

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

<b>JRPP No</b>	<b>2013SYW088</b>
<b>DA Number</b>	<b>769/2013</b>
<b>Local Government Area</b>	<b>Camden</b>
<b>Proposed Development</b>	<b>Construction of an extension and alterations to an existing multi purpose hall and associated site works</b>
<b>Street Address</b>	<b>650B Camden Valley Way, Gregory Hills</b>
<b>Applicant / Owner</b>	<b>Thomsen Adsett (NSW) Pty Ltd / Trustees of the Marist Brothers</b>
<b>Number of Submissions</b>	<b>0</b>
<b>Recommendation</b>	<b>Approve with conditions</b>
<b>Report by</b>	<b>Ryan Pritchard, Team Leader – Town Planning Assessments</b>

## **PURPOSE OF REPORT**

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the construction of an extension and alterations to an existing multi purpose hall and associated site works at 650B Camden Valley Way, Gregory Hills.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$6.65 million which exceeds the CIV threshold of \$5 million for Council to determine the DA.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine DA 769/2013 for the construction of an extension and alterations to an existing multi purpose hall and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

## **EXECUTIVE SUMMARY**

Council is in receipt of a DA for the construction of an extension and alterations to an existing multi purpose hall and associated site works at 650B Camden Valley Way, Gregory Hills.

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

The DA was not publicly exhibited as it proposes an expansion and upgrade of existing facilities within an existing school site with no increase in student numbers proposed. The proposed works are located in the middle of the site and much of them will be surrounded by existing school buildings. The nearest occupied residential property is located approximately 865m away to the south east in Currans Hill.

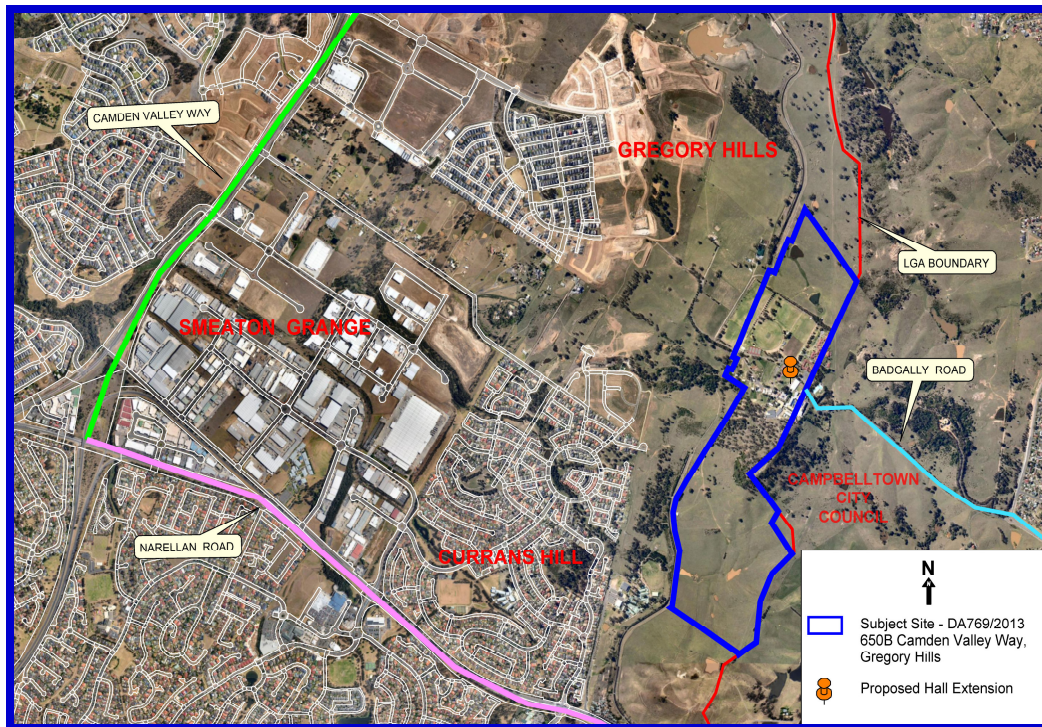
Public exhibition under Camden Development Control Plan 2011 was therefore not considered necessary.

This site is currently unsewered and reliant upon an on-site sewage management system (OSSM). Whilst the proposed development will not increase in staff or student numbers, activities within the proposed hospitality kitchen will generate additional wastewater with a higher organic load. The applicant has identified that the existing system requires upgrading and this has been discussed in detail at recent pre-DA meetings with Council staff.

To ensure that an appropriate OSSM exists to service the proposed development it is a recommended condition that the proposed hospitality kitchen shall not be occupied until an appropriate sized and functioning OSSM is provided on the site. Alternatively, the site may be connected to Sydney Water's sewer system with a possible connection anticipated to be available within approximately 2 years. This condition has been discussed with and agreed to by the applicant.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

## AERIAL PHOTO



## THE SITE

The site is commonly known as 650B Camden Valley Way, Gregory Hills and is legally described as lot 93, DP 1137298.

The site is irregular in shape and has an overall area of 94.1ha. The site contains St. Gregory's College which is a catholic day and boarding school for years 7-12. The school is comprised of a number of multi storey classrooms, boarding and ancillary facility buildings, playing fields and car parking. The existing multi purpose hall that is proposed to be extended and altered is located in the middle of the existing school buildings on the site.

The school straddles the Camden/Campbelltown LGA boundary however most of it is located within the Camden LGA. The site is accessed from the Campbelltown LGA via Badgally Road. Parts of the site are mapped as bush fire prone land and part of the southern area of the site is mapped as environmentally sensitive land.

The Sydney Catchment Authority upper canal lies to the west with the Currans Hill and Gregory Hills residential suburbs to the south west and north west respectively. To the north exists the Gledswood, El Caballo Blanco and Lakeside urban release areas. To the east lies the Campbelltown residential suburbs of Eaglevale, Claymore and Blairmount whilst to the south is the Mount Annan Christian College and C3 church Mount Annan.

## **HISTORY**

St. Gregory's College began operating on this site on 3 February 1926. The site has since been subject to a number of development approvals for new school buildings and alterations to existing structures. The most recent development approval was for the construction of a new boarders dining and laundry facility which was approved by Council staff under delegated authority on 26 August 2013. However none of these approvals are relevant to the proposed development.

## **THE PROPOSAL**

DA 769/2013 seeks approval for the construction of an extension and alterations to an existing multi purpose hall and associated site works.

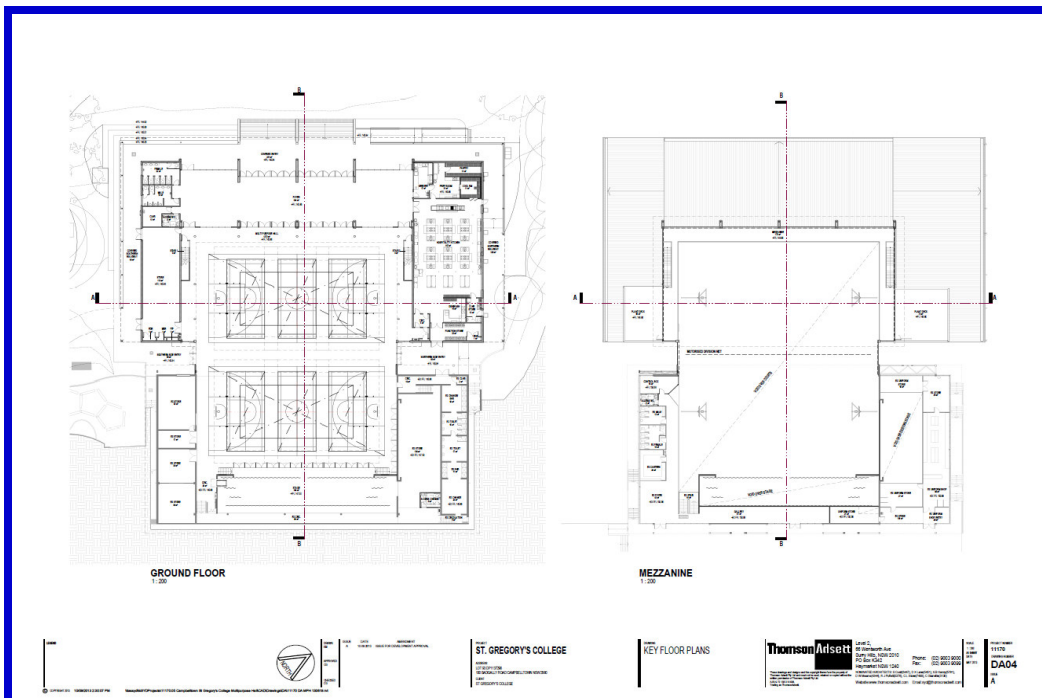
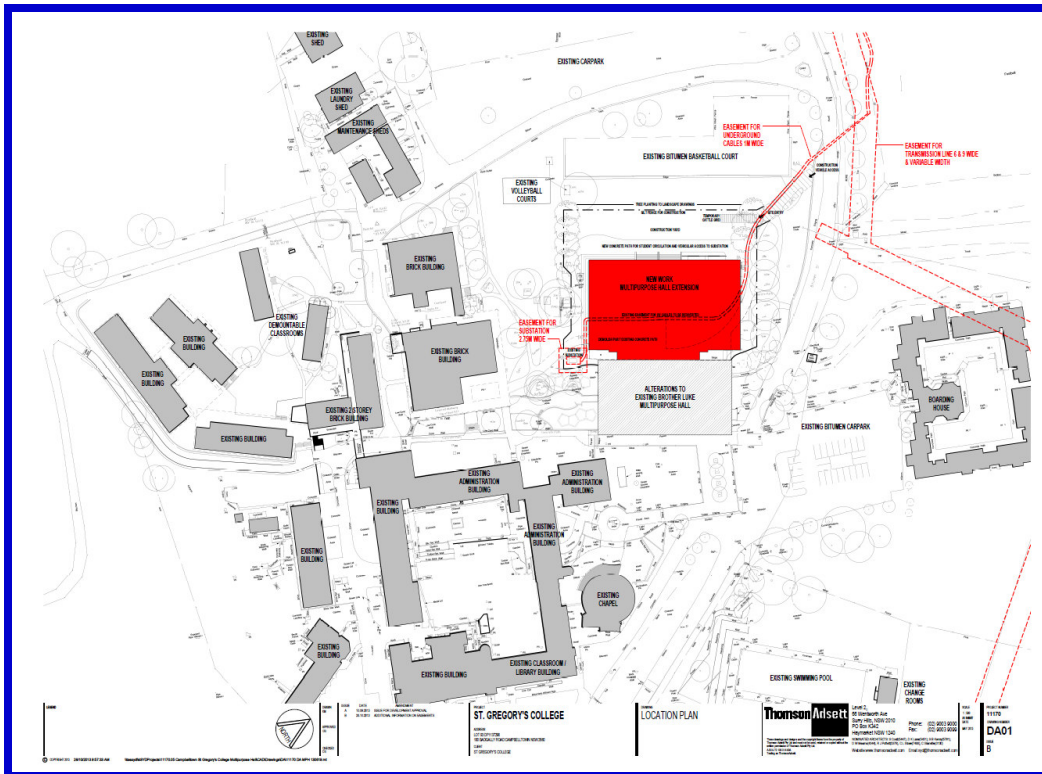
Specifically the proposed development involves:

- removal of the north eastern wall of the existing multi purpose hall and construction of an extension that will more than double the size of the hall;
- the proposed extension will provide additional space for a new basketball court, a hospitality trade training kitchen, ancillary storerooms, amenities, a foyer and covered walkway. All of these facilities will be used ancillary to and associated with the existing school;
- the proposed extension will be constructed and finished in a mixture of face brick, painted fibre cement wall cladding, colorbond metal and glazing and will have a maximum building height of 9.4m; and
- minor earthworks, drainage and landscaping works.

No increase in the number of school staff or students is proposed as part of this development. The operating hours of the extended hall will be consistent with the normal operating hours of the rest of the school.

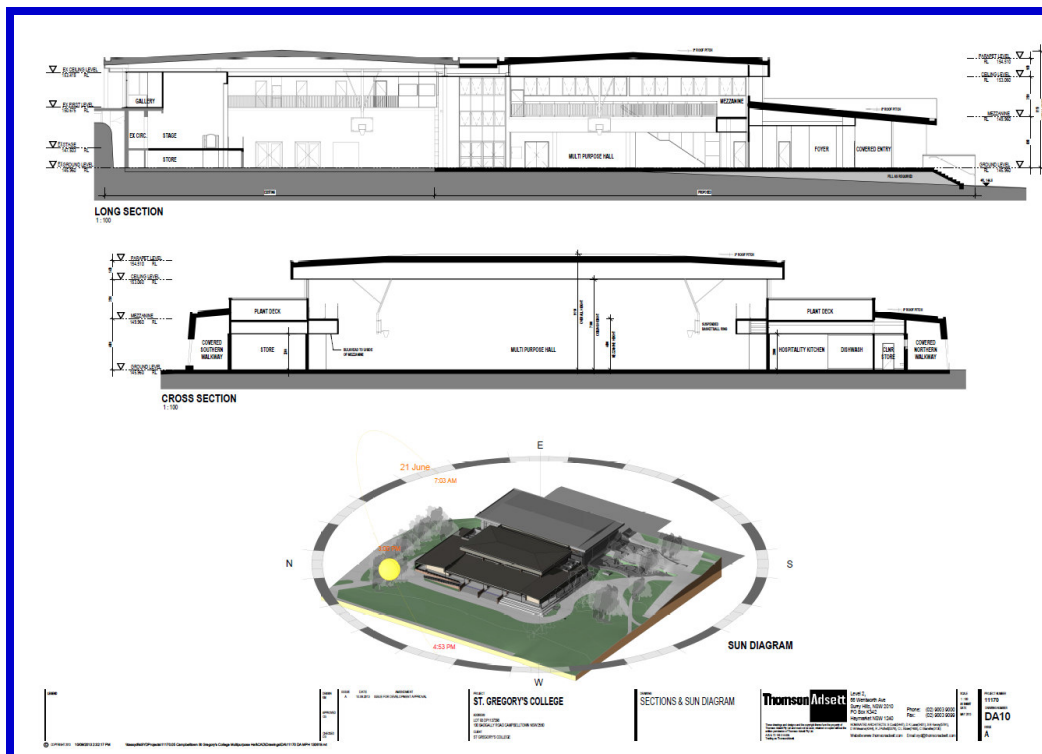
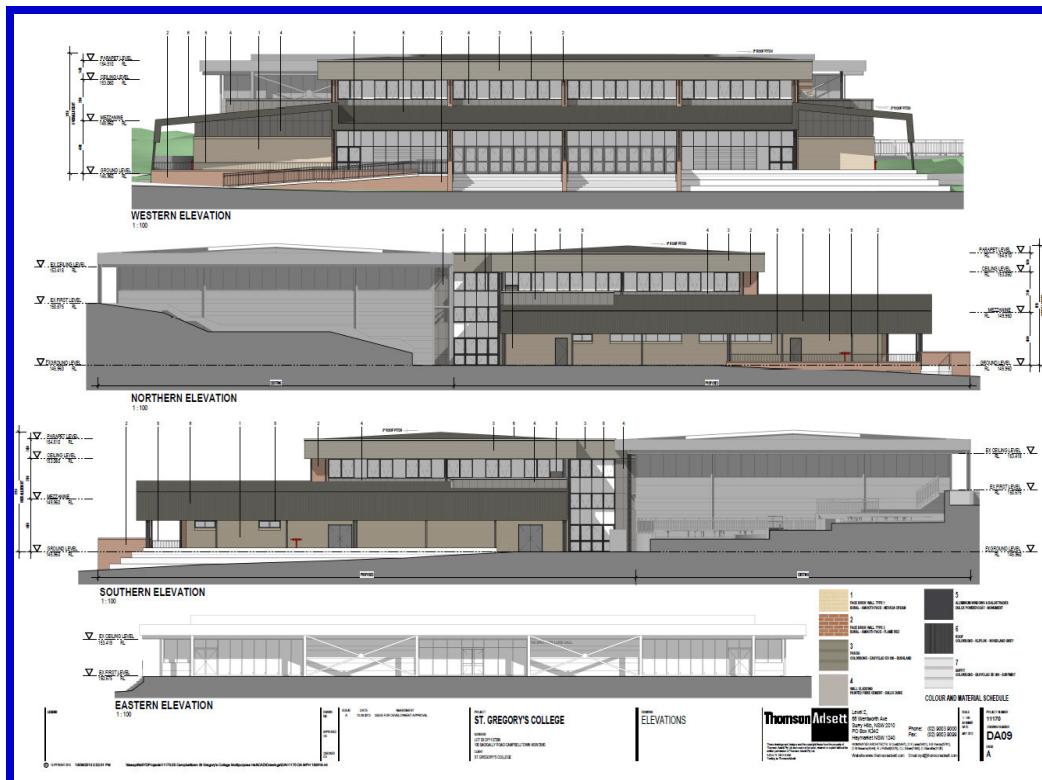
The capital investment value of the works is \$6.65 million.

## PROPOSED PLANS





## PROPOSED ELEVATIONS



## **ASSESSMENT**

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

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

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

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

#### **State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)**

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$6.65 million. This exceeds the CIV threshold of \$5 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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

Pursuant to Clause 28 of the SEPP, as the site is zoned RU2 Rural landscape, development for an educational establishment is permitted with consent.

Pursuant to Clause 32 of the SEPP, the relevant school facilities standards (landscape, design and specification standards) have been considered and the proposed development is not inconsistent with them. A condition is recommended to ensure compliance with them.

The proposed development involves the relocation of underground power lines and an easement within the site. Pursuant to Clause 45 of the SEPP the DA was referred to Endeavour Energy (Endeavour) for comment. Endeavour has not raised any objection to the proposed development subject to the relocation of their asset in accordance with their standard asset relocation terms and conditions. A condition is recommended to ensure compliance with this requirement.

#### **Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)**

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide soil and sediment erosion control measures as part of the proposed development.

#### Camden Local Environmental Plan 2010 (LEP)

##### *Permissibility*

The site is zoned RU2 Rural Landscape under the provisions of the LEP. The proposed development is defined as an “educational establishment” by the LEP which is a permissible land use in this zone.

##### *Zone Objectives*

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

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

##### Officer comment:

The proposed development is not inconsistent with this objective as the site contains an existing school and the proposal will not detract from its natural resource base.

- To maintain the rural character of the land.

##### Officer comment:

The proposed development is set in the middle of a school site and given its proposed height and separation distance from surrounding properties, will not be readily visible from outside the site. Therefore the existing character of the land will be maintained.

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

##### Officer comment:

It is considered that the proposed development is compatible with the zone and the site given its context as an existing school.

- To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development.

##### Officer comment:

The proposed development is set in the middle of the school site and given its proposed height and separation distance from surrounding properties, will not be readily visible from outside the site. It is not considered that the proposed development will negatively impact upon the scenic value of the area.

- To maintain the visual amenity of prominent ridgelines.

##### Officer comment:



Given the proposed development's height and setting, it is not considered that it will negatively impact upon any prominent ridgelines.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

The proposed development is not inconsistent with this objective in that it will not detract from primary production opportunities within the zone given that it located in the middle of an existing school site.

*Relevant Clauses*

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 9.4m maximum building height	Yes
7.4 Earthworks	Consider the effects of earthworks on existing drainage patterns, future uses/redevelopment, quality of fill, amenity impacts, the source of fill, relic disturbance and potential impacts on watercourses, drinking water catchments or environmentally sensitive areas	The proposed earthworks are very minor and will involve some filling to create a level platform for the hall extension. These earthworks will not have any detrimental impacts upon the matters listed for consideration listed by this clause	Yes

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

There is no draft Environmental Planning Instrument applicable to the proposed development.

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.1 Erosion and Sedimentation	Erosion and sediment control measures and dust suppression	Appropriate erosion and sedimentation control measures have been provided. Dust suppression is a recommended condition	Yes
B1.2 Earthworks	Building works should be designed to respond to the natural topography of the site and utilize clean fill	The proposed earthworks are minimal and designed to create a level platform for the hall extension. The use of clean fill is a recommended condition	Yes
B1.3 Salinity Management	Salinity resistant construction	The proposed development will be constructed to be salinity resistant. A condition is recommended to ensure that this occurs	Yes
B1.4 Water Management	Compliance with Council's Engineering Specifications	It is a recommended condition that the proposed development complies with Council's Engineering Specifications	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	It is a recommended condition that noxious weeds management is carried out in accordance with this Section of the DCP	Yes
B1.9 Waste Management Plan	Waste management plan	It is a recommended condition that a suitable waste management plan be prepared prior to the issue of a Construction Certificate. This will achieve the intent of this control	Yes
B1.10 Bushfire Risk Management	Bushfire protection and attack assessment report is required	A bush fire assessment report was lodged in support of this DA. This report demonstrates that the proposed	Yes

Control	Requirement	Provided	Compliance
		development will be bush fire safe. The RFS raised no objection to the proposed development and granted a bush fire safety authority subject to a condition relating to the preparation of an emergency/evacuation plan. Compliance with this bush fire safety authority is a recommended condition	
B1.14 Development Adjoining Sydney Catchment Authority Controlled Areas – the Upper Canal	Development proposal adjacent to or bordering the upper canal should be prepared in liaison with the SCA prior to lodging a DA	The exact location of the proposed development is approximately 300m to the east of the upper canal. Therefore it is not considered that there will be any adverse impacts on the upper canal as a result of the proposed development	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	It is a recommended condition that internal noise levels in the surrounding classrooms and boarding house bedrooms must not exceed an LAeq of 35db(A). This will ensure an appropriate level of acoustic amenity	Yes
B2 Landscape Design	A landscape plan is required	An appropriate landscape plan has been provided	Yes
B5.1 Off-street Car Parking Rates and Requirements	1 car parking space per full time staff member, 1 car parking space per 100 students and 1 car parking space	As the proposed development does not proposed to increase staff or student numbers the existing car parking provision on the site is considered to be	Yes

Control	Requirement	Provided	Compliance
	per 5 students in Year 12 where appropriate	acceptable	

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

No relevant agreement exists or has been proposed as part of this DA.

***(a)(iv) The Regulations***

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

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

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

#### Wastewater Collection and Disposal

This site is currently unsewered and reliant upon an on-site sewage management system (OSSM). Whilst the proposed development will not increase staff or student numbers, activities within the proposed hospitality kitchen will generate additional wastewater with a higher organic load. The applicant has identified that the existing system requires upgrading and this has been discussed in detail at recent pre-DA meetings with Council staff.

To ensure that an appropriate OSSM will exist to service the proposed development it is a recommended condition that the proposed hospitality kitchen shall not be occupied until an appropriately sized and functioning OSSM is provided on the site. Alternatively, the site may be connected to Sydney Water's sewer system with a possible connection anticipated to be available within approximately 2 years. This condition has been discussed with and agreed to by the applicant.

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

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

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

The DA was not publicly exhibited as it proposes an expansion and upgrade of existing facilities within an existing school site with no increase in staff or student numbers proposed. The proposed works are located in the middle of the site and much of them will be surrounded by existing school buildings. The nearest occupied residential property is located approximately 865m away to the south east in Currans Hill.

Public exhibition under Camden Development Control Plan 2011 was therefore not considered necessary. No submissions were received.

**(e) The public interest**

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

**EXTERNAL REFERRALS**

*Endeavour Energy (Endeavour)*

The proposed development involves the relocation of underground power lines and an easement within the site. Pursuant to Clause 45 of the SEPP the DA was referred to Endeavour Energy (Endeavour) for comment. Endeavour has not raised any objection to the proposed development subject to the relocation of their asset in accordance with their standard asset relocation terms and conditions. A condition is recommended to ensure compliance with this requirement.

*NSW Rural Fire Service (RFS)*

The DA was referred to the RFS as the development proposes an expansion of a special bush fire protection purpose (an educational establishment) and therefore requires a bush fire safety authority pursuant to Section 100B of the *Rural Fires Act 1997*. The proposed development is therefore classed as Integrated Development.

The RFS raised no objection to the proposed development and granted a bush fire safety authority subject to a condition relating to the preparation of an emergency/evacuation plan. Compliance with this bush fire safety authority is a recommended condition.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 769/2013 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Requirements**

- (1) **Landscaping Maintenance and Establishment Period** – Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all landscaping elements.

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

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

At the completion of the 12 month landscaping maintenance and establishment period, all landscaping elements must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

- (2) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
  - (a) Camden Council's current Engineering Specifications, and
  - (b) Camden Council's Development Control Plan 2011.
- (3) **Internal Noise Levels** – Internal noise levels in classrooms and the boarding house bedrooms must not exceed an LAeq of 35db(A) as a result of operational noise such as mechanical plant and equipment associated with the development.
- (4) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
DA00 A	Cover sheet	Thomsen Adsett	10 Sept 2013
DA01 B	Location plan	Thomsen Adsett	28 Oct 2013
DA02 A	Part site plan	Thomsen Adsett	10 Sept 2013
DA03 A	Existing and demolition plan	Thomsen Adsett	10 Sept 2013
DA04 A	Key floor plans	Thomsen Adsett	10 Sept 2013
DA05 A	Ground floor plan part A	Thomsen Adsett	10 Sept 2013
DA06 A	Ground floor plan part	Thomsen Adsett	10 Sept



	B		2013
DA07 A	Mezzanine plan part A	Thomsen Adsett	10 Sept 2013
DA08 A	Mezzanine plan part A	Thomsen Adsett	10 Sept 2013
DA09 A	Elevations	Thomsen Adsett	10 Sept 2013
DA10 A	Sections and sun diagram	Thomsen Adsett	10 Sept 2013
H01 B	Site plan	Michael Frost and Associates	7 Nov 2013
H02 P4	Sewer and stormwater services ground level	Michael Frost and Associates	4 Sept 2013
H04 P3	Sewer, stormwater and water services first level and part roof	Michael Frost and Associates	4 Sept 2013
H05 P3	Roof level	Michael Frost and Associates	4 Sept 2013
H06 P4	Sewer and stormwater services detail	Michael Frost and Associates	4 Sept 2013
H08 P4	Water and gas services detail	Michael Frost and Associates	4 Sept 2013
CH03 P5	Concept stormwater management plan, fire hydrant service	Michael Frost and Associates	31 July 2013
H09 B	Tank details	Michael Frost and Associates	7 Nov 2013
S02 2	Fill platform plan	Northrop	30 July 2013
309 EQ A	Hospitality kitchen	The MACK Group	3 April 2013
2420-1	Ground floor plan part B	Precinct Landscapes	3 April 2013
-	Bushfire Protection assessment	Ecological Australia	26 March 2013
-	Statement of environmental effects	Stimson Consultant Services	July 2013

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

- (6) **Food Premises Construction Standards** – The construction and fit-out of the proposed hospitality kitchen, any food service kiosk, food service canteen(s) and any part of the subject premises to be used for the manufacture, preparation, storage or service of food for sale shall be in accordance with the provisions of AS 4674/2004 “Design, Construction and Fit-out of Food Premises,” the *Food Act 2003* and Regulations 2010 (incorporating Chapter 3 of the Australia New Zealand Food Standards Code) and Council's Food Premises Code.

Where Camden Council is not the Principal Certifying Authority, a copy of the design details required by this condition shall be submitted to Council.

- (7) **Endeavour Energy Assets** – Any Endeavour Energy assets requiring relocation must be done so in accordance with Endeavour Energy's terms and conditions for the relocation of their assets.
- (8) **Noxious Weeds Management** – Noxious weeds management must be carried out in accordance with Section B1.8 of Camden Development Control Plan 2011.
- (9) **Bush Fire Safety Authority** – A bush fire safety authority from the Rural Fire Service dated 11 October 2013 is attached to and forms part of this development consent. All requirements of this bush fire authority must be fully complied with.
- (10) **School Facilities Standards** – The development must be designed and constructed consistent with, as a minimum, the:
- School Facilities Standards (Landscape Standard Version 22 March 2002);
  - Schools Facilities Standards (Design Standard Version 1/09/2006);
  - Schools Facilities Standards (Specification Standard Version 01/11/2008);
- If there is an inconsistency between a standard referred to in the School Facilities Standards as outlined above and a provision of the BCA, the BCA prevails to the extent of the inconsistency.
- (11) **No Increase in Staff/Student Numbers** – No increase in staff or student numbers is approved by this development consent.

## **2.0 - Construction Certificate Requirements**

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

### **Note:**

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.

- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
  - (b) all matters associated with Occupational Health and Safety;
  - (c) all matters associated with Traffic Management/Control; and
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$10,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (6) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Salinity** - Due to the inherent characteristics of the Camden Local Government Area, buildings erected in the area may be susceptible to soil salinity levels that may have a cumulative damaging effect over time.

Camden Council therefore requires compliance with the 'minimum requirements' specified in this condition.

Minimum Salinity Requirements for Camden LGA

Where a salinity investigation report is not undertaken, the following construction inclusions shall be incorporated as a minimum in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- (a) Concrete Strength: The minimum concrete strength to bored piers, piles, strip footings and concrete floor slabs in contact with the ground shall be 32MPa.
- (b) Damp-Proofing Membrane: Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of “high impact resistance” (as determined in accordance with AS2870).

The above minimum requirements shall be incorporated in the structural design and construction of the development and are to be approved by the Principal Certifying Authority with the Construction Certificate application.

**Note:** Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- (a) The provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil waterlogging in the building vicinity;
  - (b) External finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
  - (c) DPC material must be carried through to the face of any applied finishes;
  - (d) Retaining walls should be built of salinity resistant materials;
  - (e) Porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.
- (8) **Design Details** - Full details for the design and construction of the proposed food premises must accompany the Construction Certificate application for approval by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (9) **WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this development.

A written response must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

- (10) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 and 2.
- (11) **Waste Management Plan** – A waste management must be prepared in accordance with Section B1.9 of Camden Development Control Plan 2011. The requirements of this plan must be implemented.
- (12) **Fire Safety Upgrade** – Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building is to be upgraded as Camden Council considers that the measures contained in the building are inadequate:
  - (a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire; and
  - (b) to restrict the spread of fire from the building to other buildings nearby.

Compliance with the following provisions of the *Building Code of Australia* is to be achieved in the fire safety upgrade of the existing building:

- (a) Section D
- (b) Section E

If an Alternative Solution is proposed to achieve compliance with these Parts of the *Building Code of Australia*, it is to be prepared by a properly qualified and accredited Fire Engineer.

Details on the method of compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

All work required as part of the Fire Safety Upgrade of the existing building is to be completed prior to the issue of an Occupation Certificate.

- (13) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
  - (a) a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
  - (b) if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.

### 3.0 - Prior To Works Commencing

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

- (1) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (4) **Erection of Signs** – Signs shall be erected in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (5) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or



- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (7) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

#### 4.0 - During Construction

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

- (1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:
- (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
  - (b) the wheels of vehicles leaving the site:
    - (i) do not track soil and other waste material onto any public road adjoining the site,
    - (ii) fully traverse the Stabilised Access Point (SAP).
- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
  - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.

- (3) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
- (a) prior to installation of sediment and erosion control measures;
  - (b) prior to backfilling pipelines and subsoil drains;
  - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
  - (d) proof roller test of subgrade and sub-base;
  - (e) roller test of completed pavement prior to placement of wearing course;
  - (f) prior to backfilling public utility crossings in road reserves;
  - (g) prior to placement of asphaltic concrete;
  - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (4) **Compaction** - All filling must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (5) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise, dust or other activity.
- (6) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising Engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
  - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
  - (ii) is free of contaminants;
  - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - (iv) is suitable for its intended purpose and land use; and
  - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- (e) less than 6000m<sup>3</sup> - 3 sampling locations,
- (f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

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

- (7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;

- (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
  - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container shall be located on the development site.
- (8) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (9) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks/site preparation/construction, then such works must cease immediately until a qualified Environmental Consultant has been contacted and has conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.
- (10) **Construction Noise Levels** – Noise Levels emitted during construction works must be restricted to comply with the *DECCW's Interim Noise Construction Guidelines* dated July 2009.

## 5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.
- (2) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (4) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
  - (a) has been assessed by a properly qualified person; and
  - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and

- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (5) **Occupation of Proposed Hospitality Kitchen** – The proposed hospitality kitchen shall not be used / occupied prior to the provision of suitably sized and functioning On-site System of Sewage Management capable of receiving the additional hydraulic and organic wastewater loading arising from the activities of the kitchen (approved by Council). Alternatively the development may be connected to a Sydney Water sewer system.
- (6) **Inspection Prior to Occupation of Premises** – Prior to occupation of the hospitality kitchen and any canteen(s) or kiosk(s) to be used for the manufacture, preparation, storage or service of food for sale an inspection of the premises shall be undertaken by Council.
- (7) **Section 73 Compliance Certificate** – Prior to the issue of an Occupation Certificate a Section 73 Compliance Certificate must be obtained from Sydney Water.

## **6.0 - Operational Conditions**

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

- (1) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (2) **Waste Management** – A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.

All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (3) **Offensive Odour** – The use of the premises must not give rise to offensive odours.
- (4) **Hall Extension Use** – The approved hall extension must only be used ancillary to and associated with the operations of St. Gregory's College at all times.

### **RECOMMENDED**

**That the Panel approve DA 769/2013 for the construction of an extension and alterations to an existing multi purpose hall and associated site works at 650B Camden Valley Way, Gregory Hills subject to the conditions listed above.**