

## Joint Regional Planning Panel (Southern Region)

JRPP No	2013STH018
DA Number	RA13/1001
Local Government Area	Shoalhaven City Council
Proposed Development	Educational Establishment – school building and associated infrastructure.
Street Address	Lot 2 DP 1017929 (No.453) Culburra Road, Wollumboola
Applicant	The Scots College
Number of Submissions	1
Recommendation	Approval with Conditions
Report by	Andrew Lissenden, Senior Development Planner

### ASSESSMENT REPORT AND RECOMENDATION

#### EXECUTIVE SUMMARY

##### Reason for Consideration by Joint Regional Planning Panel

The development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (EPA Act) . Specifically, the proposed development satisfies the criteria of Clause 6 (Private infrastructure and community facilities over \$5 million) (b) of Schedule 4A of the EPA Act as it is for an ‘educational establishment’ that has a capital investment value (CIV) over \$5 million dollars.

##### Proposal

The development application seeks approval for the construction of an educational establishment comprising a new building with accommodation for 108 people, associated car parking for 114 vehicles, 2 bus parking bays, access works, landscaping and associated support infrastructure. The development to be used by The Scots College.

##### Permissibility

The site is zoned part 1(b) (Rural “B” (Arterial Main Road Protection) Zone), part 1(g) (Rural “G” (Flood Liable) Zone) and part 7(a) (Environmental Protection “A” (Ecology) Zone) under the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). This proposal is to be located in the 1(b) portion of the site and is a permissible use with development consent under SLEP 1985.

##### Consultation

The application was placed on public exhibition in accordance with Council’s Community Consultation Policy. One submission was received during the notification period.

##### Main Issues

Access, acid sulphate soils and visual impact of building.

#### RECOMMENDATION

It is recommended that RA13/1001 (JRPP Ref 2013STH018) be approved subject to the conditions contained in **Attachment ‘A’**.

## ASSESSMENT REPORT

### 1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre Lodgement: A pre-lodgement discussion (i.e. Development Advisory Unit (DAU) meeting) was had with Council staff on 18 July 2012.
- b) Post Lodgement: The current application was lodged on 29 August 2013. Council officers during the assessment of the application have requested additional information from the applicant on seven occasions (i.e. emails dated 10 October 2013, 12 October 2013, 28 October 2013, 20 November 2013, 12 December 2013, 19 December 2013 and verbal request on 12 February 2014). Issues raised included:
- Intersection design;
  - Traffic management plan;
  - Sewerage disposal system;
  - Bushfire; and
  - Acid sulphate soils management.

Additional information was provided by the applicant on 19 September 2013, 24 October 2013, 31 October 2013, 1 November 2013, 6 November 2013 (x2), 8 November 2013, 18 December 2013, 19 December 2013 and 21 February 2014. Council staff now consider that sufficient information has been submitted to enable a reasonable assessment of the application to be undertaken.

- c) Site History: A review of Council's records has indicated that a number of applications relating to the existing development on the subject land have been lodged with Council. An overview of these applications is provided below:

- DA98/1772: Bell tower (Approved 5/8/99);
- DA02/1772: Farm Shed (Approved 17/6/02); and
- DA03/2558: Two storey rural dwelling (Approved 9/12/03). Two Section 96 applications have subsequently been lodged and approved on this application.

### 2. Subject Site and Surrounds

The development site comprises one parcel of land known as Lot 2 DP 1017929 (No.453), Culburra Road, Wollumbolla that is owned by the Presbyterian Church (New South Wales). It has an area of 8.90 hectares and is located approximately 5.4km to the west of the township of Culburra. It fronts Culburra Road to the south, the Crookhaven River to the north, Crown land as well as farm land owned by the Presbyterian Church to the east and farm land owned by the Presbyterian Church to the west. The site has a gentle slope to the north and is generally cleared of vegetation in the area of the proposed works. An established vegetated screen exists along the site's southern boundary with the north

eastern portion of the site which is lower lying and flood prone also containing established vegetation which includes an identified coastal wetland area.

The site currently contains three built structures comprising a two storey dwelling house positioned in the centre of the site, a separate bell tower between the dwelling and Culburra Road and a shed that is setback from Culburra Road. Vehicular access to the site is gained from Culburra Road. It is believed that the site, although it has some constraints, has no significant features that would inhibit the construction of the proposed development.

Refer to **Attachment 'B'** for additional details on the site's location.

### 3. Proposal

The development application comprises the following:

1. A two storey building with a floor area of approximately 2,800m<sup>2</sup> to be used as an educational establishment. The lower level comprising basement car parking (8 car spaces), equipment store, mechanical plant room, laundry, stairs to the upper level, lift space and associated lobby area. The ground floor containing operational areas including loading dock, dry store, freezer, cool room, kitchen, dining area, learning area, reception area, amenities, accessible room with 4 beds and a unisex disabled toilet and bathroom facility. The first floor containing sleeping/dormitory facilities consisting of 6 rooms each sleeping 16 people, 2 teachers rooms each sleeping 4 people, associated amenities, locker facilities, teacher's office and lounge area (total accommodation for 100 students and 8 teachers/staff);
2. Car parking for 114 cars and 2 buses. This comprising 8 car spaces in the lower level of the building, 14 car spaces plus 2 bus parking spaces provided as formal car parking adjacent to the southern elevation of the building and 92 grass overflow car spaces at ground level to the south of the proposed building (34 to the west of the existing site access and 54 to the east of the site access);
3. Landscape works; and
4. Associated access works.

The development is to be used by The Scots College in conjunction with their schools at Bellevue Hill in Sydney and Kangaroo Valley in the Shoalhaven. It being advised that the facility will be used for approximately 35% of the school year (approx. 14 weeks from February to November). Refer to **Attachment 'C'** for a copy of the development application plans.

### 4. Community Consultation

In accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*, the development application was notified as follows:

- Individual property owners within a 1,000 metre radius of the site were notified of the proposal as well as the Culburra Progress Association (16 letters sent). The notification period for submissions was from 11 September 2013 to 11 October 2013 (30 days);

- The proposal was advertised in the local press on one occasion (South Coast Register on 11 September 2013); and
- The application and supporting documentation were on display at Council's City Administrative Centre in Nowra as well as on Council's website.

One submission has been received by Council. This is discussed in greater detail in Section 6 (Statement of Compliance/Assessment).

## 5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy Rural Lands;
- State Environmental Planning Policy 14 – Coastal Wetlands;
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy 62 – Sustainable Aquaculture;
- State Environmental Planning Policy 71 – Coastal Protection;
- Deemed SEPP (Illawarra Regional Environmental Plan);
- Shoalhaven Local Environmental Plan 1985 (as amended);
- Draft Shoalhaven Local Environmental Plan 2013;
- Development Control Plan No.18 – Car Parking Code;
- Development Control Plan No. 93 – Controls for Waste Minimisation and Management;
- Development Control Plan 106 – Development on Flood Prone Land;
- Shoalhaven Contribution Plan 2010; and
- Shoalhaven City Council's Food Premises Policy.

Additional information on the proposal's compliance with the above documents is detailed in the following sections of this report.

## 6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

### **Any planning instrument, draft instrument, DCP's and regulations that apply to the land**

- Environmental Planning and Assessment Act 1979 (EPA Act): The clauses/matters contained in EPA Act, apart from Section 79C, that have relevance to this application are overviewed below:
  - Section 91 (What is "integrated development"?): The development application in order for it to be carried out, requires development consent and an approval listed within this section (i.e. approval under the Rural Fires Act 1997 - authorisation under section 100B in respect of bush fire safety for development of land for special fire protection purposes). As such, the development as proposed is classified as "integrated

development” in accordance with the provisions of this section.

- b) *Section 91A (Development that is integrated development)*: General terms of approval (i.e. bushfire safety authority) have been sought and obtained from the Rural Fire Service (RFS) in accordance with the requirements of this section. The RFS advising in their letter dated 14 March 2014 that they are prepared to issue General Terms of Approval (GTA's). The conditions, as detailed in the GTA's are to be included in any development consent issued. In accordance with sub-clause 6, the RFS will be notified of the determination when it has been made.
- c) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The development meets the criteria of Clause 6 under this schedule as a type of development (i.e. 'educational establishments') that has a CIV of more than \$5 million dollars (i.e. the proposed development has a CIV of \$6,450,866.00) and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the Southern Joint Regional Planning Panel.

In summary, the proposed development subject to the imposition of conditions as detailed above, does not conflict with the applicable provisions of the EPA Act.

- ii) *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011)*: The clauses/matters contained in SEPP 2011 that have relevance to this application are overviewed below:

- a) *Part 4 (Regional Development)*: The development is of a class or description included in Schedule 4A of the EPA Act (i.e. educational establishment' that has a capital CIV over \$5 million dollars). As required by this Part, the Council consent functions are to be exercised by a regional panel, and as such, the application has been referred to the Southern Joint Regional Planning Panel for determination.

In summary, the processing of this application does not conflict with the applicable provisions of the SEPP 2011.

- iii) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)*: The clauses/matters contained in SEPP 2007 that have relevance to this application are overviewed below:

- a) *Clause 28 (Development permitted without consent)*: The development meets the definition of an 'educational establishment' and is proposed within a prescribed zone (RU2 Rural Landscape Zone). It is therefore permissible with consent under this clause.
- b) *Clause 32 (Determination of development applications)*: Consideration has been given to the relevant standards in the State government publications referred to in this clause (i.e. School Facilities Standards (Landscape Standard - Version 22, March 2002), Schools Facilities Standards (Design Standard - Version 1/09/2006) and Schools Facilities Standards (Specification Standard - Version 01/11/2008)). No inconsistencies between these standards and the submitted proposal have been

identified. To ensure compliance any development consent issued should be conditioned so as to require compliance with the standards in the above State government publications.

- c) *Clause 104 (Traffic-generating development)*: The development is of a type specified in Column 1 of the table to Schedule 3 that meets the size requirements specified in Column 2 (i.e. educational establishment with 50 or more students with site access to any road). As such, in accordance with the requirements of this clause, the application was referred to Roads and Maritime Services (RMS) for comment within 7 days of the application being lodged. Two submissions have been received from the RMS (letters dated 25 September 2013 and 10 December 2013). The first submission advising that additional information was required. The second submission received advising that they did not object to the application in principle, subject to the comments provided being included as conditions in any development consent issued.

Consideration has also been given to the efficiency of movement of people and freight/service vehicles to and from the site, potential traffic safety, road congestion and parking implications. Council staff being of the opinion that while there will be an increase in the number of vehicle movements to and from the site due to the development resulting in a more intense use of the land, the increase in vehicle movements (cars, buses and service vehicles) is capable of being handled by the adjoining road network subject to additional works at the site's access as has been proposed by the applicant.

Specifically, the construction of a sealed Auxiliary Lane Left Turn (AUL) treatment, Basic Right Turn (BAR) intersection treatment. This ensuring sufficient sight distances are available at the site's entry/exit point for the general day to day operation of the school. Designs for these road works (including a signs and lines plan) have been reviewed by both Council and the RMS with concerns raised being able to be addressed through conditions on any development consent issued.

The applicant has also advised that open days will be held at the site a maximum of once per term (i.e. 4 per year). These involving parents coming to the site (approximately 100 vehicles) as well as additional staff. To deal with traffic on these days, and in lieu of providing more extensive road improvement works at the site's access, the applicant has proposed to use traffic control to assist right turning vehicles to exit the site (i.e. vehicles turning towards Nowra/west). A Traffic Control Plan that has been prepared by a suitably qualified person has been submitted with the application and has been reviewed by Council with no concerns being raised. Conditions should however be included on any development consent issued to require an updated traffic control plan to be submitted yearly, provision of public liability insurance to indemnify Council against any claims arising out of traffic control measures implemented and to require the traffic measures to be implemented in accordance with the approved plan and Australian Standard 1742.3 – Manual of uniform traffic control devices.

Sufficient car parking within the site has been shown on the submitted plans to cater for the proposed use (i.e. to cater for staff and visitors both during normal operation and during an open day). In addition, given the location of the development in a

regional area attempts have been made to minimise the need for travel by car as students and teachers using the school during its normal operation will arrive and depart by bus.

In accordance with sub-clause 4, a copy of the application's determination will be forwarded to the RMS when determination has been made.

In summary, the proposal subject to the imposition of conditions as detailed above complies with the relevant provisions of the SEPP 2007.

- iv) State Environmental Planning Policy - Rural Lands (SEPP Rural Lands): As a portion of the site is zoned rural and fulfils the requirements of a 'rural zone' as defined under the SEPP, consideration has been given to the clauses/matters as contained in SEPP Rural Lands. The land where the development is proposed is classified on the Department of Primary Industries Agricultural land classification mapping as Class 3 and 5 agricultural land. Council considers that the requirements of SEPP Rural Lands (specifically Clause 10) are not applicable. This is because the proposal does not satisfy the definition of 'dwelling' and therefore, the requirements are not considered relevant to this application.
- v) State Environmental Planning Policy 14 – Coastal Wetlands (SEPP 14): As a portion of the site is identified as containing a coastal wetland (identified as Wetland No.347 on the maps referred to in SEPP 14), consideration has been given to the clauses/matters as contained in the SEPP. Council considers that the requirements of SEPP 14, specifically Clause 7, subclause 1 and Clause 7A do not impact upon the proposed development. This is because the proposal does not involve works detailed in either clause within the identified SEPP 14 wetland and therefore, the requirements of the SEPP are not considered relevant to this application.
- vi) State Environmental Planning Policy 55 – Remediation of Land (SEPP 55): The clauses/matters as contained in SEPP 55 that have relevance to this application are overviewed below:
- a) Clause 7 (Contamination and remediation to be considered in determining development application): Consideration has been given to whether the land on which the works are proposed is contaminated. A Stage 1 Preliminary Environmental Site Assessment Report (Phase 1 Contamination Assessment, Network Geotechnics, Ref: W07/2236-A, dated 3/06/2013) has been submitted with the application. The assessment undertook a review of the site's history with no soil sampling. Council staff's evaluation, which has had regard for the submitted assessment, has indicated that:
- Council records do not identify the site as potentially contaminated land;
  - Council is not aware of any previous investigations that found contamination on the land;
  - The subject land is not currently used for an activity listed in the Managing Land Contamination Planning Guidelines;
  - Council is not aware of information concerning contamination impacts on land immediately adjacent to the development site which could affect the subject land

- There is no land use restriction relating to possible contamination affecting the land; and
- The subject land has in the past been used for low intensity agricultural activities (i.e. grazing). The Network Geotechnics (June 2013) assessment that has been undertaken has indicated that the site has a low risk of contamination and that a Stage 2 Contamination Assessment is not required.

Having regard for the above, Council staff are of the opinion that further assessment is not required as there is no reason to suspect contamination. As such, the land is suitable from a contamination perspective for the proposed development/use which is as per the recommendation of the submitted assessment.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

vii) State Environmental Planning Policy 62 – Sustainable Aquaculture: The provisions of SEPP 62 apply to the proposed development as the Crookhaven River, which contains a number of active oyster leases, adjoins the site to the north. The clauses/matters contained in SEPP 62 that have relevance to this application are overviewed below:

- a) *Clause 3 (Aims etc of Policy)*: The proposal does not conflict with the aims of the policy;
- b) *Part 3A (Consideration of effects of proposed development on oyster aquaculture), Clause 15A (Application of Part)*: This section applies to development on all land and, as such, is applicable to the proposed development;
- c) *Part 3A (Consideration of effects of proposed development on oyster aquaculture), Clause 15B (Consultation with the Director-General of Primary Industries)*: The subject land is located in close proximity to a number of oyster leases which includes an area identified under the *NSW Oyster Industry Sustainable Aquaculture Strategy* as priority oyster aquaculture areas (i.e. within 120m of the north eastern boundary of the site). To assist Council in considering the proposal, a Stormwater Management Plan (prepared by JCL Hydraulics) has been submitted with the application. Council has reviewed this plan and has concluded that:
  - Given the minimal pollutants that the development/use will generate;
  - Subject to the implementation of measures as identified in the submitted Stormwater Management Plan (including their ongoing management) which include the installation of a modular bio-retention filter; and
  - Subject to the location of any trade waste devices (i.e. grease arrestor) being within the building.

It is unlikely that the proposed works will have an adverse impact upon the oyster aquaculture areas including priority areas within the Crookhaven River (i.e. no increase in nutrient runoff into the adjoining waterway). The above requirements to be conditioned on any development consent issued. As it is not suspected that the proposed development will have an effect on oyster aquaculture, no formal notice of the application has been given to the NSW Department of Primary Industries;



- d) *Part 3A (Consideration of effects of proposed development on oyster aquaculture), Clause 15C (Development consent may be refused if development adversely affects oyster aquaculture)*: As Council considers that the proposed development will not have an adverse impact, impede or be incompatible with oyster aquaculture development, the requirements of this clause are not applicable; and
- e) *Part 3A (Consideration of effects of proposed development on oyster aquaculture), Clause 15D (NSW Oyster Industry Strategy to be considered)*: Consideration has been given to the *NSW Oyster Industry Sustainable Aquaculture Strategy* which it is believed will have no impact upon the works proposed under this application.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 62.

- viii) *State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)*: The site is located within the 'coastal zone' and partly within a 'sensitive coastal location' as defined by SEPP 71. The clauses/matters contained in the SEPP71 that have relevance to this application are overviewed below:

- a) *Part 2 (Matters for consideration) Clause 8 (Matters for consideration)*: An assessment of the proposal against the provisions of this clause has indicated that:
- It is not inconsistent with the aims of the policy (i.e. (a) to (l) in Clause 2);
  - It does not impact or impinge on public access to or along the coastal foreshore as the development/building works are located back from the foreshore and propose no works along the foreshore of the site. No existing access points are being blocked/closed and no new access points are proposed. Opportunities to provide public access are limited given the location of SEPP 14 coastal wetlands adjacent to the site's northern boundary;
  - It is suitable development having regard for its setback from the foreshore and the environmental measures proposed both during construction (i.e. acid sulphate soils management plan) and post construction (i.e. onsite retention of water, bio retention filter system). The above is to be conditioned on any development consent issued;
  - It will not lead to excessive overshadowing of foreshore areas or view loss from a public place. The proposed building having adequate setbacks from the adjoining property boundaries to minimise overshadowing impacts or loss of views from a public place;
  - It will not diminish the scenic qualities of the area when viewed from public spaces as the proposed building is sufficiently setback from all boundaries and will not be highly visible when viewed from the south (Culburra Road) or the north (Crookhaven River) given the established vegetation and/or landscape buffer that currently exists and will be maintained with this development. While the development will be visible from the Crookhaven River, it will not diminish scenic qualities;
  - It will not have an adverse impact upon flora and fauna. Minimal vegetation is proposed for removal (i.e. one tree). A flora and fauna assessment undertaken by Council staff concluding that no direct impacts are expected with any indirect impacts being mitigated through conditions on any development consent issued;

- It will not impact upon wildlife corridors as the site is not identified as one. In addition, Council considers that the proposal will not fragment any wildlife corridors such that species will be adversely affected;
- It will not impact on fish or marine vegetation given the stormwater management plan that has been prepared which details measures to ensure that there will be no nutrient runoff into the Crookhaven River;
- It will not lead to a conflict between land based and water based coastal activities as the portion of the site which is impacted upon by the proposed development is above the river and flood levels and does not support water based activities. In addition, the development is to be connected to Council's sewage system, thereby alleviating impacts on adjacent oyster leases and the Crookhaven River in relation to effluent runoff that would have an impact if the effluent disposal was contained on site;
- It will not impact upon items of heritage, archaeological or historical significance. There being sufficient separation between the proposed development and the closest heritage item located approximately 2.5km to the north west (Somerset House – 117 Pyree Lane, Pyree);
- It will not have an impact upon the water quality of coastal water bodies. The proposed development has incorporated into its design on site detention and reuse and associated pollution control devices to ensure that the development has a neutral or beneficial effect on adjoining land; and
- It will not impact upon known aboriginal heritage. An Aboriginal Heritage Information Management System (AHIMS) basic search for the site has been undertaken and did not identify any known sites or places. No works are proposed in the vicinity of the site's foreshore. Any development consent issued to be conditioned so that, if Aboriginal objects are identified during the construction process, all works are to stop, a suitably qualified archaeologist engaged and the find reported to the NSW Office of Environment and Heritage.

b) *Part 4 (Development Control), Clause 13 (Flexible zoning provisions), Clauses 14 (Public access), Clause 15 (Effluent disposal) and Clause 16 (Stormwater)*: The above clauses have been considered. The proposed development will not conflict with the requirements of these clauses as there are no flexible zoning provisions that apply to the development site, there is no available public access to or along the foreshore in the area of the proposed development, no effluent disposal via an non-reticulated system is proposed as part of the current development and no untreated stormwater is being discharged in to the adjoining waterway.

In summary, the proposed development, subject to the imposition of conditions as detailed above, does not conflict with the applicable provisions of SEPP 71.

- ix) *Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP)*: An assessment against the requirements of the IREP has indicated that the subject land is not identified as land containing rainforest vegetation, a wildlife corridor, land affected by a service corridor, land identified as a regional or sub-regional commercial centre, land containing coal resources or land potentially suitable for urban use. It is, however, identified as land of prime crop and pasture potential and land with landscape and environmental attributes.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) *Clause 3 (Aims, objectives, etc):* The proposal does not conflict with the general aims and objectives as detailed in this clause;
- b) *Part 2 (Provisions relating to rural lands):* The proposal is consistent with the objectives relating to rural lands as detailed in Clause 11. The other requirements in this part dealing with prime crop and pasture land and development applications (Clauses 12 and 13) have been repealed.
- c) *The Illawarra Region Landscape and Environmental Study:* The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Illawarra Region Landscape and Environmental Study that supports the IREP provides specific recommendations for broad areas of the south coast, including the Wollumboola area which is located within ‘Unit 6 – Shoalhaven Delta’ under this study. In terms of the area within which the subject site is located, the study identifies the area as ‘IIIF Priority Protection’ which aims to ensure agronomic and pastoral based enterprises only. The size of the subject lot when one excludes the environmental areas (i.e. SEPP 14 wetlands and Swamp Oak Floodplain Forest) is approximately 4.3 hectares which limits the use of the land for traditional agricultural purposes. As such, the subject application is not considered by Council staff to conflict with the above policy recommendation.

In summary, the proposal does not conflict with the relevant provisions of the IREP.

- x) *Shoalhaven Local Environmental Plan 1985 - as amended (SLEP 1985):* The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:
  - a) *Clause 2 (Aims and objectives):* The submitted proposal, based on the information provided, generally satisfies the aims as outlined in Sub Clause 1(a) to 1(c) and objectives as outlined in Sub Clause 2(a) to (w);
  - b) *Clause 9 (Zone objectives and development control table):* The subject land is zoned part 1(b) (Rural “B” (Arterial Main Road Protection) Zone), part 1(g) (Rural “G” (Flood Liable) Zone) and part 7(a) (Environmental Protection “A” (Ecology) Zone) under SLEP 1985. The proposed development is wholly located in the 1(b) zoned portion of the site and is best categorised as an ‘educational establishment’ which is defined in the Environmental planning and Assessment Model Provisions 1980 and in part includes “a building used as a school”. The proposed development satisfies the objectives of the 1 (b) zone as it will, with the provision of access works proposed by the applicant, minimise the direct and accumulative impacts of the development on the efficiency and safety of Culburra Road and will not result in a deterioration of the scenic quality adjacent to Culburra Road. In terms of permissibility, an ‘educational establishment’ is not listed as a prohibited form of development/use in a 1(b) zone and is therefore, permissible with development consent.

- c) *Clause 26 (Soil, water and effluent management)*: The proposed development is located in an area, which has water services/infrastructure however, it currently does not have access to Council's sewerage system. The applicant proposing to connect the property into the Callala Sewage Treatment Plant which is approximately 1.1km south of the development site. The developer proposing to install a privately owned pumping station and associated sewer rising main through land owned by the Presbyterian Church to the south, thereby satisfying the requirements of this clause in relation to effluent. No concerns have been raised by Shoalhaven Water subject to the imposition of conditions on any development consent issued relating to compliance with the Shoalhaven Water Notice, creation of an easement for the sewer rising main and a compliance certificate to be issued prior to the issue of an Occupation Certificate.

A sediment and erosion control plan and stormwater drainage plan/integrated water cycle management strategy have been submitted with the application. This incorporates on site detention (OSD), water re-use and associated pollution control devices to ensure stormwater that does leave the site does not adversely impact upon water quality. Council staff's assessment concluding that the proposed development, subject to the imposition of conditions in relation to sediment and erosion control implementation, implementation of acid sulphate management measures and implementation of on-site drainage infrastructure as outlined in the submitted plan (including its ongoing maintenance), will not adversely impact upon public health, surface water, groundwater or community amenity.

- d) *Clause 27 (Development on acid sulfate soils)*: The proposed development is located on land that is partially identified as being affected by acid sulfate soils (i.e. high probability of it being at or near the ground surface). The portion of land impacted on by the proposed works is situated behind the area identified as potentially acid sulphate soil on the risks maps produced by the NSW Environment and Heritage. As the proposal involves excavation for a basement car parking/storage area, which has the potential to disturb acid sulfate soils, the applicant has provided an acid sulfate soil assessment as part of this application (Geotechnical Assessment, prepared by Network Geotechnics, dated June 2013). This report, which has included soil sampling, identified the presence of acid sulfate soils in the area of the proposed works and recommends that an Acid Sulfate Management Plan be provided as a separate report. Due to the presence of priority oyster areas in close proximity to the site, the applicant was requested to provide this additional report during the assessment process. An Acid Sulfate Management Plan has subsequently been provided (Acid Sulfate Management Plan, prepared by Network Geotechnics, dated October 2013). This has been reviewed by Council staff and is considered satisfactory subject to the inclusion of details on testing to be undertaken (i.e. frequency and by whom) and measures to be implemented to neutralise ponded water so as to ensure all water leaving the site complies with the requirements of the NSW Acid Sulfate Soils Assessment Guidelines and applicable environmental requirements. Any issued development consent should be conditioned so as to require compliance with the Acid Sulphate Management Plan, require testing to be undertaken and measures implemented to neutralise ponded water and require the submitted sediment and erosion control plan to be amended to address the specific requirements of the Acid Sulphate Management Plan and testing requirements.

e) *Clause 28 (Danger of bushfire)*: Council's mapping identifies that the subject site is bushfire prone. The applicant has provided a bushfire assessment as part of this application (Bushfire Protection Assessment, prepared by Ecological Australia, dated 27 June 2013) which has looked at the applicable requirements in *Planning for Bushfire Protection 2006*. Council staff have reviewed this and have concluded that the proposed works based on the location of building as shown on the submitted plan, slopes and adjacent vegetation types:

- Has a bushfire exposure level equivalent to BAL 12.5;
- Will not result in a significant threat to the lives of the occupants, visitors or emergency services personnel subject to the implementation of requirements as outlined in advice provided by the RFS and recommendations in the submitted Bushfire Risk Assessment;
- Will increase the demand for emergency services however, should not significantly decrease their ability to react to and control major bushfires;
- Has been sited so as to provide adequate asset protection zones (APZ) although, the APZ to the west will partially fall within the adjoining lot (Lot 7 DP 1141006) which is in the same ownership as the development lot. As such, an easement in accordance with Planning for Bushfire Protection requirements will be required to be established over Lot 7 DP 1141006 for the purposes of the APZ. The APZ to the north/west will not require the removal of any riparian vegetation and, as such, will not have any impacts upon the SEPP 14 wetlands and the Swamp Oak Floodplain Forest which is an identified Ecological Endangered Community (EEC). This has been confirmed through advice provided by the applicant's bushfire consultant. Any development consent issued should be conditioned in relation to the above requirements; and
- Satisfies the objectives of *Planning for Bushfire Protection 2006* and has been designed to have regard for and will be able to satisfy the applicable requirements of Planning for Bushfire Protection 2006.

In addition, as the application relates to a school, it is classed as integrated development, under section 91 of the EP&A Act, and has been referred to the RFS for a Bushfire Safety Authority. The RFS has subsequently issued a Bushfire Safety Authority (letter from the RFS dated 14 March 2014) which will require the imposition of conditions on any development consent issued as contained in its advice (i.e. evacuation and emergency management arrangements to comply with Planning for Bushfire Protection 2006, Asset Protection zone requirements including specific distances, water and utility services to comply with Planning for Bushfire Protection 2006, access requirements to comply with Planning for Bushfire Protection 2006, design and construction requirements comply with Planning for Bushfire Protection 2006). If the application is approved, any issued development consent should be conditioned as per the RFS response/Bushfire Safety Authority issued;

f) *Clause 29 (Development on flood liable land)*: Council's mapping indicates that a portion of the site is affected by flooding (northern portion). The area of the proposed development is outside the identified flood affected land. The affected land being contained within the Lower Shoalhaven River Floodplain Risk Management Plan and is classified as high hazard floodway. In accordance with the requirements of this clause, the applicant has provided a flood assessment with the development application (DCP 106 Flood Assessment, prepared by Allen Price & Associates, Ref

25837, June 2013, Rev 00). This is discussed in greater detail below under the heading Development Control Plan No.106. In summary, the development complies with the requirements of this clause subject to conditions being imposed on any issued development consent as detailed in the advice provided by Council's Flood Engineer (i.e. a flood emergency/evacuation plan being prepared as per the requirements of Section 6.10 of DCP 106);

- g) *Clause 37A (Notification of certain development)*: The submitted application was notified in accordance with Council's Community Consultation Policy. This is discussed in greater detail in Section 4 (Community Consultation) of this report;

In summary, the proposed development, subject to the imposition of conditions as detailed above, complies with the relevant provisions in SLEP 1985.

- xi) *Draft Shoalhaven Local Environmental Plan 2013 (DSLEP 2013)*: The clauses/matters contained in DSLEP 2009 that have relevance to this application are overviewed below:

- a) *Clause 2.3 (Zone objectives and land use table)*: The land where the works are proposed is zoned part E2 (Environmental Conservation) and part RU2 (Rural Landscape). The proposed development is wholly located in the RU2 zoned portion of the site and is best categorised under DSLEP 2013 as an 'educational establishment'. An 'educational establishment' is not listed as a form of development that is permissible without consent or with consent in an RU2 zone under DSLEP 2013. It is however a permissible form of development with consent in an RU2 zone under SEPP 2007 (i.e. Clause 28).
- b) *Clause 5.5 (Development within the coastal zone)*: The land is located within the coastal zone. Council has considered the requirements in parts 1 and 2. In addition, Council is satisfied that the proposed development will not impede or diminish public access to or along the foreshore, impact water quality in terms of effluent, will not discharge untreated stormwater and will not be affected by coastal hazards or have a significant impact on coastal hazards.
- c) *Clause 7.5 (Biodiversity)*: The 'Natural Resource Sensitivity – Biodiversity' map identifies part of the site as a 'sensitive area – significant vegetation'. The land identified is located to the north east of the proposed works. Council has considered the requirements in parts 3 and 4 and has concluded that the development in its proposed location will not disturb the vegetation identified. In addition, Council is satisfied that the development has been sited in an area so as to avoid any potential adverse environmental impact.
- d) *Clause 7.6 (Water)*: As the land is within 50m of the bank of the Crookhaven River and as the north eastern portion of the site is identified on the Natural Resources Sensitivity Water mapping as a sensitive area (i.e. area of SEPP 14 wetlands), the requirements of this clause are applicable. The proposed development/use based on the information submitted will not impact upon the natural flow regime, water quality, waterways natural flow path or the stability of the waterways bed, banks and shore. The portion of the land where the building works are proposed is not identified as a 'sensitive area - groundwater' on the DSLEP 2013 mapping and therefore, the

requirements of subclause 4 are not applicable. In addition, Council is satisfied that the development has been sited in an area so as to avoid any potential adverse environmental impact.

- e) *Clause 7.8 (Flood Planning Land)*: The 'Flood Planning Area' map identifies part of the site as being flood affected. Consideration has been given to the matters listed in subclause 3, and staff are of the opinion that the development will not adversely affect flood behaviour, significantly alter flow distributions and velocities, affect the safe occupation or evacuation of the land and will not result in unsustainable social and economic costs. The issue of flooding is discussed in greater detail below under the heading Development Control Plan No.106
- f) *Clause 7.10 (Acid Sulfate Solis)*: The 'Acid Sulphate Soils' map identifies that the site is affected by acid sulphate soils (both Class 2 and Class 5). In accordance with subclause 3, an acid sulphate soils management plan has been prepared. The issue of acid sulphate soils is discussed in greater detail above under the heading SLEP 1985.

In summary, the proposed development, subject to the imposition of conditions as detailed above, does not conflict with the aims and relevant provisions of DSLEP 2013.

- xii) *Development Control Plan No.18 – Car Parking Code (DCP 18)*: The clauses/matters contained in DCP 18 that have relevance to this application are overviewed below:

- a) *Car Parking Requirement Schedule*: DCP 18 requires a 'school' to provide 1 car space per employee and 1 space per 10 students in year 12. Due to the location of the school in a regional locality, the school not being a conventional school as there is full time occupation by students and teachers while in use and, as students will not be driving their own vehicles to site, the applicant has submitted a parking needs assessment to enable a merit based assessment of the car parking requirements (Traffic Statement, prepared by Allen, Price & Associates, Ref 25837, July 2013, Rev 1). This approach being permissible under the DCP.

The assessment provided outlines that there will be a maximum of 8 teachers and 100 students who will arrive to the school by buses. In addition, it is detailed that there will be a maximum of 3 support staff on site at any time. A total of 114 car spaces are proposed by the development. This comprising 8 car spaces in the lower level of the building, 14 car spaces provided as formal car parking adjacent to the southern elevation of the building and 92 grass overflow car spaces at ground level to the south of the proposed building (34 to the west of the existing site access and 54 to the east of the site access). Two formal bus parking spaces are also provided within the site. In addition to the student and staff usage, it has been advised that the development will cater for parent open days during the year (i.e. one day four times a year) where parents of the students attending the school can visit. Vehicles accessing the site during these days being able to park in the 92 grass overflow car parking spaces.

Given the intended usage and how students will be transported to site, no concerns are raised with the applicant's merit based assessment and the total number of car spaces proposed to service both the day to day operation of the school and when

open days are provided. Requirements in relation to the total number of car spaces, as proposed by the applicant, are to be conditioned on any development consent issued.

- b) *Parking Layout and Dimensions:* The car parking design and associated manoeuvring has been based on the Australian Standards (AS2890.1:2004 and AS2890.6:2009) not DCP 18. No stack car parking is proposed with all car parking on site being readily accessible from the adjoining public road system. Provision has been made in all the car parking areas for vehicles to enter and leave in a forward direction. Requirements in relation to the provision of both formal and informal car parking, as shown on the submitted car parking plan and associated line marking of the formal spaces (i.e. marking of turning bay area, marking of individual spaces, signage, etc), to be conditioned on a development consent.
- c) *Access:* With reference to the development's ongoing access arrangements, one access point (i.e. combined entry/exit) into/out of the development is proposed off Culburra Road. The access provided allows for vehicles to enter and leave the site in a forward direction. The applicant has acknowledged that works to the access point will be required to cater for the increase in usage that this development will create. Council staff's assessment and advice that has been provided by RMS concluding that the development will require the provision of an AUL treatment, BAR treatment and associated widening at the site's access point. The treatments proposed ensuring the sight distances required comply with Austroads requirements. In this regard, the applicant has provided designs for the required intersection works which have been reviewed by both Council (including Council's Traffic Committee) and the RMS who have agreed with the works that are proposed subject to conditions. Any development consent issued to be conditioned in relation to construction requirements for the upgrade works required at the site's access point and the specific requirements of the RMS.

With reference to the occasional use of the site for school open days, the applicant has proposed the use of traffic control in lieu of providing additional works above what has been proposed at the sites access. A traffic control plan that has been prepared by a suitably qualified person has been provided to Council. Council considers that traffic control is acceptable in these instances as this will only occur a maximum four times a year. Requirements in relation to all traffic control including the need for it to be carried out in accordance with AS1742, provision of an updated traffic control plan each year and the implementation of the requirements of an approved site specific Traffic Control Plan during events held at the school are to be conditioned on any development consent issued.

In relation to construction vehicle traffic and its management, no details have been provided with the application. While it is acknowledged that the existing access point will be used, measures may be required to be implemented for the various stages of construction to ensure safe ingress and egress of construction vehicles and to ensure minimal impacts on existing road users. To address this issue, a Construction Management Plan will be required to be submitted and approved by Council prior to the commencement of any works on site. Any development consent issued to be conditioned to require this.



- d) *Manoeuvrability and service areas*: An assessment of the manoeuvrability in the internal car parking areas for cars has indicated that it complies with the requirements of AS2890. In terms of delivery vehicles, the development has been designed to accommodate a 12.5m service vehicle (i.e. garbage truck). No concerns are raised with the location of the designated loading/service area or the ability for delivery/service vehicles to access the garbage storage area and the designated service area.
- e) *Drivers with a Disability*: No disabled car parking is shown on the submitted plans. DCP 18 requires 1 disabled car space per 100 car spaces. Sufficient space is available within the site to provide a disabled car parking space that is compliant with AS2890.1 and AS1428.1 with reference to grades required. The area that is suitable is in the formal car parking adjacent to the southern elevation of the building as it is in close proximity to the buildings entry points, allows unrestricted access and can be sized so as to comply with the requirements of AS2890.6:2009. Requirements in relation to the provision of a disabled car parking space, including marking/identification, to be conditioned on any development consent issued.
- f) *Construction Requirements*: Construction details as noted on the submitted plans for the car parking areas, driveway and associated manoeuvring areas are generally in compliance with Council requirements. It is, however, noted that the identified overflow car parking areas are to be provided to a grass standard as a minimum. No concerns are raised with this lesser standard due to the limited usage of these areas (i.e. maximum of 4 times a year). Specific conditions in relation to the construction requirements will be conditioned on any development consent issued.
- g) *Miscellaneous Requirements*: The applicant has advised that appropriate access signage, car space markings, lighting of the car park area are to be provided. Requirements in relation to the above to be conditioned on any development consent issued;
- h) *Landscaping*: A concept landscape plan submitted with the application shows landscaping around the perimeter of the formal car park and service area. Council staff are of the opinion that landscaping proposed is sufficient and will provide additional screening so as to assist in softening the visual appearance of the building, associated car parking and further assist in incorporating the works into the natural environment. Requirements in relation to landscaping including details on pot sizes and quantities to be conditioned on any development consent issued.

In summary, the proposal, subject to the imposition of conditions as outlined above, does not conflict with the aims of DCP 18 and the provisions of the relevant Australian Standards.

- xiii) *Development Control Plan 93 - Controls for Waste Minimisation and Management (DCP 93)*: A waste minimisation and management plan (WMMP) for the construction and on-going use of the proposed development has been submitted with the development application. Each aspect is further discussed below:

- a) *Construction Waste*: The WMMP identifies each of the main waste materials that will be generated during the construction phase, quantities and some disposal locations. This including the reuse of excavated soils on site once they have been neutralised. Council staff are of the opinion that this component of the submitted plan is satisfactory subject to the identification of the specific locations where materials will be taken. This requirement as well as requirements in relation to construction waste management (i.e. compliance with the submitted plan) to be conditioned on a development consent.
- b) *On-going Waste*: The WMMP has estimated the ongoing waste requirements based on the waste generated from the Scots College school campus at Glengarry and discussions with their waste contractor Cleanaway. Based on this, one 4.5 cubic metre garbage bin is proposed for general waste, one 4.5 cubic metre garbage bin for cardboard/paper recycling waste and one 4.5 cubic metre garbage bin glass/steel/plastic recycling (total of 3 bins). The bins to be located within a defined loading/service area which will be serviced by a private contractor. The waste storage area is of a sufficient size to hold the three bins and will be screened from public view (enclosed by a 1.8m high brick wall and aluminium gates). Council's Waste Management Officer has raised no concerns in relation to the proposed on-going waste management and with the applicant's assessment of waste to be generated by the use and waste disposal methods as summarised above. Requirements in relation to waste associated with the ongoing operation being contained on site and disposed of in accordance with the waste management arrangements as detailed in the submitted WMMP to be conditioned on a development consent issued.

Having regard for the above, the proposed development subject to the imposition of conditions, does not conflict with the aims and relevant provisions of DCP 93.

- xiv) *Development Control Plan No.106 – Development on Flood Prone Land (DCP 106)*: The site is identified on Council's mapping as partially flood affected. The flood certificate provided identifies that the portion of the site that is flood affected is within the Lower Shoalhaven River Floodplain Risk Management Plan, is classified as high hazard floodway and has a flood planning level (FPL) of 4.1m AHD (projected at 2050). Schools are identified in DCP 106 within land use category 'H' (Buildings and activities requiring special evacuation consideration). Schedule 7 of DCP 106 identifies that schools are not a suitable form of development within a high hazard flood way. As the proposed development is to be located outside the portion of the site that is identified as flood affected, is above the 2050 FPL (basement car parking to be at 4.5m AHD) and as the ground survey information submitted indicates that the development is above the 1% AEP flood line, Council raises no concerns in relation to flood impacts. In addition, the applicant has demonstrated that they are able to comply with the applicable acceptable solutions in DCP 106. Specifically, the development will not increase flood hazard, will not cause flood damage to other properties, will not impact on flood behaviour, is able to provide flood free access and is able to satisfy the requirements in Schedule 7 of DCP 106. It is, however, recommended that due to the close proximity of flood prone land some of which if flooded may impede access roads to the site (i.e. Greenwell Point Road), that a flood emergency plan should be prepared that clearly indicates to occupants in time of flood to use correct evacuation routes (i.e. flood evacuation route as indicated in figure 2 of the Allen Price & Associates, DCP 106 Flood Assessment Report).

In summary, the proposed development, subject to the imposition of conditions as detailed above, complies with the applicable requirements of DCP 106.

- xv) Shoalhaven Contribution Plan 2010: The provisions of Council's Section 94 Contribution Plan apply to the development. Having regard for the works proposed, the following Section 94 projects are relevant to the application:

- a) 01 ROAD 2096: Pyree Lane, Culburra Road;
- b) 01 ROAD 2099: Greenwell Point Road;
- c) CW FIRE 2001: Citywide Fire & Emergency Services;
- d) CW FIRE 2002: Shoalhaven Fire Control Centre; and
- e) CWMGMT 3001: Section Contributions Management and Administration

The total monetary contribution applicable to the development is \$9,641.32 (calculation based on the floor space of the development which equates to 28 Equivalent Tenements for the road projects and 14 Equivalent Tenements for the fire and administration projects). If the application is approved, any development consent issued should be conditioned to reflect the above.

**Likely impact of that development on the natural and built environment and social and economic impacts in the locality.**

- i) Threatened Species: The information submitted with the application provides limited information on flora and fauna impacts. As such, Council staff have undertaken an assessment having regard for the requirements of Section 5A of the EPA Act. This assessment included the subject site and adjoining land and has had regard for direct and indirect impacts including the impacts from APZ requirements as specified by the RFS. The assessment indicating that there is an identified Endangered Ecological Community (EEC) located within a portion of the site and the adjoining sites. The EEC being a Swamp Oak Floodplain Forest. Apart from the removal of one existing tree which is within the development's vehicle manoeuvring area on the western side of the proposed building, no established vegetation will need to be removed on this land or adjoining land. This including for the establishment of the approved APZ's which will be wholly contained in existing managed lands and will not impact upon the remnant riparian vegetation to the north of the site or the identified EEC to the west. Apart from the loss of the tree discussed above which is not part of the EEC, no direct impacts are predicted with any indirect impacts being able to be mitigated through consent conditions. Council staff are therefore of the opinion that the proposal will not result in any threatened animals, plants, their populations, or habitats being significantly impacted upon such that a locally viable population/species would be placed at risk of extinction. Similarly, the proposal would not fragment, disturb or alter any plant propagation or isolate any nearby areas of their suitable habitat. Council's assessment concluding that the development will have no significant impact.

- ii) Noise, odour and dust: Each of these issues is discussed separately below:

- a) Noise: Noise is expected to be created during construction period. The generation of noise during construction is considered to be acceptable as it is expected that it will be

for a short timeframe. However, having regard for the development's location in a rural area, any consent issued will be conditioned to restrict construction hours and manage/control construction noise generated to minimise its impact on adjoining landowners.

Long term noise from the proposed development has the potential to be an issue. It has been addressed in the noise impact assessment submitted with the current application (Environmental Noise Impact prepared by Day Design Pty Ltd, dated 16 August 2013). The report has used the NSW EPA's Industrial Noise Policy (INP) to determine the requirements that should be complied with and looked at noise generation based on mechanical plant to be used, student noise, public address system, servicing and road traffic. The report, based on the modelling, has identified that noise will not exceed noise criteria as detailed in the Industrial Noise Policy (INP) at the nearest residential receiver of 511 Culburra Road.

The report, however, has incorrectly identified land to the south (488 Culburra Road) as land that is related to this development and is owned by the applicant. Although the submitted report has not undertaken an assessment against this property, it is noted that the dwelling at 488 Culburra Road is located approximately 430m from the proposed building, is separated by Culburra Road and existing vegetation. As such, Council is of the opinion that noise generated by the school at this location will be able to comply with applicable requirements and should not result in adverse impacts on this or other adjoining development.

Any development consent, if issued, to be conditioned so as to manage/control the ongoing noise generated so that noise in connection with the use of the premises shall not cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997. In addition, any consent should require the mitigation measures as identified in the applicant's noise report to be implemented, this including an update noise report being prepared prior to the issue of a Construction Certificate once the mechanical plant selections for the development have been finalised with the recommendations from this report being maintained for the life of the development. The updated assessment to include 488 Culburra Road.

- b) *Odour*: It is not anticipated that the proposed development will create an unacceptable odour problem. However, it is acknowledged that, as the development will not be used for periods of time that odour may be created through the development's sewerage treatment process (privately owned pumping station within the development with a rising main to the Callala Sewerage Treatment Plant). This is due to sewerage still being within the rising main and turning septic which then may create odour problems at the pump/school building and discharge ends of the line. To address this issue, the applicant is proposing to create an Operations and Management Plan for the Sewerage Pumping Station and rising main which will, in part, involve the placement of potable water into the line during periods where the development is not being used. Shoalhaven Water have advised that this will be acceptable to mitigate the odour issue. Any development consent issued will be conditioned so as to require no offensive odour being generated and the creation of an Operations and Management Plan for the Sewerage Pumping Station for approval by Shoalhaven Water prior to occupation of the school.

- c) *Dust*: Dust has the potential to be an issue during the construction process. To minimise the impacts of dust during the construction period, any issued development consent will be conditioned to require dust suppression measures to be implemented. This including, but not limited to, the spraying down of vehicles and trafficable areas, installation of shade cloth along the site's development/disturbed area.
- iii) *Context and Setting*: The proposed building is 70m long, 13.5m wide, is predominately two storeys and will have a maximum ridge height of 10.9m above the natural ground level. As identified in the submitted Statement of Environmental Effects (SEE), this places the ridge height of the proposed school building at 17.86m AHD which is below the ridge height of the existing dwelling on site (18.89m AHD ridge height) and the bell tower on site (24.81m AHD ridge height). The building's design, given its intended use as a school with accommodation, does present as a bulky structure with limited articulation of its main facades. It does, however, incorporate sufficient detail in both the northern and southern elevations to provide some visual interest. This detail including the use of windows, a portico entry structure incorporating glazed panels on the southern façade and a verandah with a curved roof along the length of the northern facade. The use of these horizontal elements assisting in reducing building bulk.

A comprehensive colour and building materials schedule has been provided and details that the building is to be constructed from bricks with the main roof to be slate and the verandah, turret and entry porch to have copper roofs. Colours used for the remainder of the building will be dark which will match the existing dwelling on site and comply with Council's policy on the use of reflective building materials in coastal and rural areas. Overall, Council staff are of the opinion that the materials and colours proposed are appropriate to the local landscape, do not strongly contrast with the background environment and will not be highly reflective. It is, acknowledged that the use of copper for some of the building's roofing's may for a period of time create a reflective surface however, this will oxidize to a light green colour.

While it is recognised that the site is not itself in a visually prominent locality in a regional context, the site is visible from Culburra Road, the Crookhaven River and adjacent agricultural land to the north. To address visual impact issues, the applicant has submitted a visual assessment with the application which includes the provision of photo montages illustrating the likely appearance of the building from various locations (north of the Crookhaven River, Pyree Lane, Culburra Road). These indicating that the proposed development, when viewed from adjoining land or at a distance, should not be visually prominent. While portions of the development may be visible from some locations, the existing vegetation screening within the site or in adjacent land provides sufficient screening. It is, however, acknowledged that the existing screening in some locations along Culburra Road could be further enhanced with additional plantings. As such, the applicant has proposed to augment the existing landscaping to ensure the view of the proposed building from public spaces is kept to a minimum. Overall, it is agreed that the proposed development will not be visually prominent in the landscape from a distance and is only apparent in the vicinity of the site's entry point and within the site itself. With reference to the wider area, the natural landscape will predominate. Council staff are therefore of the opinion that the overall design of the development is satisfactory in terms of its context and setting. Any development consent issued to be conditioned that the building be constructed using the external materials and colour scheme as submitted with

the development application, require the provision of additional landscaping as identified on the submitted landscape plan, including augmentation of the existing tree screen along Culburra Road.

- iv) **Traffic and access:** The proposed development will increase the number of vehicles utilising the adjoining road network (i.e. Culburra Road). Given the size of the proposed development and its use, the increase in traffic is considered acceptable and is capable of being handled by the existing road system. However, additional works will be required at the site's entry point to ensure vehicles can enter and exit the site safely and have minimal impact on other road uses (i.e. widening of the access, provision of an AUL and BAR at the sites access with Culburra Road). Once this work has been provided, the single access point to the site will be acceptable for the proposed development. Additional discussion of this issue is provided above under the heading DCP 18.
- v) **Economic/Social Impacts:** In terms of economic impacts, the proposed development will have a positive impact both during the construction phase through the creation of construction jobs, although these will be short term, and post construction through the provision of additional employment opportunities to the local community and wider area (both on site jobs and economic benefits for those businesses that provide goods and or services to the developments operator). In terms of social impacts, the development subject to the implementation of mitigation measures as detailed in this report (i.e. implementation of measures as detailed in the acid sulfate soil management plan, implementation of noise mitigation measures, upgrading of site's access) should not result in any adverse social impacts.

### **The suitability of the site for the development**

The site is considered suitable for the proposed development with regard to zoning/ permissibility, surrounding land uses, and topographical constraints. It is not subject to any constraints that would restrict and/or prohibit the development of the site or have an adverse impact on adjoining lands sufficient to facilitate the current application's refusal. In addition, the proposed development will not adversely impact the physical environment and provides a social and economic benefit which outweighs any potential negative impacts. As such, Council staff are of the opinion that the site is suitable for the proposed development.

### **Any submissions made in accordance with the Act or the regulations**

Submissions from the general public and public authorities are discussed separately below:

- b) **The Public:** In accordance with Council's Community Consultation Policy, the development application when received was notified as is detailed in Section 4 (Community Consultation) of this report. One submission was received. A summary of the issues raised in the submission and associated comments from Council are provided below:

- **Odour:** Concern has been raised that the use of fertilisers on adjoining land may raise concerns in the future about odour generated from adjoining farming operations. The applicant in response to this issue advising that the odour generated from adjoining agricultural uses will not be of concern to the school as it is the schools intention to develop agriculture as part of the curriculum and improving

pasture on their land as necessary will be required which too will produce odours. The school also acknowledging that the land is in a rural area and pasture improvement and its associated odour are an integral part of the experience and the locality. Based on the information that has now been submitted by the applicant and given the site's location, Council staff do not believe odour generated by adjoining land uses should be a problem for the proposed school operation.

- *Fencing:* Concern has been raised about the need to repair a fence between land that is owned by the applicant and the adjoining land (i.e. fence between Lot 3 DP 1017929 and Lot 22 DP 1020330). The fence in question does not relate to the subject site but the adjoining site to the east that is owned by the applicant. The applicant in response to this issue has advised Council that the repair of fences between properties is a matter outside of Council's control with the fences to be repaired in the future at cost to both landowners. Whilst these concerns are acknowledged, it is Council's opinion that the repair of fencing between the site and adjoining properties to it, is an issue outside of the requirements for consideration under this development application and need to be addressed under the Dividing Fences Act 1991.
  - *Zoning:* Concerns has been raised about the zoning of the land and the permissibility of the proposed development/use within the current zone. Council has no concerns with the development's permissibility as the proposed development/use is permissible under SLEP 1985 ('educational establishment' not listed as prohibited development within land zoned 1(b)).
- i) *Public Authorities:* Submissions have been received from RMS and the RFS. These submissions are discussed in greater detail in Section 8 (Referrals) of this report.

### **The public interest**

The development, as proposed, should not have a detrimental impact upon either the public interest or interests of any level of government. There are no known Federal and State Government policy statements that have relevance to this application. The proposed development, based on the information provided, is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety. As such, it is considered that the works proposed are in the public interest.

### **7. Other Issues:**

- a) *Drainage:* A storm water management plan for the both the construction and post construction phase of the development has been provided with the application. For the construction phase, all water from the disturbed area of the site is proposed to be diverted to a sediment basin with an overflow to the Crookhaven River. The Acid Sulfate Soil Management Plan while, in part, details what testing of soils is required during the construction process, it does not provide details on testing to be undertaken (i.e. frequency and by whom) and measures to be implemented to neutralise ponded water or any other water leaving the site. As a result, any development consent issued should be conditioned so as to require details on testing to be undertaken and require the measures

identified to be implemented including the testing/neutralisation of water before it leaves the site.

With reference to post construction drainage, the design submitted indicates that storm water from 50% the development's roof will be harvested for re-use and stored in 40,000 litre rain water tanks to be installed in the sub floor area. This water to be used within the building (i.e. toilets) and for irrigation of site landscaping works. All remaining drainage for the site's hard stand areas including the hardstand/car parking areas going to a SPEL modular bio retention basin which will be used to remove sediment, total petroleum hydrocarbons (TPH) and nutrients in the runoff from the hard surface areas before leaving the site. This system to be located adjacent to the north western corner of the building. Discharge from this system will be controlled via an erosion control outlet. The remainder of the site which is pervious grassed area will continue to receive rainfall /runoff as existing. Modelling provided by the applicant for the post construction stormwater management has concluded that the system will have a neutral or beneficial effect on water quality. Council's staff have reviewed the stormwater information provided and raise no concerns subject to the imposition of conditions on any consent, if issued. Requirements in relation to the provision of ongoing drainage infrastructure in accordance with the storm water management plan and its maintenance to be conditioned on any consent if issued.

- b) Council's Food Premises Policy: Limited details on the fit out of the food preparation area/kitchen area that is proposed on the ground floor area have been provided. Requirements in relation to compliance with this policy including specific construction requirements, materials/finishes, ventilation, etc to be conditioned on any development consent issued.
- c) Trade Waste: No information has been provided in relation to trade waste and how it will be dealt with on site. As the development will have a kitchen that will produce meals for 110 people daily as well as produce greasy waste water, it will require the installation of a grease arrestor as a pre-treatment device so as to separate oil/grease and suspended solids from the waste water. Given the location of the site adjacent to the Crookhaven River which contains a number of priority oyster leases, an internal grease arrestor is preferred. Discussions have been held with Shoalhaven Waters Regulator Unit who advised that any consent, if issued, should be conditioned so as to require details on the specific location within the basement area and design of the grease arrestor (i.e. sizing) to be provided to Shoalhaven Waters Regulatory Unit and written approval obtained. Regard must be had for venting, installation of pipework to facilitate cleaning, clearances above and around the unit for inspections, measures to be implemented to ensure no materials enter the drainage system (i.e. bunding), etc. Requirements in relation to maintenance will also be conditioned on any consent issued.
- d) Aboriginal Land/Issues: Council records indicate that the subject land is not affected by an Aboriginal Land Claim. The issue of Aboriginal cultural heritage is discussed in the report above.
- e) Landscaping: A concept landscape plan has been submitted with the application. This plan details the use of mounding and the planting of trees so as to provide screening,



visual interest and fill view gaps in the existing vegetation adjacent to Culburra Road. Concern is however raised that the submitted landscape plan does not provide sufficient details on the pot sizes proposed, number of plants proposed and identification of taps/irrigation systems to allow all landscaped areas to adequately watered. Any consent issued to be conditioned so as to require this additional detail to be provided prior to the issue of a Construction Certificate. This including all proposed trees to be a minimum of 45 litre pot size.

- f) Land Owner's Consent: The application as submitted has provided consent from the owner of the property (The Presbyterian Church - NSW) in the form of a completed owners consent form. No concerns are therefore raised with land owner's consent.
- g) Easements/Restrictions on the use of the land: A review of the Deposited Plans (DP) has indicated that the subject land is not currently affected by any easements and/or restrictions as to user that would impact upon the proposed works. The proposed works will, however, require the creation of easements. Each easement required is discussed below:
- *Easement for Asset Protection Zone*: As per the requirements of the Bushfire Safety Authority issued by RFS, an easement in accordance with Planning for Bushfire Protection requirements will be required to be established over the parcel of land to the west (Lot 7 DP 1141006) for the purposes of an APZ. Although the adjoining lot onto which the easement is to be created is in the same ownership as the development site, it is a separate parcel of land which therefore has the ability to be sold separately and as such, an easement is the only way to ensure that the requirements of the APZ can be maintained in perpetuity. As such, any development consent issued will be conditioned so as to require an easement to be registered pursuant to section 88B of the 'Conveyancing Act 1919' burdening adjoining land known as Lot 7 DP 1141006 for the purpose of an asset protection zone (APZ). The size of the easement to be large enough to accommodate a 70 metre APZ on the western elevation of the proposed dormitory.
  - *Easement for Sewer Rising Main*: As the applicant is proposing to dispose of sewerage via the Callala Sewerage Treatment Plant an easement is required to be created through the adjoining land to the south (Lot 2 DP 1017929) over the position of the proposed sewer rising main. The easement is required for the full route of the proposed rising main and is to be a minimum of 2 metres wide centrally located over the rising main. Although the adjoining land to the south through which the sewer rising main will go is in the same ownership as the development site, an easement is the only way to ensure the development site has the legal ability to have the sewer rising main located on adjoining land in perpetuity. As such, any development consent issued will be conditioned so as to require an easement as detailed above to be created with the developer to consult with Shoalhaven Water to determine the requirements of the 88B instrument.
- h) Safety and Security: As per the requirements of Council's Safer by Design Guidelines, consideration needs to be had for the principles of Crime Prevention through Environmental Design (CPTED). A preliminary Safer by Design Crime Risk Assessment, having regard for Safer by Design Principles, has been undertaken by Council staff. This assessment has determined that the design of the building has ensured that all elevations

have been activated through the use of windows which will allow the passive surveillance of the adjoining areas. In addition, the access to the building is clearly defined, with the grounds surrounding the building being designed so they are visually open with the development's car parking and associated walkways being integrated into the site and providing a good visual connection between the building and the adjacent areas that will be used by occupants and visitors. Details on lighting to be provided indicate that lighting will be limited to low impact lighting in the constructed car park area (i.e. pole mounted lights) as well as the roads and pathways (low level bollard lighting) with all external lighting to be controlled by timers. Access to the basement and service/loading dock area will be controlled with roller doors. In terms of territorial reinforcement, access, space management and surveillance opportunities, the proposed development has been classified as having low to medium risk rating and therefore, requires no modification and/or incorporation of features above what the applicant has outlined as part of their Statement of Environmental Effects to minimise the potential risk of crime and/or anti-social behaviour (i.e. lighting, secure access to basement and service areas, etc).

- i) Energy Efficiency: As the accommodation component of the development is classified under the Building Code of Australia (BCA) as a Class 3 building with the School/Classroom component being classified as a Class 9 building the energy efficiency requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 are not applicable. However, the energy efficiency requirements under Part J of the BCA are applicable. A BCA compliance assessment report has been provided as part of this application (*Building Code of Australia Compliance Assessment for No 453 Culburra Road, Wollumboola*, prepared by D & C Ferguson Building Inspection Services Pty Ltd, dated 10 August 2013) and, in part, this has provided an energy efficiency assessment against Part J of the BCA. As Council has not been nominated as the Principal Certifying Authority (PCA) for the development, Council staff have not undertaken a comprehensive BCA assessment. If the application is approved, any issued development consent should be conditioned so as to require compliance with the requirements of the BCA which includes Part J.
- j) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

## 8. Referrals

### Internal:

- Development Engineer: Concerns initially raised with the design of the site's access and associated works in the road reserve. Amended information re-referred for comment. No objection to the updated plans subject to the imposition of recommended conditions relating to design standards for access works and car parking, drainage, erosion/sediment control and construction management.
- Building Surveyor: No objection to the proposed works subject to the imposition of conditions relating to need for a Construction Certificate, Building Code of Australia compliance and Section 68 requirements.
- Environmental Health Officer: Concerns initially raised with the information submitted,

specifically in relation to the need for an Acid Sulfate Soil Management Plan. Additional information re-referred for comment. No objection to the proposed works subject to the imposition of conditions relating to noise, kitchen fitout and acid sulphate soil management.

- Threatened Species Officer: No objection to the proposed works subject to the imposition of conditions relating to the prohibition of planting of environment weeds and maintenance of existing fencing between the cleared areas on the development site and the adjacent EEC's.
- Shoalhaven Water: Concerns initially raised with the design information provided, loading and issues related to septicity and odour. Amended information re-referred for comment. No objection to the proposal subject to the imposition of a condition on any consent issued relating to the requirements of Shoalhaven Water being complied with and the provided Shoalhaven Water Development Application Notice being issued concurrently with any development consent issued.
- Assets and Works (Traffic Section): Concerns initially raised with the lack of a detailed design for the intersection works, traffic control plan requirements and site access width. Additional information provided re-referred for comment. No objection to the proposal subject to the imposition of conditions on any consent issued relating to the required access works, signs and line requirements, speed zone requirements for when the traffic management plan is implemented and implementation of traffic control measures.
- Waste Management Officer: Concerns initially raised with information provided relating to the ongoing use of the premises and how waste will be managed. Amended information re-referred for comment. No objection raised and no conditions recommended.

**External:**

- NSW Rural fire Service: Concerns initially raised with information provided relating to the proposed alternative solution. Amended information re-referred for comment. No objection to the proposal and General terms of Approval/Bushfire Safety Authority provided. Requirements as outlined in its advice to be included as conditions on any issued development consent issued.
- NSW Roads and Maritime Services: Concerns initially raised with information submitted, specifically in relation to the need to provide a detailed design for the intersection works. Additional information re-referred for comment. No objection to the proposal subject to the imposition of conditions on any issued development consent in accordance with their advice.
- Endeavour Energy: No response to referral received at the time of writing this report.

## **9. Options**

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or

- b) Resolve to refuse the application; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

## 10. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No RA13/1001 (2013STH018) should be supported subject to suitable conditions being imposed on any issued development consent.

## 11. Recommendation

RECOMMENDED that, in respect of RA13/1001 (2013STH018) for an 'Educational Establishment – school building and associated infrastructure', the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.



Signed: Andrew Lissenden  
Senior Town Planner  
Shoalhaven City Council  
Date: 14/03/14



Robert Russell  
Development Manager,  
Shoalhaven City Council  
Date: 14/03/14

# Attachment 'A'

## **NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979  
RA13/1001**

**TO:**

The Scots College  
No. 29-53 Victoria Road  
BELLEVUE HILL NSW 2023

**being the applicant(s) for RA13/1002 relating to:**

Lot 2 DP 1017929 (No.453) Culburra Road, Wollumboola

**APPROVED USE AND OR DEVELOPMENT:**

**Educational Establishment – school building and associated infrastructure.**

**DETERMINATION DATE:**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting partial development consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

**DETAILS OF CONDITIONS**

The conditions of consent and reasons for such conditions are set out as follows:

# PART A

## CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

### General

1. This consent relates to an **Educational Establishment – school building and associated infrastructure** as illustrated on the plans, specifications and supporting documentation with the following references:
  - Job No: 7495, Sheet No: A101 - Site Plan, dated 24/10/13 (Amendment K);
  - Job No: 7495, Sheet No: A102 – Existing Site Analysis, dated 19/7/13 (Amendment B);
  - Job No: 7495, Sheet No: A200 – Basement/Carpark Floor Plan, dated 19/7/13 (Amendment G);
  - Job No: 7495, Sheet No: A201 – Floor Plan, dated 24/10/13 (Amendment H);
  - Job No: 7495, Sheet No: A301 – Elevations 1, dated 19/7/13 (Amendment G);
  - Job No: 7495, Sheet No: A302 – Elevations 2, dated 19/7/13 (Amendment D);
  - Job No: 7495, Sheet No: A401 – Sections, dated 19/7/13 (Amendment D);
  - Project Scots College-Education Facility-Wollumboola No.7495, Issue 01, dated 30/07/13;
  - Drawing 2013-P14/H01, Sheet 1 of 5 – Title Page and Legend, dated 26/06/13 (Issue 1);
  - Drawing 2013-P14/H04, Sheet 2 of 5 – Basement Stormwater Management Plan, dated 26/06/13 (Issue 1);
  - Drawing 2013-P14/H02, Sheet 2 of 5 – Site Stormwater Management Drainage Pits, Levels and Pavement Grades, dated 27/06/13 (Issue 1);
  - Drawing 2013-P14/H03, Sheet 3 of 5 – Part Site Stormwater Management Plan, 27/06/13 (Issue 1);
  - Drawing 2013-P14/H05, Sheet 5 of 5 – Stormwater Management Detail Plan, dated 27/06/13 (Issue 1);
  - Environmental Noise Impact Proposed Dormitory for the Scots College (5094-1-1R), Prepared by Day Design Pty Ltd, dated: 16 August 2013;
  - Ref No: 25837-05, Sheet 1 of 1 – Plan Showing Erosion and Sediment Control Plan, dated 15/03/2013 (Revision 00);
  - Ref No: 25837-08, Sheet 1 of 1 – Plan Showing Proposed Sewage Pumping Station & Rising Main, dated 6/11/2013 (Revision 00);
  - Job No: 7495, Sheet No: A101 - Site Plan showing Proposed Sewer Route, dated 19/7/13 (Amendment I);
  - Job No: 7495, Sheet No: A200 – Basement/Carpark Floor Plan showing Proposed Sewer Route, dated 19/7/13 (Amendment G);
  - Job No: 7495, Sheet No: A201 – Floor Plan Proposed Sewer Route, dated 19/7/13 (Amendment G);
  - DCP 106 Flood Assessment Report (25837), Prepared by Allen, Price & Associated, dated: June 2013;
  - DWG: LCO1 – Landscape Concept Plan, dated 21/7/13 (Rev: C);
  - Ref No: 25837-07, Sheet 1 of 2 – Plan Showing Particulars of Proposed Intersection Upgrading, dated: 13/12/13 (Revision 01);

- Ref No: 25837-07, Sheet 2 of 2 – Plan Showing Particulars of Signs & Lines of Proposed Intersection Upgrading, dated: 19/12/13 (Revision 02);
- Geotechnical Assessment (W07/2236-B), Prepared by Network Geotechnics, dated: 14/11/13;
- Acid Sulphate Management Plan (W07/2236-C), Prepared by Network Geotechnics, dated: October 2013;
- Bushfire Protection Assessment Proposed Dormitory (12SGBBUS-0125), Version 2, Prepared by Ecological Australia, dated: 27/06/13;
- Letter from Ecological Australia dated 1/11/13;
- Report on External Area Lighting at Dormitory Development, Prepared by Barry C. Smith & Associates Pty Ltd;
- Statement of Environmental Effects (25837), Prepared by Allen, Price & Associates, dated: August 2013.

stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

**Notes:**

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
  - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The use of the **Educational Establishment – school building and associated infrastructure** shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council (i.e. a security).

**Occupation Certificate**

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

**Note:**

- *Refer to Part E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) of this development consent for additional requirements in relation to the above condition.*
- *The issue of an Occupation Certificate is the 'nominated date of commencement' for the purposes of this development consent*



## **PART B**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE**

#### ***Principal Certifying Authority/Construction Certificate***

4. The following must be undertaken before any building works (i.e. construction of dust extractor) can commence:
  - a) A Principal Certifying Authority (PCA) must be appointed; and
  - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

#### ***Notice of Commencement***

5. Notice must be given to Council **at least two (2) days** prior to the commencement of building work.
  - *If appointment as PCA, **Shoalhaven City Council WILL NOT INSPECT any building work unless evidence of indemnity insurance has been provided.** A copy of the Certificate of Insurance will suffice.*

#### ***Supervision of Works***

6. Prior to the commencement of any works, Shoalhaven City Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures. This must include the provision of a 24 hour contact number for the designated person/company.

#### ***Sign – Supervisor contact details***

7. Prior to the commencement of any building works, the person/company responsible for the construction of all works must erect a sign at the front of the property/site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

*Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

#### ***Builders' Toilet***

8. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

***Fencing***

9. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.

***Existing services/damage to public assets (all stages)***

10. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
  - a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas service or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition, any repair or damage to services will be at the developer's expense; and
  - b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. A copy of the inspection documentation is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense.

***Soil and Water Management***

11. Prior to the commencement of any works, the relevant sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA and maintained until the work is completed and the site stabilised.

***Vegetation to be retained***

12.
  - a) Prior to the commencement of any works, the existing trees that are identified on the approved plans to be retained (refer to drawing with reference Job No: 7495, Sheet No: A101 - Site Plan, dated 24/10/13 (Amendment K)) must to be marked with temporary barrier fencing extending a minimum of 1m external to the base of the tree. This must be inspected and approved by the Principal Certifying Authority. The temporary barrier fencing is to be maintained during the construction period. No vehicles and machinery are permitted to enter the fenced areas.
  - c) No excavation is to occur inside the drip line of the tree to be retained unless essential, in which case all excavation is to be by hand to protect and retain tree roots. No vehicles and machinery are permitted to enter the fenced areas.

***Construction Management Plan (Traffic & Parking)***

13. Details of the proposed method of dealing with construction traffic are to be submitted to Council and approval obtained prior to the commencement of any works on the site. The details shall include, but are not limited to, the following.
  - a) A Traffic Management Plan prepared by a suitably qualified person detailing traffic measures to be implemented for the various stages of construction (i.e. to ensure safe ingress and egress of vehicles from the site)

- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
- c) Details on the estimated timing of construction works;
- d) Parking arrangements for construction employees and contractors noting that all vehicles associated with the construction process must be contained within the site.

## **PART C**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

#### ***Contributions for Additional Services and/or Facilities***

14. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2010*, as itemised in the following table.

Project	Description	Rate	Total
01 ROAD 2096	Pyree Lane, Culburra Road	\$129.82*28	\$3,634.96
01 ROAD 2099	Greenwell Point Road	\$34.43*28	\$964.04
CW FIRE 2001	Citywide Fire & Emergency services	\$120.81*14	\$1,691.34
CW FIRE 2002	Shoalhaven Fire Control Centre	\$176.75*14	\$2,474.50
CW MGMT 3001	Contributions Management & Administration	\$502.40*14	\$876.48
			<b>\$9,641.32</b>

Contribution rates are adjusted annually on 1<sup>st</sup> July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment.** (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent).

A total contribution, currently assessed at the sum of **\$9,641.32** or as indexed in future years shall be paid to Council **before the issue of a Construction Certificate.**

*Contributions Plan 2010* may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

#### ***Section 68 Approval***

15. a) An application pursuant to Section 68 of the Local Government Act 1993 is required to be made for any works involving water, sewerage and stormwater drainage prior to the issue of a Construction Certificate. In this regard, full hydraulics plans/details complying with AS3500 that have been prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council for assessment; and
- b) No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained.

***Landscaping – additional plantings***

16. a) The applicant must lodge an amended landscape plan with Council prior to the issue of a Construction Certificate. The plan may be approved by Council or an accredited certifier. The amended landscape plan must include the following **additional** works/details:
- Provision of additional tree plantings along the Culburra Road frontage of the site (minimum of 45 litre pot size);
  - Details on the specific species, number of plants and pot sizes for the plantings as shown the submitted landscape concept plan. In this regard, all new trees identified on the approved landscape plan must be a minimum of 45 litre pot size;
  - Mulching of all landscaped areas to a depth of 75mm;
  - Location of common taps and irrigation/watering system to permit all landscape works to be adequately watered;
  - Landscaping of the site must comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'; and
  - A maintenance plan for a 26 week period.
- b) Landscaping must be carried out on the land in accordance with the approved plan (i.e. as amended by part a) of this condition).

***Shoalhaven Water (Water, Sewer and Trade Waste requirements)***

17. Prior to issue of a Construction Certificate all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. **The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.**

**Note:** Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

**For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.**

18. A grease arrestor to service the development must be located in the basement area (i.e. not external to the building). Details on the location and design must be provided to Shoalhaven Waters Regulatory Unit and written approval obtained prior to issue of a Construction Certificate. Regard must be had for venting, installation of pipework to facilitate cleaning, clearances above the unit for inspections, measures to be implemented to ensure no materials enter the drainage system (i.e. bunding). Installation must comply with the provisions of Australian Standard 3500.2:2003 – Plumbing and drainage.

***Erosion and Sediment Control***

19. An amended Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified

and experienced person and based on the Landcom manual - "Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004", must be lodged with Council for approval prior to the issue of a Construction Certificate. The amended SWMP must include the following additional detail/information:

- a) Address the specific requirements of the Acid Sulphate Management Plan (W07/2236-C), Prepared by Network Geotechnics, dated: October 2013 (i.e. details of where acid sulphate soils will be treated on the site, measures to be implemented as per Section 6.0 of the Acid Sulphate Management Plan, etc) including how runoff and leachate from acid sulfate soils will be managed; and
- b) Provide details on testing to be undertaken (i.e. frequency and by whom) and measures to be implemented to neutralise ponded water so as to ensure all water leaving the site complies with the requirements of the NSW Acid Sulfate Soils Assessment Guidelines (NSW Acid Sulfate Soils Management Advisory Committee, August 1998) and applicable environmental requirements.

#### ***Updated Noise Report***

20. An updated noise report that has been prepared by a suitably qualified person must be lodged with Council for approval prior to the issue of a Construction Certificate. The updated report must:
  - a) Have regard for the mechanical plant selections for the development that have been made;
  - b) Include an assessment against 488 Culburra Road, Wollumboola in terms of noise impacts; and
  - c) Demonstrate how the development will meet the Environmental Protection Authority's acceptable noise level requirements.

## ***PART D***

### **CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT**

#### ***Building Code of Australia***

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

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

- b) Access and facilities for the disabled must be provided in accordance with the provisions of the BCA and AS1428.1-2009.

#### ***Design Standards***

22. The following design standards must be complied with:

- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
  - b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Shoalhaven City Council for approval;
  - c) All civil works are to be in accordance with DCP100 Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent;
  - d) Road, drainage and other civil works referred to in this Consent within the road reserve and on public or private land shall be prepared by a suitably qualified practising engineer or surveyor; and
  - e) All work must be carried out in accordance with the approved plans.
23. The approved development must be constructed so as to comply with all relevant standards in the following State government publications:
- a) School Facilities Standards-Landscape Standard-Version 22 (March 2002);
  - b) School Facilities Standards-Design Standard (Version 1/09/2006); and
  - c) School Facilities Standards-Specification Standard (Version 1/11/2008).

***Road Reserve, Footpath & Gutters***

24. Existing roads, footpaths and reserves adjacent to and nearby the site shall be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

***Soil and Water Management***

25. The following soil and water management measures must be implemented:
- a) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc). In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur. All areas disturbed must be stabilised or revegetated as soon as possible after the completion of site earthworks;
  - b) All measures detailed in the Acid Sulphate Management Plan (W07/2236-C), Prepared by Network Geotechnics, dated: October 2013 must be implemented and complied with. This including testing of water within detention basins and any water leaving the site to ensure it complies with applicable environmental requirements; and
  - c) Soils identified as being acid sulfate soils must not be taken to an alternative site that does not have consent to accept acid sulphate soils.

***Construction Hours/Vehicles***

26. a) To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays; and.

- b) All construction vehicles and equipment shall be kept within the confines of the site.

***Waste Minimisation and Management***

27. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorized/approved waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

*Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

***Dust Management***

28. Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.

- a) Erection of dust screens around the building area within the site;
- b) Securely covering all loads entering or exiting the site;
- c) Use of water sprays across the site to suppress dust;
- d) Covering of all stockpiles of soil remaining more than 24 hours; and
- e) Keeping excavation surfaces moist.

***Internal Driveway, Car Park Design and Construction***

29. The internal off street car parking area must:

- a) Be constructed, line marked and signposted in accordance with AS2890.1:2004 and AS2890.6:2009. The general off-street car park layout shall be as shown on the plan with reference Job No: 7495, Sheet No: A101 - Site Plan, dated 24/10/13 (Amendment K) and Job No: 7495, Sheet No: A200 – Basement/Carpark Floor Plan, dated 19/7/13 (Amendment G);
- b) Provide a minimum of 22 constructed car spaces including 1 disabled car parking space and 92 overflow car spaces (total of 114 car spaces), and 2 bus parking spaces;
- c) Be constructed (excluding the overflow car parking areas) with a sealed flexible pavement designed and constructed for a minimum traffic loading of  $1 \times 10^5$  ESA's. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability;
- d) Be bordered by concrete kerbing (excluding the overflow car parking areas), except where surface run-off is concentrated, in which case concrete integral kerb and gutter shall be constructed. The work must comply with Council's Plan No. SC 263710 and SC 263709; and
- e) Have wheel stops provided to all parking spaces (excluding the overflow car parking areas) in accordance with AS2890.1.

**Stormwater Drainage Design**

30. The stormwater drainage must be constructed generally in accordance with drawings by JCL Development Solutions, plans 2013-P14/H01 to 05 (inclusive) and comply with the following requirements:
- a) The stormwater outflow design as shown on drawing with reference Drawing 2013-P14/H05, Sheet 5 of 5 – Stormwater Management Detail Plan, dated 27/06/13 (Issue 1) must be constructed such that all sizes of rock used are able to withstand movement by the stormwater under the design event.

**Bushfire Requirements (Bushfire Safety Authority)**

31. The following works/requirements relating to bushfire measures must be complied with:
- a) The development proposal is to comply with the drawings prepared by iarchitecture numbered 7945, dated September 2013;
  - b) At the commencement of building works the property around the building shall be managed as follows 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';
    - North for a distance of 55 metres as an asset protection zone;
    - North west for a distance of 36 metres as an asset protection zone;
    - East for a distance of 80 metres as an asset protection zone;
    - South for a distance of 100 metres as an asset protection zone; and
    - West for a distance of 70 metres as an asset protection zone (APZ).

*Note: In forested areas, a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bushfire Protection 2006'.*
  - c) To allow for emergency service personnel and residents to undertake property protection activities, a defendable space that permits unobstructed pedestrian access is to be provided around the buildings;
  - d) This approval is subject to the proposed easement being registered pursuant to section 88B of the 'Conveyancing Act 1919' burdening adjoining land known as Lot 7 DP 1141006 for the purpose of an asset protection zone (APZ). The size of the easement shall be large enough to accommodate a 70 metre APZ on the western elevation of the proposed dormitory;
  - e) At the commencement of building works and in perpetuity the property around the existing cottage to a distance of 10 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'.
  - f) Water, electricity and gas provisions are to comply with the Section 4.1.3 of 'Planning for Bush Fire Protection 2006':
    - Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1- 2005 'Fire Hydrant Installations';
    - Where the rear or most distant part of a proposed building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1- 2005 'Fire Hydrant Installations'. Locations of fire



hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2008: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- g) Internal roads shall comply with following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Internal roads are two wheel drive, sealed, all weather roads;
  - Internal perimeter roads are provided with at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb) and shoulders on each side, allowing traffic to pass in opposite directions. Alternatively where a two lane road cannot be provided, an alternate access route shall be available from the access point to the proposed dormitory to allow for emergency service vehicles to access the building whilst occupants are evacuating. This access route shall comply with the property access requirements of 4.1.3 of Planning for Bush Fire Protection 2006. (Note: alternate access may be unformed but must provide a trafficable and unobstructed alternate route from the site access point to the college).
  - Roads are through roads. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
  - Traffic management devices are constructed to facilitate access by emergency services vehicles.
  - A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided;
  - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
  - The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
  - Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees;
  - Crossfall of the pavement is not more than 10 degrees;
  - Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge);
  - Roads are clearly sign posted and bridges clearly indicate load ratings; and
  - The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
- h) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745:2010 'Planning for Emergencies in Facilities'.
- i) 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'.

- j) All new Class 10 structures as defined per the 'Building Code of Australia' attached to or within 10 metres of the habitable building 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'.

### **Colour Schedule/Exterior Materials**

- 32. a) The approved building must be constructed in accordance with the approved schedule of colours and building materials and finishes or otherwise with the written approval of Council's Development Manager or equivalent; and
- b) The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and must be designed so as to not result in glare that causes any nuisance or interference to any person or place.

### **Intersection Upgrade Works and Entrance Design**

- 33. The developer must upgrade the junction of Culburra Road and the access to the subject site to a sealed Type Auxiliary left (AUL/s) turn together with a sealed Type Basic right (BAR) turn configuration in accordance with the Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections* and the approved plans (generally in accordance with the plan with reference 25837-07, Sheet 1 of 2 – Plan Showing Particulars of Proposed Intersection Upgrading, dated: 13/12/13 (Revision 01)). The access must be sealed a minimum 15m back from the edge of the seal. In this regard, the following measures must be complied with:
  - a) The hold line of the access must be located 7.5m from the centre line of Culburra Road as per Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*;
  - b) The C1 line for the AUL(s) must not continue across the access;
  - c) An appropriate drainage treatment across the access must be provided to Council's satisfaction. Any headwalls must be located outside the clear zone defined by Section 4.2 of Austroads *Guide to Road Design Part 6: Roadside Design, Safety and Barriers*;
  - d) Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158;
  - e) Existing table drains across the frontage are to be realigned as necessary to prevent ponding of water;
  - f) All road works are to be at no cost to Roads and Maritime Services (RMS) and Shoalhaven City Council.
- 34. An indented rural access shall be designed at the approved driveway location in accordance with Council's Plan No. D1.21. The access must:
  - a) Ensure that the largest expected vehicle does not overhang the travel lane.
  - b) Be generally in accordance with the design as shown on the plan with reference 25837-07, Sheet 1 of 2 – Plan Showing Particulars of Proposed Intersection Upgrading, dated: 13/12/13 (Revision 01) and be configured to accommodate a minimum distance of 13 metres between the gate and the table drain or 15 metres to the road shoulder if there is no table drain; and

- c) Be fenced where the remainder of the road property boundary is fenced. Barbed wire fencing is not permitted.

***Regulatory Signage and Pavement Markings***

35. Installation of signs and lines is to be undertaken in accordance with the approved signs and lines plan (plan with reference 25837-07, Sheet 2 of 2 – Plan Showing Particulars of Signs & Lines of Proposed Intersection Upgrading, dated: 19/12/13 (Revision 02)) with the inclusion of the following additional works:

- a) The extension of Double Barrier (BB) line marking east and west of its current location to tie into the existing Double Barrier (BB) line marking on Culburra Road; and
- b) At the proposed Basic Right Turn (BAR) treatment, the existing edge line be removed and reinstated to align with the proposed edge of bitumen.

***Lighting – Internal Driveway and Car Parking Areas***

36. Lighting must be provided to the internal driveways and the formal visitor car parking areas in accordance with:

- a) AS/NZS 1158.3: 1999 Road Lighting - Pedestrian area (Category P) lighting - Performance and installation design requirements;
- b) AS4282: 1997 Control of the obtrusive effects of outdoor Lighting; and
- c) The information/details in the Report on External Area Lighting at Dormitory Development, Prepared by Barry C. Smith & Associates Pty Ltd.

Particular attention shall be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas.

***Kitchen Area Construction/Fitout***

37. The kitchen area construction and fitout must comply with Council's Code for the Construction and Alteration of Food Premises, the Food Act 2003 and Food Regulation 2010. With particular consideration given to the following:

- a) All refrigeration devices storing perishable foods shall be provided with a numerically scaled thermometer accurate to 10C. All perishable foods shall be stored at less than 50C at all times.
- b) Floors, walls, and ceilings are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair.
- c) All fixtures, fittings and appliances such as freezers, stoves etc are to be elevated 150mm above floor level or located on plinths, wheels or castors. They must be able to be easily cleaned and constructed so as not to harbour vermin.
- d) All wall shelving shall be kept 25mm off the vertical wall face, or sealed to the wall. The lowest shelf must be 150mm off the floor to facilitate cleaning.
- e) The hand basin shall be installed and supplied with warm potable running water (temperature between 400C and 480C), mixed from a single spout. The hand basin must be supplied with soap and single use paper hand towels and must not be used for any purpose other than washing hands.

- f) Hand basins shall be located immediately adjacent to the male and female toilet facilities, and be provided with warm running water, soap, single use towels and rubbish bin.
- g) Storage facilities for garbage and recyclable matter must be capable of being easily and effectively cleaned.
- h) An approved mechanical ventilating exhaust hood must be installed and operated in accordance with Australian Standard AS 1668.2-2012.

***Flooding***

- 38. a) An 'Evacuation Management Plan' must be prepared. This plan should clearly indicate that occupants in times of flood are to use the correct evacuation route (i.e. flood free evacuation route indicated in Figure 2: Site Access of the DCP 106 Flood Assessment Report (25837), Prepared by Allen, Price & Associated, dated: June 2013).
- b) The 'Evacuation Management Plan' must be kept on site at all times.

***Aboriginal Cultural Heritage***

- 39. If Aboriginal object are identified during the development of the subject land, works must stop and a suitably qualified archaeologist notified immediately to assess the finds. The finds must be reported to the NSW Office of Environment and Heritage (OEH) and further approvals, if required, obtained prior to the recommencement of works.
- 40. If human remains are discovered during the development of the subject land, the findings must be reported immediately to the NSW Coroner's Office and/or the NSW Police. If the remains are suspected to be Aboriginal, OEH must be contacted and a specialist consulted to determine the nature of the remains

***Easements/Restrictions as to User – 88b***

- 41. The applicant shall comply with the requirements of the easements and restrictions-as-to-user placed over the title at the time of subdivision and as amended.
- 42. In accordance with Section 88B of the 'Conveyancing Act 1919' an:
  - a) Easement must be created/registered with the NSW Land and Property Information (LPI) for the purpose of an Asset Protection Zone (APZ) burdening adjoining land known as Lot 7 DP 1141006 for the purpose of an asset protection zone (APZ). The size of the easement shall be large enough to accommodate a 70 metre APZ on the western elevation; and
  - b) Easement for sewer rising main (pressure main) must be created/registered with the NSW Land and Property Information (LPI) in favour of Lot 2 DP 1017929. The easement must be taken out along the full route of the proposed rising main, have a minimum width of 2.0m wide and be centrally located over the rising main. The applicant/developer is to consult with Shoalhaven City Council (Shoalhaven Water) to determine the requirements of the 88B Instrument prior to it being registered.

## **PART E**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED**

43. Prior to the issue of an Occupation Certificate for the approved development, the following must be complied with and completed:

- a) The requirements of conditions 16(b) (Landscaping), 23 (Design Standards) 29 (Internal Driveway, Car park Design and Construction), 30 (Stormwater Drainage Design), 31 (Bushfire Requirements), 32 (Colour Schedule/Exterior Materials), 33 (Intersection Upgrade Works), 34, 35 (Regulatory Signage and Pavement Markings), 36 (Lighting – Internal Driveway and Car Parking Area), 37 (Kitchen Area Construction/Fitout), 38 (Flooding) and 41 (Easements/Restrictions as to User); and
- b) A Certificate of Compliance must be obtained from Shoalhaven Water;
- c) Written approval must be obtained from Shoalhaven Council advising that the road reserve area in the vicinity of the development has not been damaged as a result of the development works and is in a satisfactory condition.

**Note:** Any infrastructure within the road reserve, along the frontage of the subject site or within close proximity in the road reserve which has been damaged as a result of construction works associated with the approved development, is to be repaired by the applicant at their cost.

## **PART F**

### **CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT**

#### **Site Management and Maintenance**

44. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:

- a) loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);
- b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park or drive way areas;
- c) activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
- d) removal of all graffiti within a maximum of 14 days of being notified by Council;
- e) The storage of the waste bins (i.e. ongoing waste, recycling waste and medical waste) within the approved waste storage area so they are not visible from a public place;
- f) maintenance of:
  - All vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
  - All stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plans including

on-site detention and associated stormwater pollution control devices being maintained;

- All signs and lines;
- The grease arrestor and sewerage pumping station; and
- All buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

### **Annual Fire Safety Certificate**

45. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial interim/final Fire Safety Certificate is issued. This must ensure that essential services installed in the building for the purpose of fire safety have been inspected and, at the time of inspection, are capable of operating to the required minimum standard.

### **Bushfire Requirements**

46. In perpetuity, the property around the building shall be managed as follows 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';

- North for a distance of 55 metres as an asset protection zone;
- North west for a distance of 36 metres as an asset protection zone;
- East for a distance of 80 metres as an asset protection zone;
- South for a distance of 100 metres as an asset protection zone; and
- West for a distance of 70 metres as an asset protection zone (APZ).

*Note: In forested areas, a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bushfire Protection 2006'.*

### **Waste Disposal**

47. Waste materials generated from the approved development must be disposed of in accordance with the waste management measures as detailed in the approved Statement of Environmental Effects and supporting email from Allen, Price & Associates dated 31 October 2013.

### **Noise**

48. a) The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- b) The noise control recommendations identified in the Environmental Noise Impact Proposed Dormitory for the Scots College (5094-1-1R), Prepared by Day Design Pty Ltd, dated: 16 August 2013 and the approved amended report as required by Condition 20 must be implemented and maintained for the life of the development.

### **Odour**

49. a) The use of the approved development must not result in 'offensive odour' being generated; and  
b) The approved Operations and Management Plan for the Sewerage Pumping Station must be implemented and maintained for the life of the development.

### **Neighbourhood Amenity**

50. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public. Furthermore, that no injury shall be caused to the amenity of the neighbourhood by the generation and emission of noise, smoke, smell, vibration, gases, vapour, odours, dust, particulate matter or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

### **Car Parking/Traffic Control**

51. a) During events held at the school (i.e. open days, etc), the requirements of an approved site specific Traffic Control Plan, that has been prepared by a suitably qualified person, must be implemented;  
b) All traffic control including the placement and removal of barricades, associated signage and/or regulation of traffic (including stop/slow) is to be carried out in accordance with the requirements of the approved Traffic Control Plan and is to be undertaken by Traffic Controllers appropriately trained in accordance with the requirements of AS1742.3 and giving consideration to the RMS Traffic Control at Worksites Manual;  
c) A Speed Zone Authorisation (SZA) needs to be applied for through Council and approval obtained prior to each event.  
d) An updated traffic control plan that has been prepared by a suitably qualified person must be submitted to Council on an annual basis. The updated plan must ensure that any changes to traffic conditions have been considered and any required amendments have been undertaken as well as confirming the currency of the certification of the person authorising the TMP/TCP.  
e) All vehicles associated with the operation of the school must be parked within the site (i.e. in the areas as shown on the approved plans) and not external to the site.

**Note:** *Should the intensity of the use of the school increase over time then additional traffic control measures may need to be implemented. Further discussions should be had with Council if this is to occur.*

### **Public Liability Insurance Policy**

52. A Public Liability Insurance Policy to the amount of \$20 million that is endorsed to indemnify Shoalhaven City Council, Roads & Maritime Services and NSW Police (as interested parties) against any claim arising out of the traffic control measures, must be submitted to Council annually. A copy of which is to be directed to Council's Insurance Office annually.

**Signage**

53. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under an associated planning instrument is approved as part of this development application.

**Fencing**

54. To protect areas of native vegetation and Endangered Ecological Communities, the existing fences separating areas of native vegetation from existing cleared areas are to be maintained for the life of the development.

## **PART G**

### **OTHER COUNCIL APPROVALS**

#### **Section 138 Roads Act**

##### ***Approval Required for Work within the Road Reserve – Section 138 Roads Act***

1. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council to obtain the s.138 consent:
  - a) Any pavement design required by this consent;
  - b) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan;
  - c) Insurance details;
  - d) Name and contact information of the person/company appointed to supervise the construction;
  - e) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works;
  - f) Details of discussions had with Council's Property Unit regarding compensation for the construction of a private sewer rising main within the road reserve, including a letter from Council's Property Unit that they have no objection with the works within the road reserve;
  - g) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' shall be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

**Note:**



*All works undertaken within or adjacent to a public road shall be provided with traffic control in accordance with the Traffic Control Plan as a minimum. As a result of changing conditions, additional traffic control measures may be required to comply with the WH&S Act and WorkCover requirements. Such control is to be in place and maintained to these requirements during the construction of the works. **NB: Traffic includes both vehicular and pedestrian.***

## **PART H**

### **REASONS FOR CONDITIONS**

#### **Conditions of consent have been imposed to:**

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## **PART I**

### **ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL**

#### **Development Consent under Environmental Planning and Assessment Act, 1979**

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

**Approvals under Local Government Act, 1993**

*Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.*

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

## **PART J**

### **ADVICE ABOUT WHEN THIS CONSENT LAPSES**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.*

## **PART K**

### **GENERAL ADVICE TO APPLICANT**

**Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

***Endeavour Energy***

To ensure a secure supply of electricity to the approved development an application needs to be submitted to Endeavour Energy. To avoid delays you are encouraged to submit an application to Endeavour Energy at your earliest convenience. Final determination of the electrical supply arrangement and associated electrical works shall be determined upon submission of this application. An application can be obtained from Endeavour Energy on (02) 9853 6234

***NSW Rural Fire Service Advice***

The NSW Rural Fire Service has advised Council that the applicant should give consideration to upgrading the existing cottage on the development site to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

***Disclaimer – s88B restrictions on the use of land***

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

***Inspections***

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

***DBYD Enquiry - 'Dial Before You Dig'***

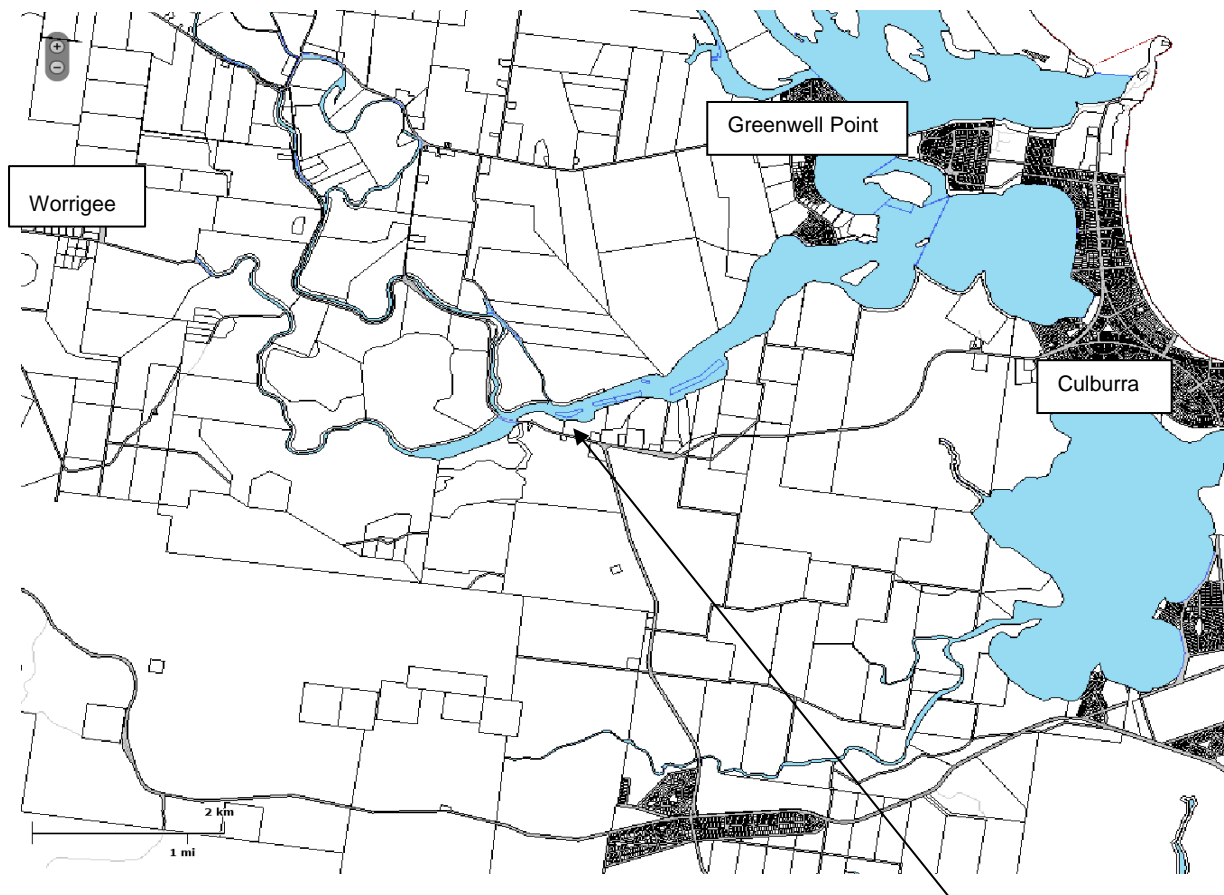
In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services.

***Privacy Notification***

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

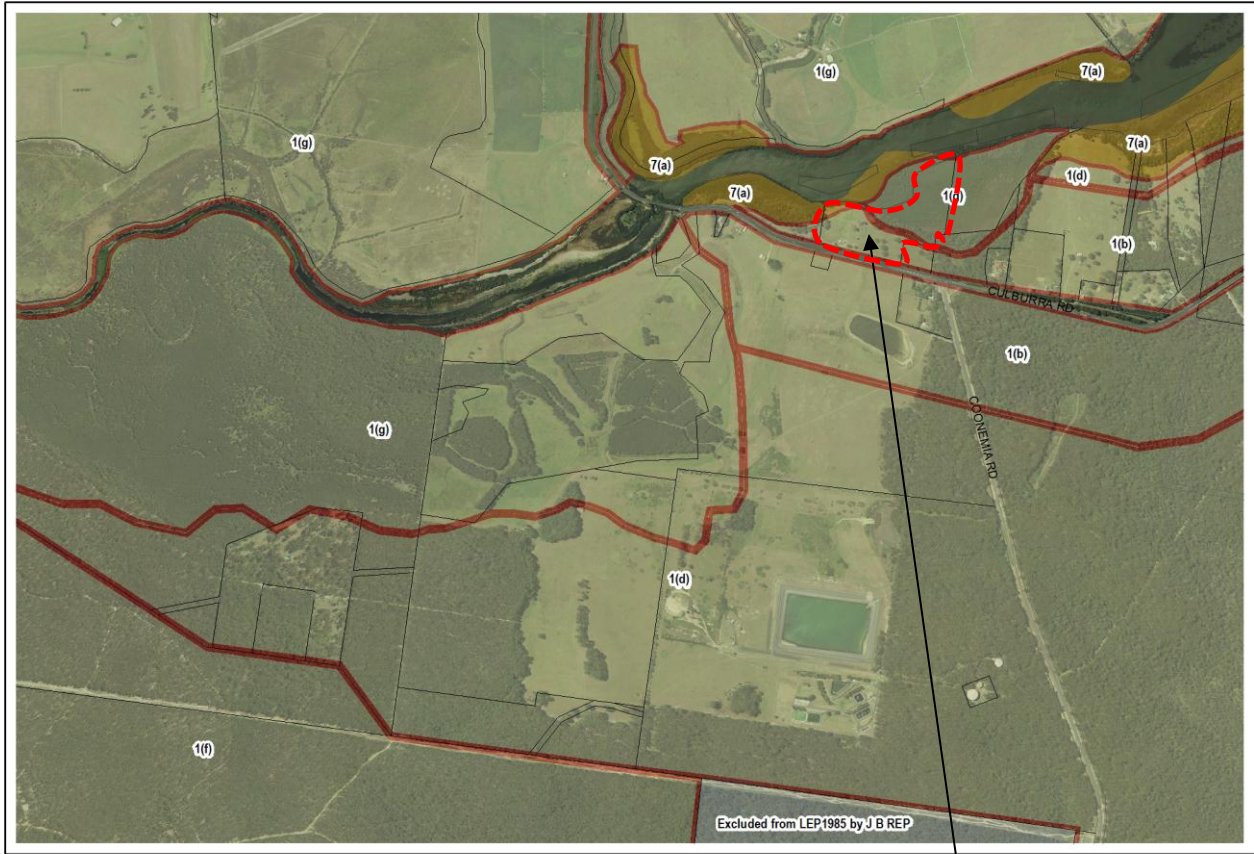
## Attachment 'B'

Location Plan



Location and Zoning Plan

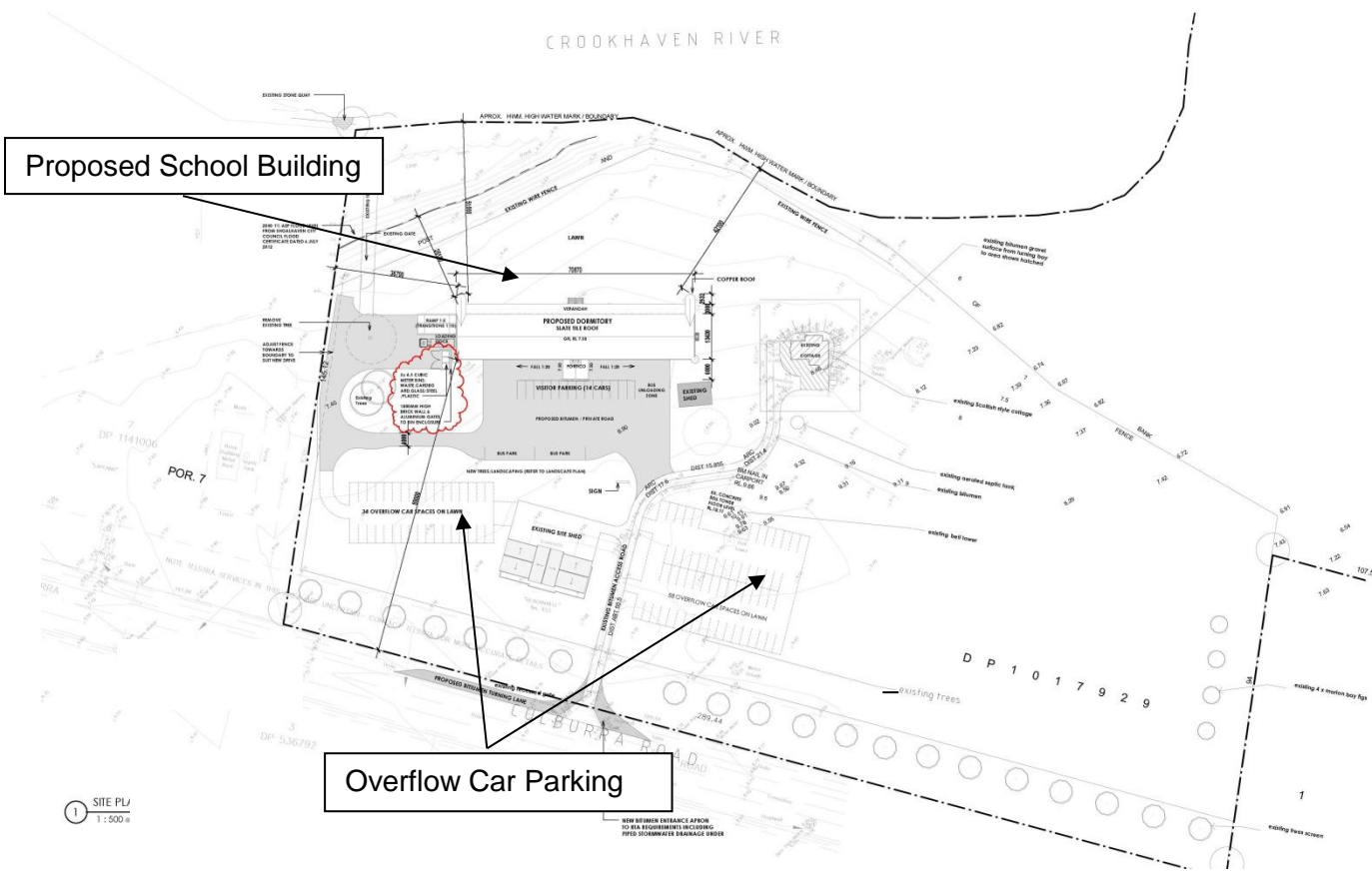
Subject Site



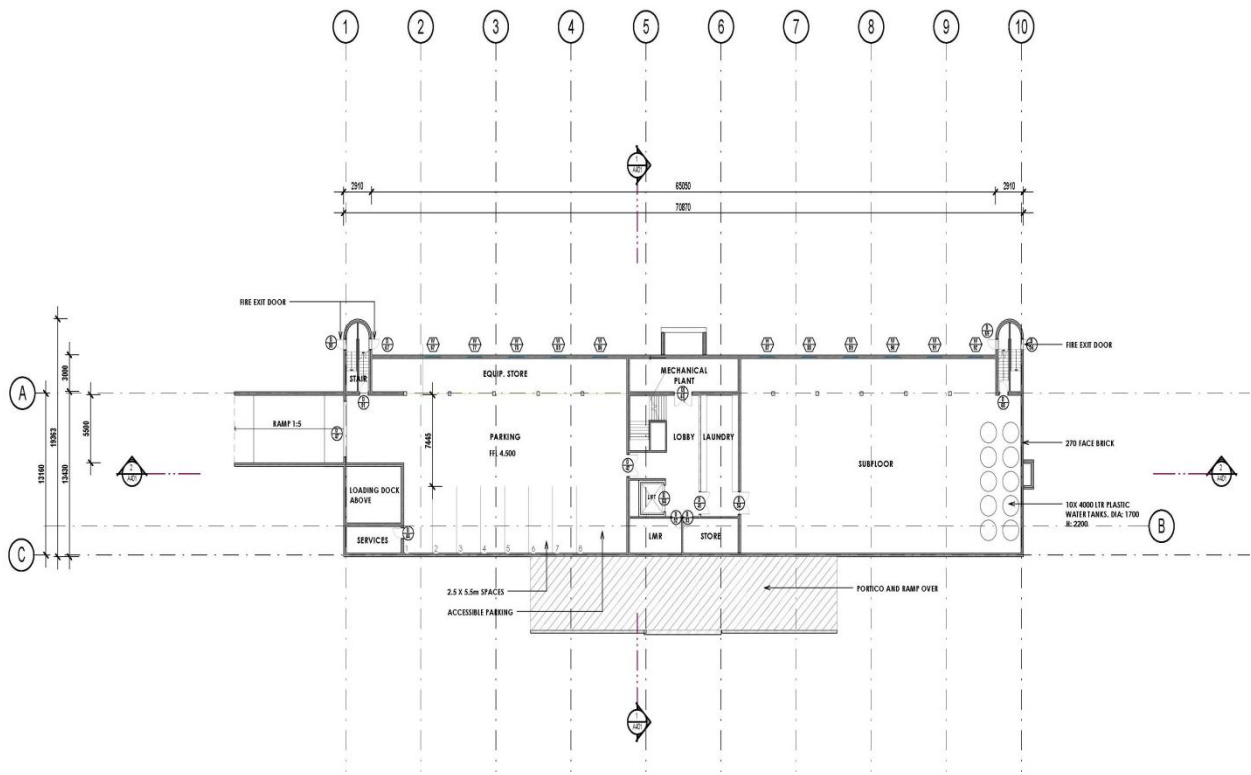
Subject Site

## Attachment 'C'

Site Layout Plan



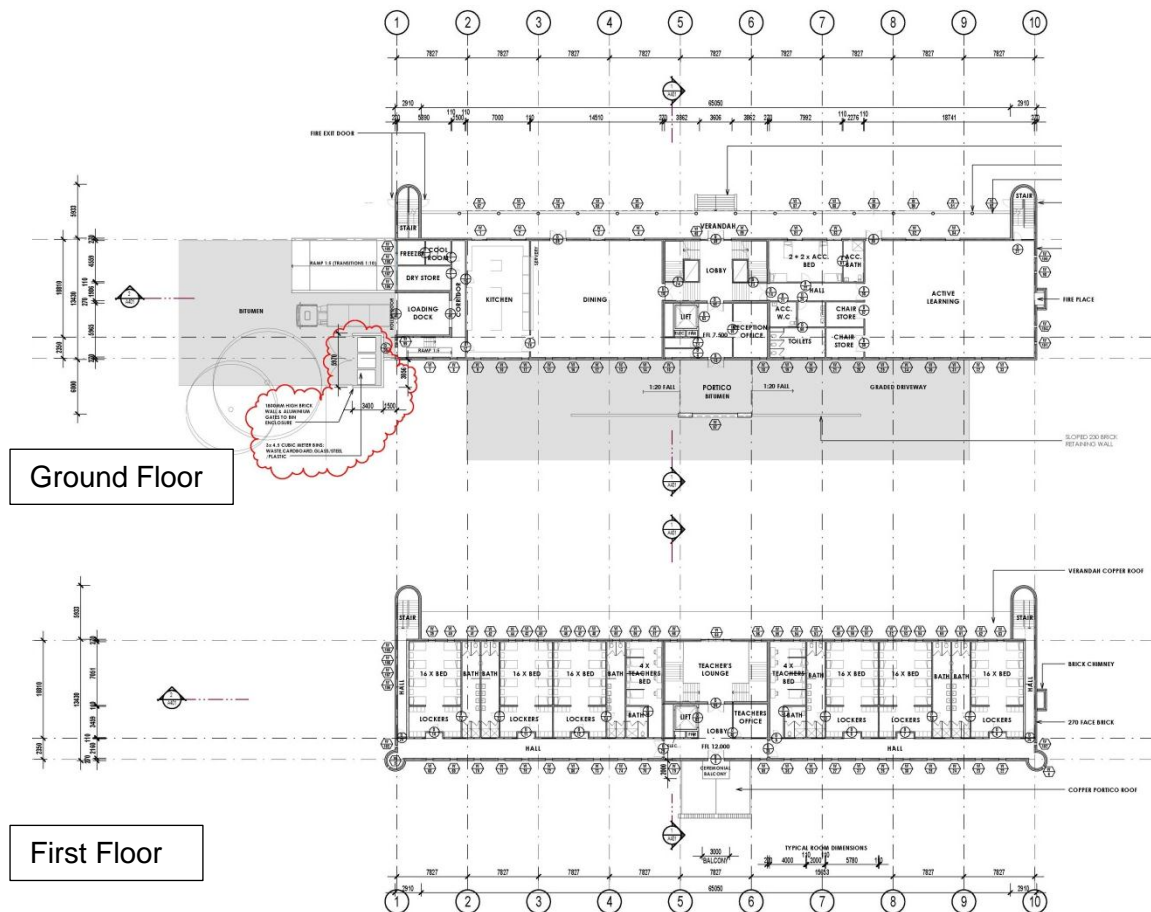
Basement Floor Plan



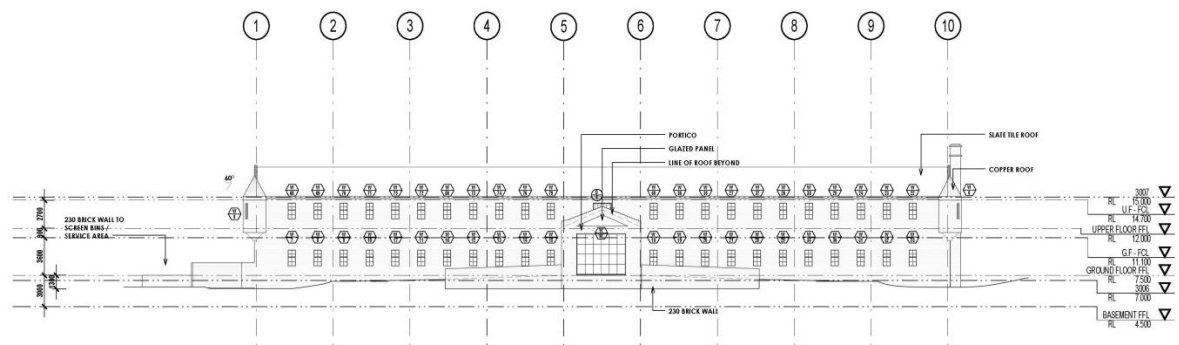
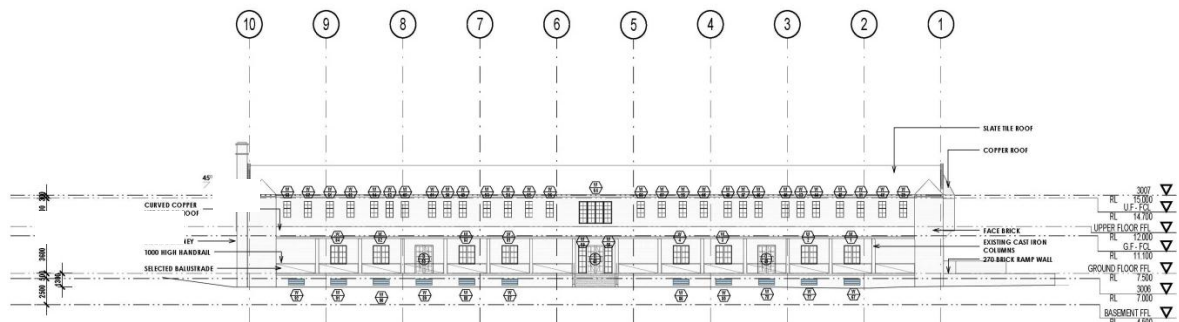


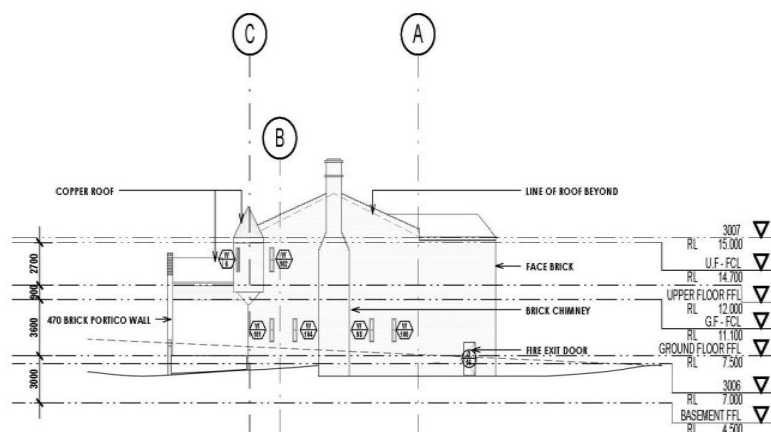
## Ground Floor and First Floor Plan

## Attachment 'C'

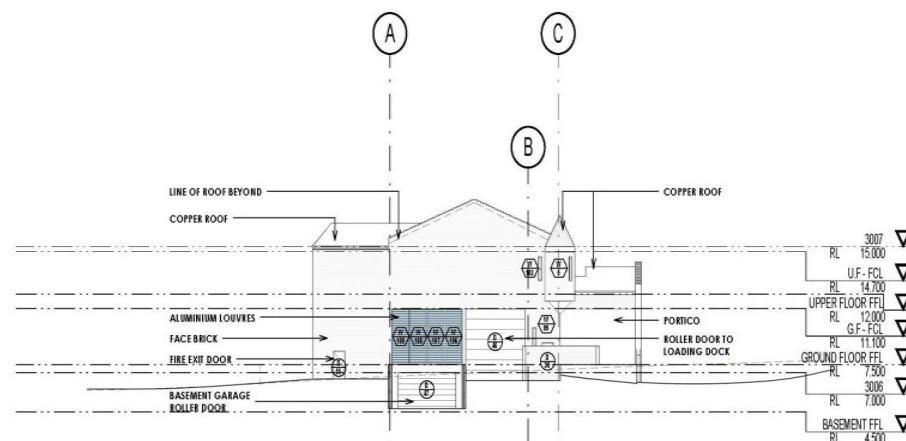


## Elevations



**Elevations**

Eastern Elevation



Western Elevation