre
<b>Capital Investment Value</b>	\$9,797,000
<b>Street Address</b>	LOT: 8 DP: 1082569  McLeod Road LOXFORD (Kurri TAFE campus)
<b>Applicant/Owner</b>	Department of Education and Communities
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Holly Archer, Acting Senior Planning Assessment Officer

**ASSESSMENT REPORT AND RECOMMENDATION**

***RECOMMENDATION***

**That Development Application No. 8/2013/347/1 proposing alterations and additions to an existing educational establishment comprising of a heavy vehicle training centre on Lot 8 DP 1082569 McLeod Road Loxford (Kurri TAFE campus), be determined pursuant to S80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions contained at the end of the report.**

***REASON FOR REPORT***

The proposal is an educational establishment lodged by the Crown with a Capital Investment Value (CIV) of more than \$5 million pursuant to Clause 13B(2)(b)(i) SEPP (Major Development) 2005.

***APPLICATION LODGED***

25 May 2013

***AREA***

136.50 hectares

***ZONING***

RU2 Rural landscape and E2 Environmental Conservation

## **EXECUTIVE SUMMARY**

Council is in receipt of Development Application No. 8/2013/347/1 seeking approval for alterations and additions to an existing educational establishment comprising a of heavy vehicle training centre at McLeod Road, Loxford.

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

The Development Application was publicly exhibited and no submissions were received.

Based on the assessment, it is recommended that the Development Application be approved subject to conditions contained at the end of this report.

## LOCATION MAP







## **SITE BACKGROUND**

A search of Council's records has revealed no previous development applications for the subject property, except for DA 8/2007/93, which involved the construction of a storage shed for heavy vehicle componentry. A Complying Development Certificate was issued by a private certifier for a hospitality training building and transmission tower in 2009 and 2011 respectively.

According to the applicant's statement, the educational buildings commonly known as blocks P and PP were constructed in 1989.

The Hunter TAFE - Kurri Kurri Campus was established in 1982 and currently offers a broad range of training options sought by industry in the Hunter, including mining, greenkeeping, animal studies, horticulture, viticulture, hospitality, plant and heavy vehicles.

The existing plant and heavy vehicles training centre provides specialised training in automotive electrical and automotive mechanical technology (heavy vehicle) based on current industry requirements.

## **SITE DESCRIPTION**

The subject site is situated within the rural surrounds of Kurri Kurri, bounded by McLeod Road to the west and Bowditch Avenue to the north-west. Power easements dissect the eastern part of the site from north to south. The M1 freeway link (Hunter Expressway), which is currently under construction, cuts through the southern part of the site, isolating a 16.7 hectare parcel of land.

The site has an area overall of 136.50 hectares and accommodates the Kurri Kurri TAFE campus. Various educational departments occupy the site, with the existing plant and heavy vehicle training centre situated towards the north western part of the built campus.

The remainder of the site is divided into a series of faculties for turf and horticulture, grazing and cropping, viticulture, transport and student accommodation.

Existing development associated with the heavy vehicle training centre comprises of the following:

- Block O- A single storey, brick building housing staff offices and amenities.
- Block P- A single storey, brick building accommodating workshops, mezzanine storage, laboratories, teaching spaces and store rooms.
- Block PP- A corrugated metal shed used primarily for storage, with a small workshop and associated office.
- Three (3) demountable classroom buildings situated to the east and south of Block P.

The site comprises various buildings associated with educational faculties, administration, student accommodation and outdoor training areas such as vineyards and recreational facilities. Two (2) main car parks (located near the administration centre and heavy vehicle training centre) are situated onsite and 90° angle parking is provided along internal access roads.

The remainder of the site is retained as native bushland, comprising of the Kurri Sand Swamp Woodland, an endangered ecological community classified under the Threatened Species Conservation Act 1995. Isolated pockets of vegetation, which mostly consist of planted pine trees, are located near the Bowditch Avenue entrance.

An intermittent watercourse meanders along the northern and eastern boundaries of the property. Land within immediate vicinity of this is depression is affected by inundation of the 100 year Average Recurrent Interval (ARI) flood level for Wallis Creek.

A filtration dam is situated in the northern section of the property, approximately 65 metres from buildings being the subject of this application.

The subject site comprises of gentle slopes, with fall towards to north-eastern corner of the allotment. The existing training facility is situated within a depression on the site.

The main access to the TAFE campus is from McLeod Street, which crosses over the M1 Freeway link (Hunter Expressway), currently under construction. Access is also available via Bowditch Avenue, which is the most direct point of access to the plant and heavy vehicle training centre of the TAFE.

## LOCALITY

The surrounding locality is characterised by rural holdings associated with residential development and hobby farms.

The subject site is located at the northern edge of Kurri Kurri and half a kilometre west of Heddon Greta.

To the immediate west of the site is a sewerage treatment plant and approximately one (1) kilometre to the north-west, is the Kurri Kurri aluminium smelter. An electrical substation owned by Ausgrid directly abuts the property to the south.

## HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
9 January 2013	Preliminary meeting held in relation to the proposed development.
22 May 2013	Subject application is lodged with Council.
30 May 2013	Application notified to the JRPP Panel Secretariat.
5 June 2013	Application referred to relevant internal officers and external authorities.
12 June – 11 July 2013	Public exhibition period. No submissions/objections lodged.
13 June 2013	Briefing meeting held with JRPP Panel Members.
14 June 2013	Comments received from RFS (referral made as land is bushfire prone and development is to have regard for SFPP objectives).  A tertiary educational establishment does not fall within the definition of a 'school', and therefore, proposal is not defined as Integrated Development under the Environmental Planning and Assessment Act 1979.  An assessment was undertaken in accordance with Section 79BA of the Environmental Planning and Assessment Act 1979 and conditions of consent recommended.
2 July 2013	Comments received from Council's Heritage Officer (no objections raised).

15 July 2013	<p>Comments received from Council's Consultant Development Engineer as follows:</p> <ul style="list-style-type: none"> <li>• The applicant is required to provide a Traffic Study showing the impact of the proposal on the local road network; and</li> <li>• The applicant will be required to re-submit the Storm Water Management Concept Report with supporting plans.</li> </ul>
17 July 2013	<p>Council requests additional information as follows:</p> <p><u>Traffic Study</u></p> <p>It is noted that the Statement of Environmental Effects makes mention of access and car parking. However no information is provided on the likely increase in student numbers and it is considered that the statement does not adequately address the traffic impacts of the proposal on the classified road network. Given the scale of the development and likely narrow peaks associated with student trips this development has the potential to significantly impact upon intersections such as McLeod/Heddon, Heddon/Lang, Northcote/Mitchell and Mitchell/Lang. A Traffic Study is therefore required to show the impact of the proposal on the local road network.</p> <p><u>Stormwater Management</u></p> <p>It is noted that a Storm Water Management Concept Report has been provided. The concept report provides calculations for pipe sizes and on site detention volume. However, it does not provide a legible drainage plan with these details shown. Accordingly the submission of a Storm Water Management Concept Report is required with supporting plans that show:</p> <ul style="list-style-type: none"> <li>• Drainage details on how run-off from the increased hardstand areas will be directed to the designated discharge points;</li> <li>• Location of proposed stormwater pipes, pits, on-site detention tanks, swales, kerb &amp; gutter, any other stormwater management device;</li> <li>• Provision of on-site detention.</li> </ul>
22 July 2013	RMS requested a Traffic Impact Assessment.
31 July 2013	Applicant submits requested stormwater detail. This was re-referred to Council's Consultant Development Engineer.
8 August 2013	Ausgrid requested site plan for the purposes of their assessment.
12 August 2013	Site plan provided to Ausgrid.
13 August 2013	Traffic Impact Assessment provided by applicant and referred to the RMS.
21 August 2013	Comments received from Council's Building Officer (no objections raised)
28 August 2013	Comments received from Council's Consultant Development Engineer (no objections raised).
5 September 2013	<p>Comments received from RMS (no objections raised).</p> <p>Draft conditions sent to the applicant for approval, pursuant to Section 89(1)(b) of the Environmental Planning and Assessment Act 1979.</p>



17 September 2013	Applicant opposes the imposition of nine (9) draft conditions and submits additional stormwater detail in order to support the removal of 'deferred commencement'.
23 September 2013	Council agrees to the deletion of some conditions, being a total of four (4), and responds to the applicant as to why the retention of remaining conditions is necessary.
24 September 2013	Applicant formally approves the imposition of Council's draft conditions.  Assessment and draft JRPP report finalised.

## DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2013/347/1 seeks approval for alterations and additions to an existing educational establishment comprising a heavy vehicle training centre .

Specifically, the proposed works include:

### *Building alterations/ new construction*

**Block PP-** Extension to the western elevation (495m<sup>2</sup> in total area) to include an equipment storeroom and heavy vehicle workshop. The metal clad building measuring 11.02 metres high, includes two (2) roller doors (5.5 metre clearance), adjustable louvers and gable roof.

**Block P-** Extension to the western elevation (535m<sup>2</sup> in total area) to include an automotive electrical workshop and 2 x laboratories. The metal clad building measuring 10 metres high, includes four (4) tilt doors, awning over building entry, louvers and gable roof.

Internal refurbishment of the existing building and improvements to the external facade including:

- Demolition of the mezzanine level and internal walls and removal of a roller door
- Installation of tilt doors to northern elevation of workshop
- Replacement windows, door openings and roof covering

**Block Q-** New building (625m<sup>2</sup> in total area) comprising of 6 x labs, lobby, lift, cleaning room, shower toilet and student amenities block on ground floor and 8 x lecture rooms, student amenities, shower, and toilets on the first floor. External stairs located on the western and eastern elevations provide alternative access to the first floor.

The elongated building measuring 9.3 metres in overall height includes a butterfly style roof. A mix of external finishes have been selected including facebrick for the ground floor and metal cladding to the upper floor. A cantilevered awning extends along the length of the northern elevation providing weather protection to pedestrian linkages.

**Block O-** Fit out works, relocation of building entries/exits, enclosure of verandah, demolition of internal walls for staffroom including open plan office, meeting room, offices, interview rooms and amenities.

### *Earthworks*

- Cut (max 2.5m) into existing slopes and materials excavated in order to form building platforms to be disposed off site.
- Construction of seven (7) gabion retaining walls to stabilise disturbed areas.

### *Ancillary works*

Installation of solar panels, rainwater tanks, paved and covered walkways, steel framed patio, landscaping, outdoor seating and revised parking layout.

## **ASSESSMENT**

### ***Environmental Planning and Assessment Act 1979***

#### ***Section 23G – Joint Regional Planning Panels***

A regional panel is taken to be the Council whose functions are conferred on a regional panel. A Development Application lodged by a Crown Authority with a CIV greater than \$5 million are to be determined by the relevant regional panel.

The proposed development has a capital investment value of \$9.797 million. The Hunter And Central Coast Joint Regional Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### ***Section 89 – Determination of Crown Development Applications***

The development application was lodged on behalf of the NSW Department of Education and Communities and therefore, the proposal is deemed Crown Development. In accordance with Section 89(1)(b), the proposed conditions of consent were provided to the applicant for their agreement. The applicant has reviewed the proposed conditions of consent, and has provided their formal acceptance to the conditions (refer to annexures).

The agreed conditions can be found as an annexure to this report. Because the applicant has agreed to the imposition of the conditions of consent, it is open to the Panel to determine the application.

#### ***Section 91A – Development that is integrated development***

The proposed development is identified as 'local development' under the provisions of the EP&A Act.

Clause 91A of the Act regarding "integrated development" does not apply to development made by or on behalf of the Crown. Furthermore, TAFE establishments are not recognised under the standard LEP as a 'school' and therefore are not considered development for 'special fire protection purposes'.

#### ***Section 79(C)(1) Matters for consideration***

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application 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 (Rural Lands) 2008
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

### **State Environmental Planning Policy (Rural Lands) 2008**

The proposal is deemed to be consistent with the rural planning principles in terms of the promotion of opportunities for sustainable economic activities in rural areas. The development will result in training and educational prospects for rural based industries such as mining, horticulture and viticulture.

Moreover, the proposed development will not prejudice the continued use of any surrounding land for rural purposes, since future buildings will be clustered (thus not comprising setbacks to adjoining properties) and adverse environmental amenity impacts (such as noise, dust, vibration) are considered unlikely.

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

#### *Clause 28 – Development permitted with consent (Educational Establishment)*

The SEPP provides that development for the purposes of an educational establishment is permitted with consent on land on which there is an existing educational establishment. The site contains an existing educational establishment, known as the Hunter TAFE - Kurri Kurri Campus, and therefore the proposal is permitted with consent under the Infrastructure SEPP.

#### *Clause 32- Determination of development applications (Educational Establishment)*

- (2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):
  - (a) *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
  - (b) *Schools Facilities Standards—Design Standard* (Version 1/09/2006),
  - (c) *Schools Facilities Standards—Specification Standard* (Version 01/11/2008).

This requirement is not applicable in this instance, as the proposal is for alterations and additions to an existing educational establishment, which does not fall under the definition of a 'school'.

#### *Clause 104 – Traffic-Generating Development*

Pursuant to schedule 3, the proposal is deemed traffic generating development (involving more than 50 students) and was therefore required to be referred to the RMS (refer to comments at the end of this report).

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

Clause 7(1) of this SEPP requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

There is no evidence to suggest that the subject land has previously supported any activities which may have resulted in land contamination. Moreover, Council is not aware of any contaminating activities currently being undertaken on the site. Accordingly, the provisions of *SEPP 55* are considered to be satisfied and the land is suitable for extensions to an existing educational establishment.

### **State Environmental Planning Policy No. 44 – Koala Habitat Protection**

In order to maintain required Asset Protection Zones (APZ's), the proposed development will impact on an isolated patch of vegetation situated between the existing heavy vehicle training centre and Bowditch Avenue road reserve. The subject area consists mainly of planted pine trees with no native species present.

Due to the vegetation present, the site is not considered to be core koala habitat, and it is subsequently open to the consent authority to grant development consent to the proposal.

### **Cessnock Local Environmental Plan (CLEP) 2011**

#### ***Permissibility***

The subject site is mostly zoned RU2 - Rural Landscape with a small area of land, centrally located along the northern boundary, zoned E2 - Environmental Conservation under the provisions of the Cessnock Local Environmental Plan 2011. The proposed works are to occur entirely upon land zoned RU2 - Rural Landscape.

The proposed development is defined as alterations and additions to an existing 'educational establishment' under the Cessnock Local Environmental Plan which provides the following:

***educational establishment*** means a building or place used for education (including teaching), being:

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

The proposed development satisfies the above definition, as the proposal comprises of building extensions and the construction of a new educational building, for the purposes of providing learning and training opportunities for the TAFE institute, and is deemed permissible in the RU2 zone subject to consent. Furthermore, and as outlined above, the proposed development is permitted by virtue of SEPP (Infrastructure) 2007.

#### ***Objectives***

The objectives of the RU2 - Rural Landscape zone are as follows:

*To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*

Comment: The proposed development is unrelated to primary production and therefore this objective does not apply.

*To maintain the rural landscape character of the land.*

Comment: The subject development does not remove any land from existing agricultural use and the proposed dwelling design is compatible with the rural setting. Accordingly, the rural landscape and character of the land can be reasonably maintained.

*To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposed development provides for increased training opportunities within the existing educational establishment.

*To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*

Comment: N/A. The proposed development does not seek consent for a rural based activity.

*To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

Comment: The intensity of development is appropriate in terms of the site's capabilities. The land can reasonably accommodate an increase in student and staff members, associated public services and car parking facilities.

### ***Relevant Clauses***

The Development Application was assessed against the following relevant clauses of the Cessnock Local Environmental Plan 2011:

- Clause 5.9AA – Trees or vegetation not prescribed by development control plan

The subject site is situated in a non-urban zone and therefore the removal or damage of native vegetation is considered to be solely regulated by the provisions of the Native Vegetation Act 2003.

The removal of isolated trees is supported in this instance since the proposal results in no net loss of vegetation (a detailed landscape plan demonstrates that replacement trees will be included around the perimeter of the training facility) and the identified trees are not significant in value (not native or forming part of a recognised EEC onsite).

- Clause 5.10 – Heritage conservation

The subject site is not identified as an item of heritage significance nor does it fall within a conservation area under the LEP.

Notwithstanding, the property abuts a local heritage item to the eastern boundary identified as the 'South Maitland Railway System'. Potential impacts to the visual amenity of the nearby local heritage are considered unlikely.

- Clause 5.12 – Infrastructure development and use of existing buildings of the Crown

The CLEP 2011 does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

As the proposal is permitted with consent under State Environmental Planning Policy (Infrastructure) 2007, nothing under this Plan can prevent the carrying out of development by the Crown.

▪ Clause 7.2 – Earthworks

The proposed development involves earthworks, including a maximum cut of 2.5 metres, intended to provide for a level building platform and convenient pedestrian access. According to the submitted plans, disturbed land will be stabilised by gabion retaining walls.

In assessing the application, the consent authority must consider the likely disruption or any detrimental effect on existing drainage patterns and likely amenity of adjoining properties prior to granting development consent.

As the proposed earthworks will be suitably retained by engineered designed walls, ground water can infiltrate the construction material and the land is to be graded along the natural contours of the site, the proposal is unlikely to have any adverse impact on soil stability nor alter natural drainage patterns.

▪ Clause 7.3 – Flooding

The proposed development is located outside the area identified as being inundated by the 1 in 100 year flood event and does not involve works which are considered to influence flood behaviour.

**(a)(ii) The Provisions of any Development Control Plan**

**Cessnock Development Control Plan 2010**

The following is an assessment of the proposal's compliance with the numerical standards in the Development Control Plan. Discussion of any variations of the standards is provided after the compliance table.

C.1 Parking and access

According to Council's DCP, the applicable parking rate for higher education facilities is based on the number of students and staff members attending the site. The proposed parking requirement has therefore been calculated as follows:

Type of Parking	Numbers	Council Requirement	Parking Spaces
Staff	2	1 space per 2 staff	1
Students	100	1 space per 5 students	20
<b>Total</b>			<b>21</b>

In order to ascertain whether the proposed demand for car parking can be reasonably accommodated by existing facilities under Council's guidelines, an assessment on the current arrangement was carried out as follows:

Type of Parking	Numbers	Council Requirement	Parking Spaces
Staff	135	1 space per 2 staff	68
Students	495	1 space per 5 students	99
<b>Total</b>			<b>167</b>

Following completion of works, the campus is required to provide at least 188 onsite parking spaces for the benefit of staff and students.



As the total number of designated parking bays on campus is 329, the current parking allocation is well in excess of current requirements.

#### C.4 Land use conflict and Buffer Zones

As the proposed works are to occur to an existing educational establishment, potential land use conflict and appropriate buffer zones have previously been taken into consideration.

#### C.5 Waste Management and Minimisation

The submitted Statement of Environmental Effects prepared by the Department of Education and Communities dated May 2013, recommends waste management procedures which should be followed during the construction phase, such as ensuring the use of clean fill, contaminated waste to be disposed of in accordance with EPA requirements and adoption of resource management hierarchy principles.

The proposed recommendations are considered to be suitable for managing waste generation and a condition of consent should be imposed to ensure these measures are implemented during the construction phase.

#### ***(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***

No such agreement has been proposed as part of this application.

#### ***(a)(iii) The Regulations***

There are no matters prescribed by the Regulations that apply to this development.

#### ***(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***

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

The proposed development has been assessed on its merits under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* as follows:

### **URBAN AND BUILDING DESIGN**

#### **Context and setting**

The proposed development is compatible with the rural setting and does not result in any unreasonable impacts to the natural landscape (i.e. earthworks to be appropriately retained and buildings to remain clustered).

The scenic qualities of the rural landscape are unlikely to be compromised by the proposed development given building additions will be sited in a natural depression, and as such, views afforded to the distant bushland will not be unreasonably disrupted. Furthermore, the overall design is characterised by a streamlined appearance and earthy tones have been incorporated in the building treatment so as to blend with the natural environment.

The deliberate retention of generous buffers between buildings and unroofed pedestrian walkways ensures that adequate solar access to classrooms and proposed seating areas is achieved.

## **Site design**

The proposed educational building known as block Q is ideally positioned near existing car parking facilities and is clustered with existing development so as to minimise potential impacts on vegetation, eliminate the need to extend existing services and maintain suitable setbacks to adjoining properties.

The submitted landscape plan indicates that suitable planting is to occur between impervious surfaces and built forms. The extent of cover and layout is appropriate given that the design is required to comply with *Planning for Bushfire Protection Guidelines 2006* and therefore needs to be clumped and setback from the building façade.

The nominated species include a mix of native shrubs and ground cover with low flammability and smooth bark.

## **Internal design**

The proposed building layout is deemed suitable as all lecture rooms and laboratories are accessible from wide corridors and alternative paths of access provide for safe evacuation management.

Individual rooms are well ventilated and openings are provided to the northern and southern elevations.

## **Access, Transport and Traffic**

### Disabled access

The layout of the proposed building and site surrounds has been suitably designed for disabled access. Entry to the heavy vehicle training centre can be obtained by accessing ground floor entry to the two (2) storey building directly from the car park. A lift is provided in the lobby of the main building, allowing the ground floor and pedestrian linkages to be accessible.

The pedestrian paths connecting various buildings maintain a consistent grade and suitable surface treatment is proposed.

### Traffic

A traffic report addressing the implications of increased student numbers on the classified road network was prepared and submitted for assessment. The study concluded that the likely traffic generation would be spread across the surrounding road network and readily absorbed into the existing traffic flows. Accordingly, anticipated traffic impacts from the proposed development are considered to have a minimal effect on road network.

Given that the existing road network is capable of supporting the proposed increase in student numbers, likely traffic impacts are considered to be manageable.

## **Construction**

The carrying out of construction is unlikely to disrupt existing pedestrian paths or internal road access as the works are to occur directly at the heavy vehicle training faculty and outside of the existing internal road network.

Should the need arise for the adjoining carpark to be used for the unloading of construction materials or closures of internal roads following the physical commencement of works, temporary measures for alternative parking or alternate access are to be undertaken.

Advice will be included with the conditions of consent to suggest appropriate measures to be implemented during the construction phase to maintain pedestrian access and parking facilities for student and staff members attending the campus.

## **ENVIRONMENTAL IMPACTS**

### **Water**

#### Water quality

A first and second order stream, which form part of the local Swamp Creek catchment, traverse the site. The proposed development is suitably setback from the waterways and property access does not require these streams to be crossed.

### **Flora and Fauna**

#### Endangered Ecological Communities

The subject site comprises of remnant vegetation with three (3) Endangered Ecological Community (EEC), being the Kurri Sand Swamp Woodland, Lower Hunter Spotted Gum Ironbark Forest and Central Hunter Riparian Forest, recognised onsite.

The proposal does not result in disturbance to the identified EEC's on site as these communities are mostly contained along the southern and eastern sections of the property.

Accordingly, a seven (7) part test of significance on State and Nationally listed threatened and migratory species, critical habitat, endangered populations and EEC, is not required as the proposed development is unlikely to have any significant impact on the EEC identified.

#### Native Vegetation

The clearing of native vegetation on rural holdings is subject to assessment under the Native Vegetation Act 2003.

In this instance the anticipated loss of vegetation is acceptable as the trees to be removed in order to accommodate bush fire APZ's are not native species and the removal of isolated natives will be adequately offset by future planting nominated by the landscaping plan.

### **Waste**

#### On-site disposal

It is proposed that additional loading on the waste system will be received by the existing arrangement, involving a private line connection to Hunter Water's reticulated service. As the proposed method of waste disposal involves an agreement between two external parties (Hunter Water and The Department of Education), it is assumed for the purposes of this assessment, that the applicant is capable of meeting the regulatory authorities requirements and that an on-site waste disposal system is not required.

The applicant will be responsible for obtaining certificates for trade and on-site waste from Hunter Water.

## **HAZARDS**

## Noise and vibration

The proposed development is unlikely to result in excessive noise impacts which would otherwise be associated with an agricultural related land use (e.g. use of heavy machinery and equipment).

Furthermore, perforated acoustic wall lining will be installed between the proposed building extension and existing workshop so as to mitigate industrial noise related impacts to adjoining lecture rooms.

## Natural hazards

### Bushfire

The application is required to have regard to the Specific Objectives for Special Fire Protection Purpose Development pursuant to Section 4.2.3 of the *Planning for Bush Fire Protection 2006* as follows:

- Provide for the special characteristics and needs of occupants, keeping in mind that occupants may not be able to assist in property protection and are more likely to be affected by smoke and heat while being evacuated

Comment: The PBP guidelines aim to maintain adequate space around buildings, with less reliance on construction standards, so that occupants are protected from bush fire hazards.

The optimal APZ for this type of development should be similar to that required for BAL 12.5 construction, that being a buffer of at least 50 metres. This required distance is considered to be achievable as APZ's can be wholly contained within the boundaries of the subject lot and the thinning of trees will not impact on any pockets of identified native vegetation (pine plantation only).

Overall, the layout of the proposed buildings and internal design is suitable for evacuation purposes. Lecture rooms are accessed by functional hallways, consistent grades and inclusion of fire exits located away from the hazard have been incorporated

- Provide for the safe emergency evacuation procedures

Comment: A suitable evacuation management plan has been submitted.

The application was referred to the Rural Fire Service (RFS) for consideration under section 79BA of the *Environmental Planning & Assessment Act 1979*, in particular, comments were sought on the appropriateness of defendable space, APZs for fuel load control and proposed evacuation procedure.

The RFS have provided advice regarding bushfire protection and recommended that conditions be imposed with respects to maintaining required asset protection zones, ensuring the provision of water and utilities, providing appropriate access and emergency evacuation and prescribed design and construction requirements.

### Flooding

A portion of the site, which includes land located along the northern and eastern property boundaries, is identified as being flood prone land under the Wallis Creek Flood Study. As the proposed building is clear of the flood affected land, development is not subject to adopted flood planning levels nor will proposed works influence flood behaviour.

## Safety security and crime prevention

The proposed development has regard to the principles of CPTED in particular, ensuring that the building design and layout of outdoor recreational space provides opportunity for passive surveillance and visibility to public areas as follows:

- Windows are included to proposed classrooms, permitting views of the car park and pedestrian walkways; and
- Common areas and pedestrian linkages are open and do not provide opportunity for concealment.

**(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to be suitable for the development as the land can adequately accommodate an increase in student numbers and improvements to the heavy vehicle training centre are compatible with the existing TAFE campus.

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

The Development Application was publicly exhibited for a period of thirty days. The exhibition period was from 12 June 2013 to 11 July 2013.

No public submissions were received during the exhibition period.

**(e) *The public interest***

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies. Based on the above assessment, the proposed development is consistent with the public interest.

## **SECTION 94 CONTRIBUTIONS**

Council does not have a contribution plan relating to public facilities and therefore, Section 94 contributions are not payable for the proposal.

## **INTERNAL REFERRALS**

The Development Application was referred to the following Council Officers:

Building Officer

An assessment of the proposed development has been undertaken and it is recommended that conditions be imposed in relation to fire safety measures and building construction.

At time of site inspection Council Officers were advised wastewater from the subject buildings is disposed of via a pump to sewer system. Upon discussions with Council's Environmental Officer it was recommended the case manager contact Hunter Water to confirm the current operation of the sewer and water noting the recent construction of the Hunter Expressway.

Officer's response

The continued functioning and current condition of the private sewer line is the responsibility of the land owner. Advice will be included on the consent to ensure that the applicant is aware of this situation prior to seeking a section 50 Certificate from Hunter Water.

#### Development Engineer

##### *Flooding*

Although the site is identified as flood prone from Council's *Wallis Creek Flood Study*, the proposed building site is located away from the areas identified as flood prone.

The flooding issues are therefore considered manageable.

##### *Drainage*

The applicant has provided a Storm Water Management Concept Report which details that the pipe sizes and layout of drainage method.

Upon review of the submitted hydraulic detail, Council's Development Engineer considered the conceptual design and accompanying documentation to be acceptable for development assessment purposes.

##### *Road, access and car parking*

The TAFE campus has two points of access, including the main access from MacLeod Road and a secondary access from Bowditch Avenue.

McLeod Road is sealed with grass table-drains. With the secondary access from Bowditch Avenue, being for emergency and will remain locked.

The traffic study submitted considers the Peak Hour Vehicle ( PHV) operational amendments to be minimal with only minor effect on road network and intersection operation.

The applicant has provided a Traffic Study to outline the expected increase in parking and traffic requirement from student and staff numbers. The expected increase in numbers is reported to be an additional 100 student and 4 teaching staff. The report outlines that these increase would not create any significant adverse impacts with respect to traffic operations, parking and site access.

The existing onsite car parking totals 329 vehicles, therefore the current parking allocation is well in excess of current requirements.

Whilst no additional disabled parking is nominated, adequate disabled parking has been provided within the existing 329 parking spaces.

#### Heritage Advisor

The proposal is assessed as unlikely to have any impact on the heritage items in the vicinity. As stated in the Statement of Environmental Effects, the distance of the proposal from the mine site and railway will mean that the development will have negligible impact. The vegetation buffer between the heritage items and the subject site will also mitigate any potential impacts.

#### **EXTERNAL REFERRALS**

The Development Application was referred to the following external agencies:



### NSW Rural Fire Service

Advice was sought in relation to the proposed development pursuant to Section 79BA of the 'Environmental Planning and Assessment Act 1979'. The RFS recommended that conditions of development consent be imposed in relation to bush fire protection.

### Roads and Maritime Services

RMS reviewed the traffic study undertaken by Samsa Consulting dated August 2013 and has no objections to or requirements for the proposed development as it is considered that there would not be a significant impact on the classified road network.

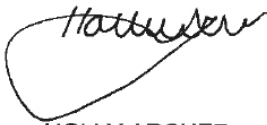
### Ausgrid

The subject property is affected by transmission easements and adjoins land owned by Ausgrid. A referral was therefore sent to this external authority on 5 June 2013 seeking comments in relation to the proposed development

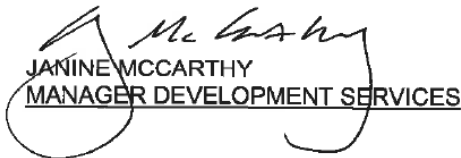
Council has not received comments to date and assumes that no objection is raised to the determination of the application.

## **CONCLUSION**

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. Accordingly, Development Application No. 8/2013/347/1 is recommended for approval subject to the conditions listed at the end of this report.



HOLLY ARCHER  
ACTING SENIOR PLANNING ASSESSMENT OFFICER



JANINE MCCARTHY  
MANAGER DEVELOPMENT SERVICES

## **ENCLOSURES**

Acceptance of conditions of consent

Architectural Plans

## **CONDITIONS OF CONSENT:**

## **SCHEDULE 1**

### **TERMS OF CONSENT**

#### **General**

1. The development being undertaken strictly in accordance with the details set out on the application form, the following plans:

Drawing list, location and site plan prepared by Peter Poulet, Drawing No. DAA01, dated 8 April 2013

Site plan prepared by Peter Poulet, Drawing No. DAA03, dated 8 April 2013

Block Q ground floor plan prepared by Peter Poulet, Drawing No. DAA04, dated 8 April 2013

Block Q first floor plan prepared by Peter Poulet, Drawing No. DAA05, dated 8 April 2013

Block Q roof plan prepared by Peter Poulet, Drawing No. DAA06, dated 8 April 2013

Block Q elevations plan prepared by Peter Poulet, Drawing No. DAA07, dated 8 April 2013

Block Q elevations and section plan prepared by Peter Poulet, Drawing No. DAA08, dated 8 April 2013

Block Q sections plan prepared by Peter Poulet, Drawing No. DAA09, dated 8 April 2013

Block O floor and roof plan prepared by Peter Poulet, Drawing No. DAA10, dated 8 April 2013

Block O elevations and section plan prepared by Peter Poulet, Drawing No. DAA11, dated 8 April 2013

Block P and PP floor and roof plan prepared by Peter Poulet, Drawing No. DAA12, dated 8 April 2013

Block P and PP elevations and section plan prepared by Peter Poulet, Drawing No. DAA13, dated 8 April 2013

Sunshading diagrams plan prepared by Peter Poulet, Drawing No. DAA14, dated 8 April 2013

Gabion retaining wall plan prepared by Peter Poulet, Drawing No. DAA15, dated 8 April 2013

Landscaping plan prepared by Peter Poulet, Drawing No. DAL01, dated 8 April 2013

and any information submitted with the application and the plans submitted, as amended in red by Council, or as modified by these further conditions.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

**Reason**

*To confirm and clarify the terms of Council's approval.*

2. All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

**Reason**

*This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.*

3. On-site car parking shall be provided for a minimum of **21** vehicles and such being set out generally in accordance with Council's Car Parking Code.

This brings the total requirements for on-site parking at the campus to **189** spaces.

**Reason**

*To ensure that adequate provision has been made for manoeuvring and parking of vehicles within the development or on the land, to meet the expected demand generated by the development*

**Fire Safety**

4. Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing buildings identified as Block O, Block P and Block PP shall be upgraded as follows to comply with the provisions of the Building Code of Australia (BCA): -
  - (i) Part D1 Provision for Escape;
  - (ii) Part D2.19 Doorways and doors;
  - (iii) Part D2.20 Swinging Doors;
  - (iv) Part D2.21 Operation of Latch;
  - (v) Part E4.5 Exit Signs.

Compliance with the abovementioned provisions are to be implemented/installed and certified prior to use of the building for the purposes approved by this consent and prior to issue of an Occupation Certificate.

**Reason**

*To protect persons using the building and facilitate their egress in the event of fire.*

5. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing essential fire safety measures/services, not affected by the proposed works, within

Block O, Block P and Block PP shall be assessed and certified by a suitably qualified person as operational and complying with no less than the standards applicable to the essential fire safety measure/service at the time of installation.

Reason

*To protect persons using the building and facilitate their egress in the event of fire.*

**Bushfire Protection**

6. The following bushfire protection measures are to be implemented at the commencement of building works and maintained for the life of the development:

(i) Asset Protection Zones:

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- a. At the commencement of building works and in perpetuity the property around the buildings to a distance of 30 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. On the western elevation of each building an additional 20 metres shall be maintained as an outer protection area, (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

(ii) Water and Utilities:

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- b. Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

(iii) Evacuation and Emergency Management:

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

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

(iv) Design and Construction:

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack. To achieve this, the following conditions shall apply:

- d. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'

and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

(v) Landscaping:

- e. Landscaping within the APZ shall comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

Reason

*To protect both life and property in the event of a bushfire.*

**DURING CONSTRUCTION**

**General**

7. If the soil conditions require it:-

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and  
(b) adequate provision must be made for drainage.

Reason

*To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.*

8. 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 person qualified to conduct a certification of Crown Building works 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, however must be removed when the work has been completed.

Reason

*This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.*

9. If the excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-

- (a) must preserve and protect the building from damage, and  
(b) if necessary, must underpin and support the building in an approved manner, and  
(c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work

carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, **allotment of land** includes a public road and any other public place.

Reason

*To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.*

10. Toilet facilities are to be provided, at or in the vicinity of 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.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

*To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.*

11. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Reason

*To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.*

12. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason

*To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.*

13. The generation and disposal of waste shall be carried out in accordance with the waste management procedures (Section C5) as outlined in the submitted Statement of Environmental Effects prepared by the Department of Education and Communities dated May 2013.



Reason

*To ensure that suitable waste management practices are adhered to.*

**Building construction**

14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

*To ensure that all excavations on the site are maintained in a safe condition.*

15. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

*To ensure that all excavations on the site are maintained in a safe condition.*

16. All reasonable measures shall be taken to protect all other vegetation on the site from damage during construction. All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or site rehabilitation.

Reason

*To protect the landscape and scenic quality of the locality, to maintain ground surface stability and to ensure sensitive management of vegetation and other natural resources.*

**Site Works**

17. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason

*To ensure protection of the environment by minimising erosion and sediment.*

**PRIOR TO OCCUPATION**

**General**

18. The requirements of the Energy Supplier, Hunter Water Corporation and telecommunications authorities shall be met in regard to the provision of services provided by those authorities to the development.

Reason

*To ensure that adequate services are provided to each new lot created.*

19. The registered proprietors of the land on whose behalf the application was made shall comply with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991.

Reason

*To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new lots created.*

## **Building Construction**

20. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

### Reason

*To reduce the risk of environmental and building damage.*

21. All retaining walls and associated drainage shall be installed and completed prior to use or occupation of the building.

### Reason

*To ensure that filling placed on land does not affect natural drainage.*

## **Drainage and Flooding**

22. All roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm prior to use or occupation of the development.

### Reason

*To ensure that roof water from the building does not affect the structural integrity of the building or inundate adjacent land.*

## **Fire Safety**

23. The buildings must comply with the fire safety provisions applicable to the approved use. The applicant shall provide the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures in accordance with Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation/use of the building. The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

### Reason

*To ensure the required fire safety measures have been installed in the building and are operable prior to occupation/use of the building.*

## Advice

1. Given the recent construction of the Hunter Expressway, it is recommended that the landowner initially contact Hunter Water, to establish the current condition of the private line for the purposes of waste water treatment, prior to an application for a Section 50 Certificate.
2. Appropriate measures should be undertaken during the construction phase in order to maintain pedestrian access and parking facilities for student and staff members attending the campus.
3. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.

