

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW113 DA
DA Number	502/2015
Local Government Area	Camden
Proposed Development	Staged development application for an 894 place primary and high school, remediation of contaminated land, construction of stage 1 for a 100 place preparatory and primary school and associated site works
Street Address	50 Heath Road and 26 Byron Road, Leppington
Applicant/Owner	Outline Planning Consultants on behalf of the Sydney Anglican Schools Corporation / Sydney Anglican Schools Corporation
Number of Submissions	1 (submission formally withdrawn following discussion with Council staff)
Regional Development Criteria (Schedule 4A of the Act)	Private infrastructure and community facility capital investment value >\$5 million
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the panel's consideration	• Assessment report and conditions • Statement of environmental effects • Proposed plans and technical reports that accompanied the DA • Correspondence from the Department of Planning and

	Environment, the NSW Rural Fire Service, the Roads and Maritime Services and Sydney Water
Recommendation	Approve with conditions
Report by	Ryan Pritchard, Executive Planner
Report date	July 2016

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 educational establishment at 50 Heath Road and 26 Byron Road, Leppington.

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 approximately \$27 million which exceeds the CIV threshold of \$5 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 502/2015 for the construction of an educational establishment 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 educational establishment at 50 Heath Road and 26 Byron Road, Leppington.

Pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* the applicant has requested that this DA be treated as a staged DA. Concept approval is sought for the development of an 894 place primary and high school for the entire site. Detailed proposals for separate parts of the site will be subject to separate DAs. Detailed proposals for the first stage of the development, being a 100 place preparatory and primary school, are included as part of this DA.

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 publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. One submission was received however following discussion with Council staff it was formally withdrawn.

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 comprises two properties that are commonly known as 50 Heath Road and 26 Byron Road, Leppington and are legally described as lots 48 and 50C, DP 8979.

The site has a frontage of approximately 203m to Heath Road, 100m to Byron Road and an overall area of 6.7ha. The site generally slopes upwards from west to east, dips in the middle and rises again to its north eastern boundary. The site contains 4 existing dwellings and outbuildings. A stand of Cumberland Plain Woodland runs north east/south west through the middle of the site adjacent to an existing dam. Much of the site is mapped as bush fire prone land and it is located in the Leppington Priority Precinct of the South West Growth Centre.

The surrounding area is characterised by undulating topography, scattered vegetation and a range of rural and rural residential land uses. Council's Pat Kontista Reserve lies opposite the site on the western side of Byron Road. A small triangular shaped part of this reserve is also nestled between Byron Road and the western side of the site.

Camden Valley Way and the developing East Leppington growth centre precinct lie to the south and east. To the north lies the south west rail link, Leppington railway station and the Leppington North growth centre precinct. To west lies the currently un-masterplanned part of the Leppington growth centre precinct.

HISTORY

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

Date	Development
27 February 2015	Approval of DA 10/2015 for the demolition of a dwelling and sheds at 50 Heath Road, Leppington

THE PROPOSAL

DA 502/2015 seeks approval for the construction of an educational establishment.

Specifically the proposed development involves:

Concept Masterplan for the Entire Site

- vegetation clearing;
- demolition of an existing dwelling;
- remediation of contaminated land;
- operation of an 894 place private Anglican preparatory, primary and high school;
- construction of school classrooms, administration and gym buildings, a soccer field and hardcourts;
- construction of ancillary drop off zones, vehicular accesses and on-site car parking;
- associated site works including earthworks, drainage, landscaping, fencing and lighting;
- employment of 82 staff;
- operating hours of 7am-9pm Monday to Friday. Out of hours use of the soccer field and hard courts 7 days a week between 7am-10pm is also proposed; and
- retention of 2 existing dwellings at 26 Byron Road.

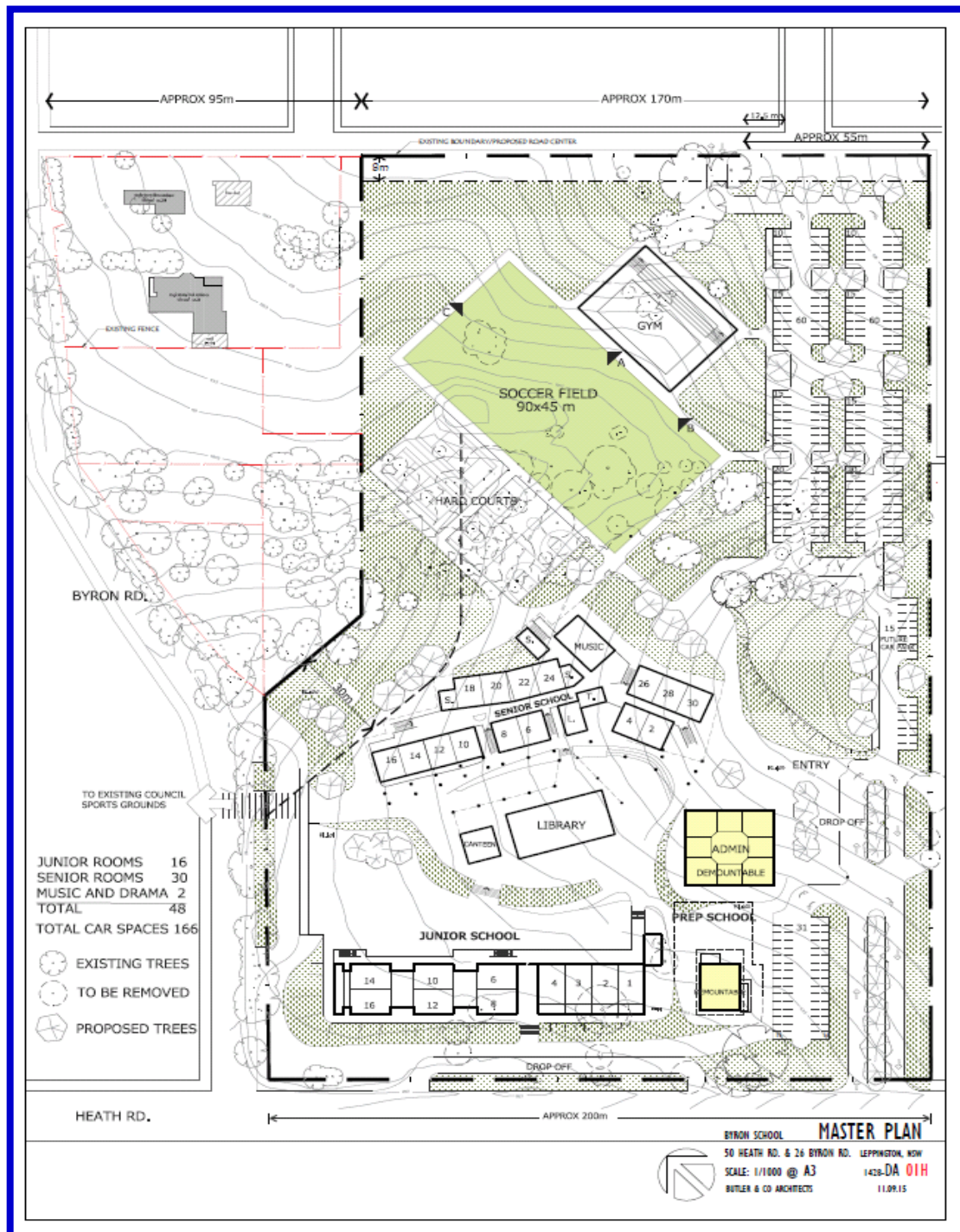
The capital investment value of the works is approximately \$27 million.

Stage 1 Development

- vegetation clearing;
- remediation of contaminated land;
- operation of a 100 place private Anglican preparatory and primary school;
- installation of single storey demountable classroom and administration buildings, a soccer field and hardcourts;

- construction of an ancillary drop off zone, vehicular access from/to Heath Road and on-site car parking;
- associated site works including earthworks, drainage, landscaping, fencing, lighting, sunshade structures, play equipment and a wastewater pump-out facility;
- employment of 9 staff;
- operating hours of 7am-9pm Monday to Friday. Out of hours use of the soccer field and hard courts 7 days a week between 7am-10pm is also proposed; and
- retention of 3 existing dwellings (two at 26 Byron Road and one at 50 Heath Road).

SCHOOL CONCEPT MASTERPLAN SITE LAYOUT



EXISTING HOUSES

EXISTING FENCE

EXISTING TREES TO BE REMOVED

SOCCER FIELD 90x45m EX DAM TO BE INFILLED

EXISTING TREES TO BE REMOVED

HARD COURTS

NEW PATH

GROUND WORKS REFER ENCL

EXISTING HOUSE (TENANT)

DRAINAGE WORKS REFER ENCL

JUNIOR SCHOOL APPROX R.1-10.1

ADMIN

CLASS 1

CLASS 2

CLASS 3

CLASS 4

CLASS 5

CLASS 6

CLASS 7

CLASS 8

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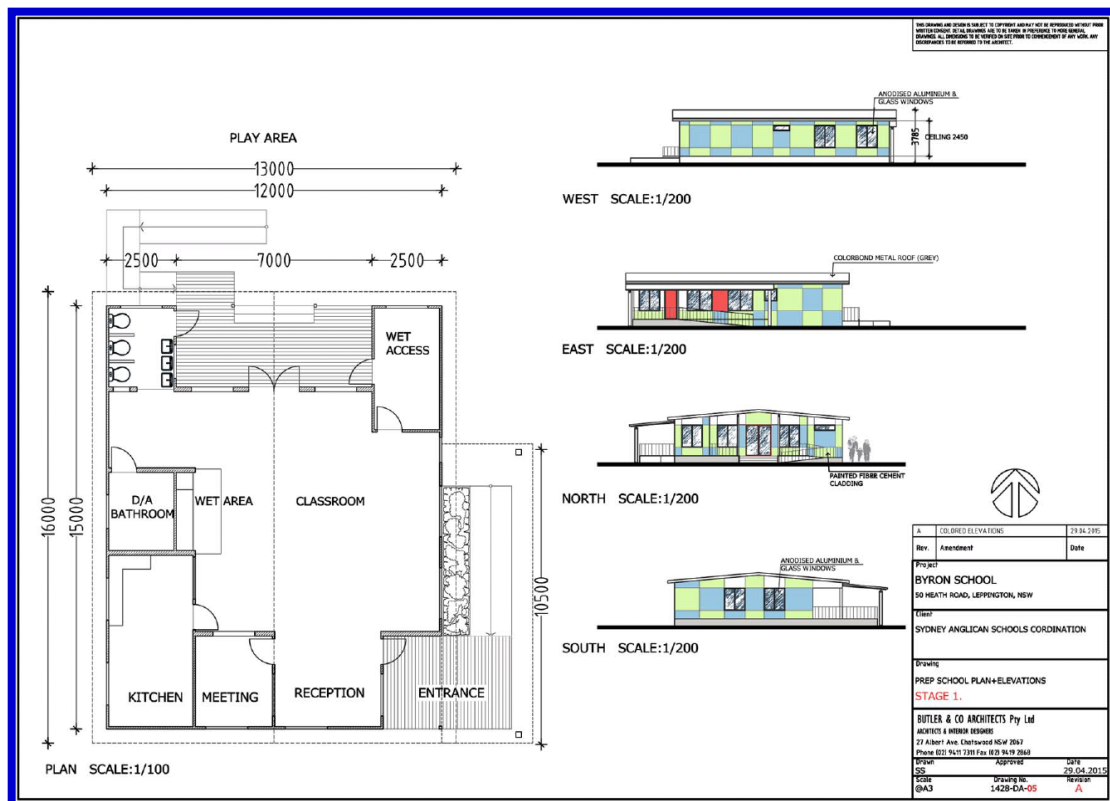
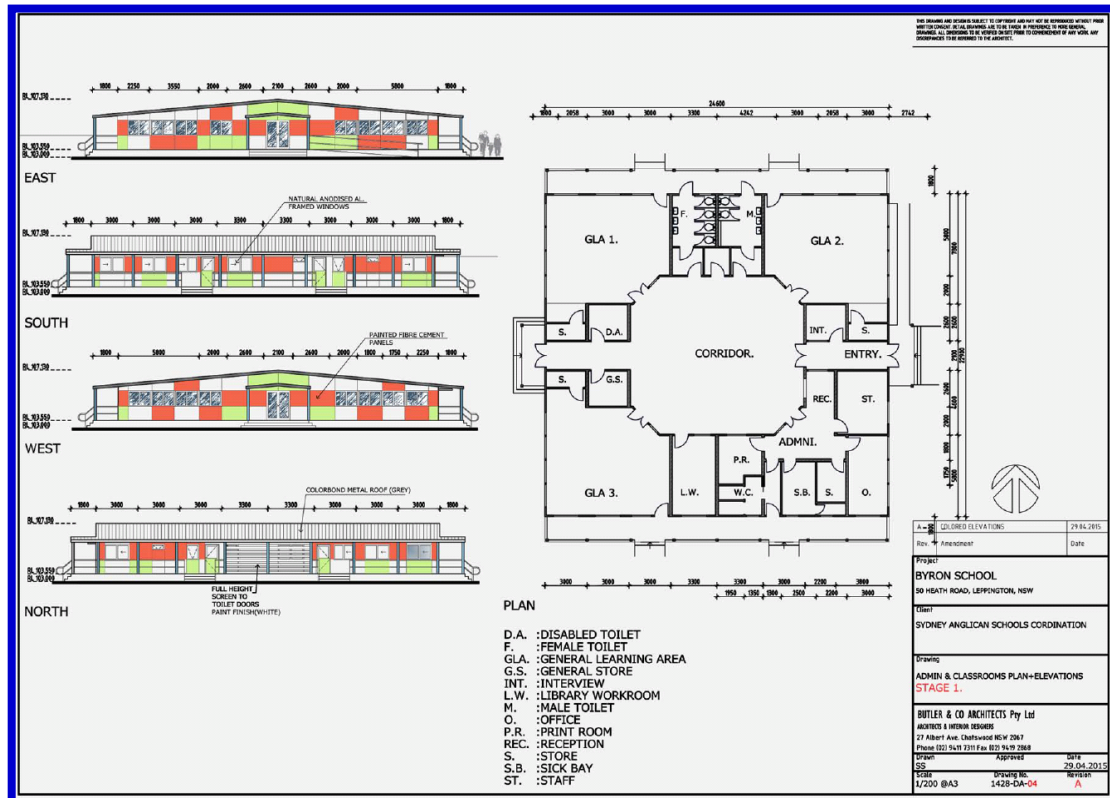
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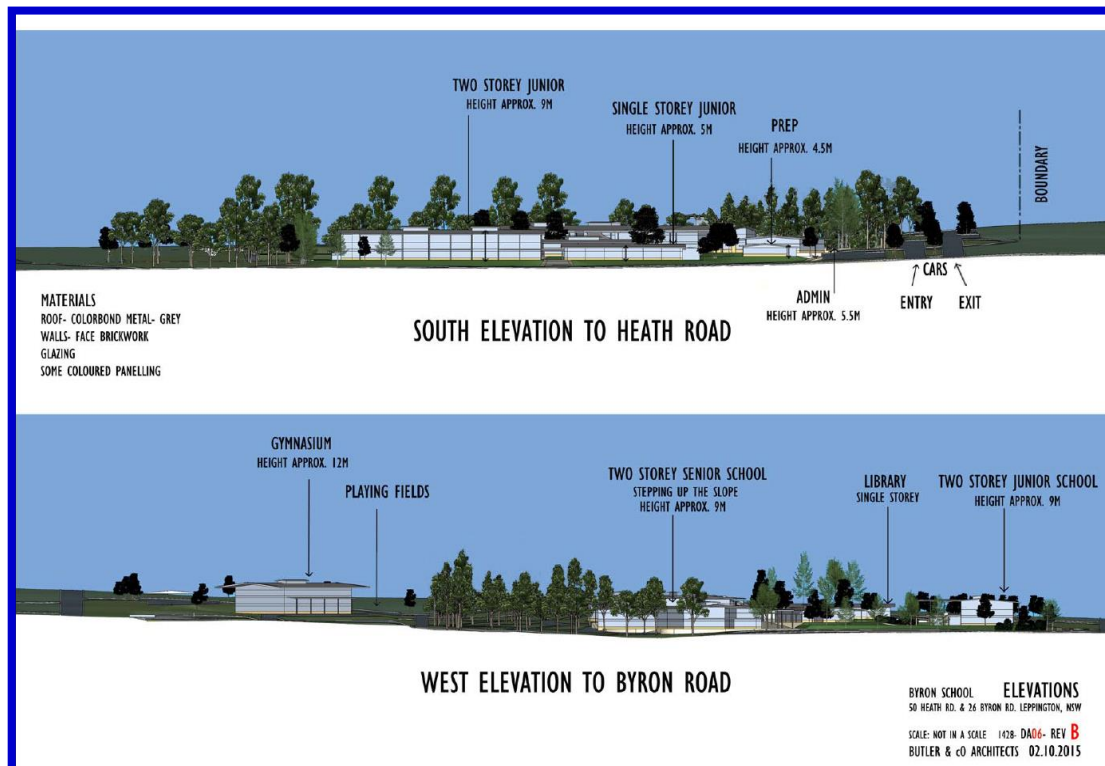
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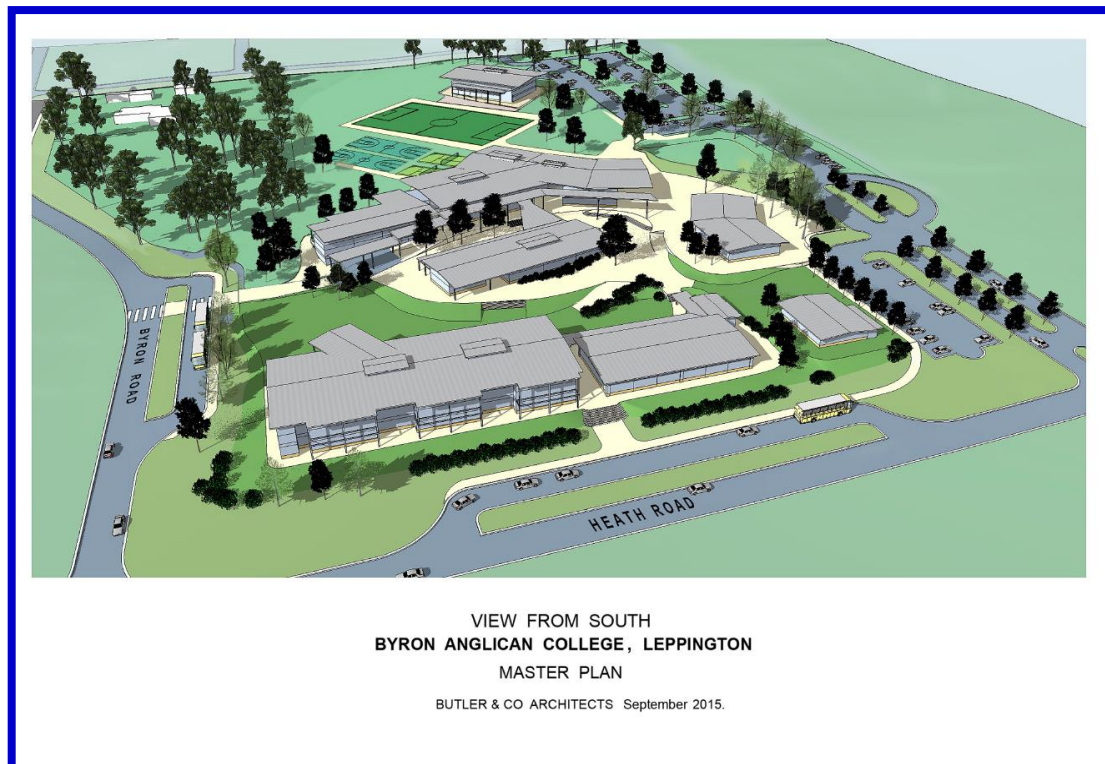
STAGE 1 SCHOOL BUILDING FLOOR PLANS



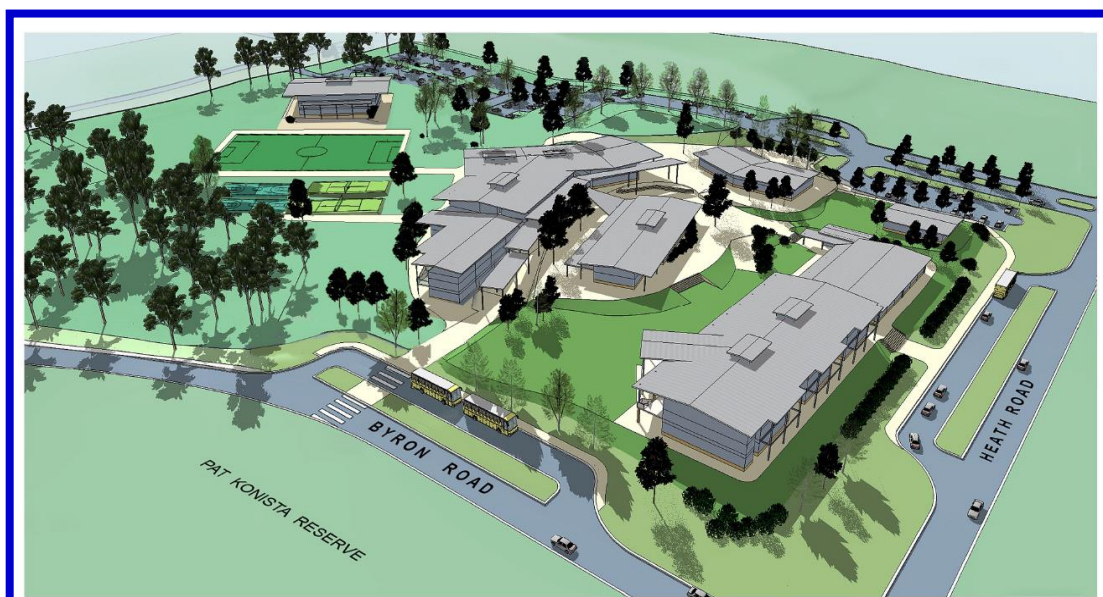
SCHOOL CONCEPT MASTERPLAN ELEVATIONS



SCHOOL CONCEPT MASTERPLAN VIEW FROM SOUTH (HEATH ROAD)



SCHOOL CONCEPT MASTERPLAN VIEW FROM WEST (BYRON ROAD)



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 (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- 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.

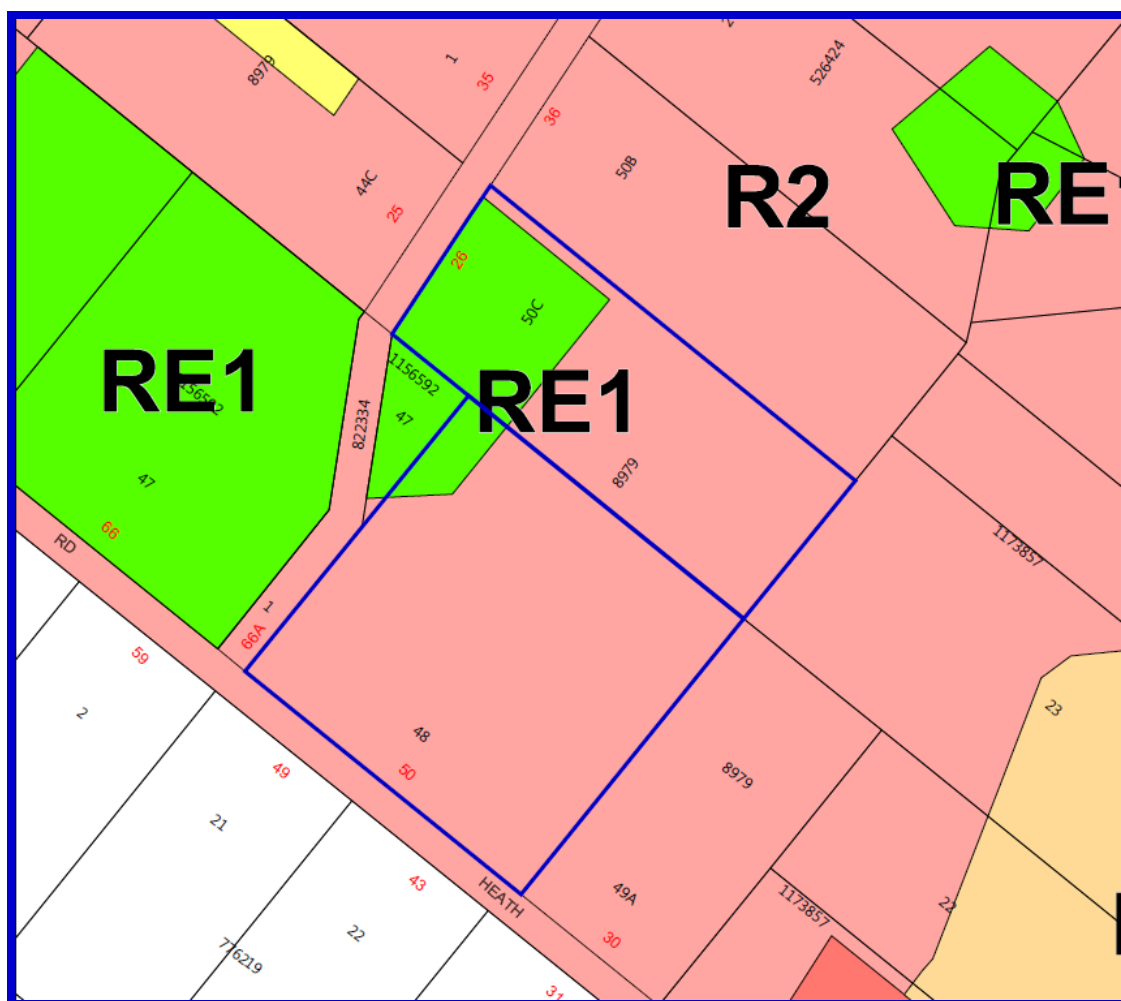
State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

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 approximately \$27 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 (Sydney Region Growth Centres) 2006 (SEPP)

This DA was lodged on 5 June 2015. However the site was only rezoned from RU4 Primary Production Small Lots under Camden Local Environmental Plan 2010 (LEP) to R2 Low Density Residential and RE1 Public Recreation under the SEPP on 13 November 2015.

A map of the site's current zoning under the SEPP is provided below for clarity. The site is outlined in blue.



Pursuant to Clause 1.8A, Appendix 9 Camden Growth Centres Precinct Plan, the DA must be determined as if the precinct plan for the Leppington Priority Precinct (which rezoned the land on 13 November 2015 after the DA was lodged) had not commenced.

Consequently it is the LEP that prescribes the site's zoning, development standards and other development considerations.

Appendix 9 Camden Growth Centres Precinct Plan for the Leppington Priority Precinct is assessed as a draft environmental planning instrument (EPI) in the "(a)(ii) The Provisions of any Draft Environmental Planning Instrument..." section of this report.

The general provisions of the SEPP that relate to the entire South West Growth Centre are still relevant as an EPI.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
16 DAs in Growth Centres – Matters for Consideration Until Finalisation of Precinct Planning for Land	A range of planning related matters are to be considered to ensure that the proposed development does not preclude the future development of the land as a growth centre	All of the matters listed for consideration by this clause have been considered. It is not considered that the proposed development will preclude the development of the land as a growth centre. As described throughout this report, the proposed development is not fully consistent with an exhibited draft development control plan for the site in that it proposes an additional school in place of low density residential development. However it is still considered that the proposed development is generally consistent with the relevant planning strategies and principles set out in the draft DCP and that the overall outcome for the precinct will remain substantially the same	Yes
17 Referral to Department of Planning After Release of Precinct	Certain DAs must be referred to the Department of Planning and Environment (DPE) for comment before determination	The proposed development meets the thresholds for referral to DPE. DPE responded on 4 January 2016 advising that the proposed development is consistent with the current zoning of the land and listing some additional matters for consideration (including considering the provision of adjoining roads)	Yes
19 Development on Flood Prone and Major Creeks	A range of flood related matters are to be considered before granting	A small part of the site near its middle is identified as flood prone land. The applicant has submitted a flood report in support of the	Yes

Clause	Requirement	Provided	Compliance
Land – Additional Heads of Consideration	consent development on flood prone land	DA. All of the matters listed for consideration by this clause have been assessed. It is considered that the proposed development is compatible with the flood hazard and that it will not result in adverse off-site flood impacts	

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Educational Establishments

Clause 28 of the SEPP permits educational establishments to be carried out with consent in prescribed or equivalent zones. The applicable RU4 Primary Production Small Lots zone is equivalent to the prescribed RU4 Rural Small Holdings zone and therefore the proposed development is permitted with consent.

Clause 32 of the SEPP requires that the relevant school facilities standards (landscape, design and specification standards) be considered. It is not considered that the proposed development is inconsistent with these standards and a condition is recommended to ensure compliance with them.

Traffic Generating Development

Pursuant to Clause 104 and Schedule 3 of the SEPP, the DA was referred to the Roads and Maritime Services (RMS) for comment as it is classed as traffic generating development.

The RMS raised no objection to the proposed development and recommended that a number of matters be considered including school zones, signage and car parking layout and design. A condition requiring compliance with the RMS recommendations is recommended.

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

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

This applicant has submitted phase 1 and 2 contamination assessments and a remediation action plan for the site in support of the DA. The contamination assessments note that parts of the site contain hydrocarbon and asbestos contamination that must be remediated.

Council staff have reviewed these assessments and agree with their recommendations for decontaminating the site. Compliance with these assessments is a recommended condition.

A standard contingency condition is also recommended that requires if any unexpected contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

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. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to ensure that appropriate stormwater quality treatment is provided as part of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

This DA was lodged on 5 June 2015. However the site was only rezoned from RU4 Primary Production Small Lots under the LEP to R2 Low Density Residential and RE1 Public Recreation under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 on 13 November 2015.

Pursuant to Clause 1.8A, Appendix 9 Camden Growth Centres Precinct Plan, the DA must be determined as if the precinct plan for the Leppington Priority Precinct (which rezoned the land on 13 November 2015 after the DA was lodged) had not commenced.

Consequently it is the LEP that prescribes the site's zoning, development standards and other development considerations.

Permissibility

When the DA was lodged the site was zoned RU4 Primary Production Small Lots 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 RU4 Primary Production Small Lots zone are as follows:

- To enable sustainable primary industry and other compatible land uses.

Officer comment:

The proposed development has been assessed and is considered to be compatible with existing primary industry land uses in the surrounding area.

- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

Officer comment:

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

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

The proposed development has been assessed and subject to the conditions contained in this report it is not considered that it will conflict with other land uses within this and adjoining zones.

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	The proposed plans show a concept gymnasium building at 12m high. Following discussion, the applicant agrees that this DA only seeks approval for the general position and layout of future buildings and not their height. The ultimate height of the future school buildings will be considered as part of separate DAs. It is noted that the height of the buildings proposed as part of the stage 1 development will only reach a maximum height of approximately 5.3m above existing ground level	Yes
5.9 Preservation of Trees or Vegetation	Development consent is required for tree or vegetation removal	Vegetation removal has been proposed as part of this DA	Yes
7.1 Flood Planning	A range of flood related matters are to be considered before granting consent development on flood prone land	A small part of the site near its middle is identified as flood prone land. The applicant has submitted a flood report in support of the DA. All of the matters listed for consideration by this clause have been assessed. It is considered that the proposed development is compatible with the flood hazard and that it will not result in adverse off-site	Yes

Clause	Requirement	Provided	Compliance
		flood impacts	
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	The matters listed by this clause have been considered. The proposed earthworks are relatively minor and subject to the recommended conditions, the proposed earthworks are considered to be acceptable with regard to them	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)).

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

This DA was lodged on 5 June 2015. However the site was only rezoned from RU4 Primary Production Small Lots under Camden Local Environmental Plan 2010 (LEP) to R2 Low Density Residential under the SEPP on 13 November 2015.

Pursuant to Clause 1.8A, Appendix 9 Camden Growth Centres Precinct Plan, the DA must be determined as if the precinct plan for the Leppington Priority Precinct (which rezoned the land on 13 November 2015 after the DA was lodged) had not commenced.

The SEPP's Schedule 9 Camden Growth Centres Precinct Plan for the Leppington Priority Precinct was publicly exhibited from 10 November to 19 December 2014 (ie. prior to the DA being lodged). Therefore the Precinct Plan must be considered as a draft EPI.

Permissibility

The site is zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of the SEPP. The proposed development will be located wholly within the R2 zone and is defined as an "educational establishment" by the SEPP which is a permissible land use.

Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:

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

Officer comment:

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

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

Officer comment:

The provision of a primary and high school on this site will provide a facility and service that will meet the day to day needs of future residents.

- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

Officer comment:

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

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

Officer comment:

The proposed development has been assessed and subject to the conditions contained in this report, it is considered that it will be compatible with the desired amenity of the future low density residential environment that will surround the site.

- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Officer comment:

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

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9m building height	The proposed plans show a concept gymnasium building at 12m high. Following discussion, the applicant agrees that this DA only seeks approval for the general position and layout of future buildings and not their height. The ultimate height of the future school buildings will be considered as part of separate DAs.	Yes

Clause	Requirement	Provided	Compliance
		It is noted that the height of the buildings proposed as part of the stage 1 development will only reach a maximum height of approximately 5.3m above existing ground level	
6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required	It is acknowledged that the growth centre is progressively being serviced by public utility infrastructure including water, electricity and sewerage. A standard condition is recommended to ensure that essential public utility infrastructure will be available when required. This matter is further assessed in the “(b) Likely impacts of the development...” section of this report.	Yes

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

Camden Development Control Plan 2011 (DCP)

This DA was lodged on 5 June 2015. However precinct planning for the Leppington Priority Precinct was only completed with the adoption of Camden Growth Centre Precincts Development Control Plan Schedule 5 on 8 December 2015.

Consequently it is Camden Development Control Plan 2011 that must be considered as the development control plan that applies to the site.

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

Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs to be publicly exhibited in accordance with the DCP and all submissions considered	The DA has been publicly exhibited in accordance with the DCP and the submission has been considered and ultimately withdrawn	Yes
B1.1 Erosion and Sedimentation	Appropriate erosion, sediment and dust control measures must be implemented	Standard conditions are recommended to address this matters	Yes
B1.2 Earthworks	Cut and fill should be minimised	Only minor earthworks are proposed and are considered reasonable to	Yes

		facilitate the proposed development	
	Only virgin excavated natural material (VENM) should be used as fill	A standard condition is recommended to address this matter	Yes
B1.3 Salinity Management	A salinity assessment is required	A salinity assessment has been submitted in support of the DA. The assessment recommends a number of management strategies for saline soils which have been reviewed and are agreed to. Compliance with this assessment is a recommended condition	Yes
B1.4 Water Management	Compliance with Council's Engineering Specifications must be achieved	A standard condition is recommended to address this matter	Yes
B1.5 Trees and Vegetation	The impacts of proposed tree removal must be considered	The applicant has submitted a flora and fauna assessment in support of this DA. This assessment notes that the vegetation to be cleared from the middle of the site is of poor quality due to a lack of native shrub and ground cover. It is also noted that the site has biodiversity certification which removes the need to consider impacts upon threatened flora and fauna. Council staff have assessed the proposed vegetation clearing and consider it acceptable for the above reasons. However as additional vegetation must be cleared from zoned land RE1 Public Recreation (future public land) in order to comply with requirements from the NSW Rural Fire Service (RFS), tree planting to offset this loss within the RE1 zoned land is recommended to ensure that the amenity of	Yes

		the future public land afforded by the existing vegetation is maintained. This is considered to be a reasonable requirement given that the trees in the RE1 zoned land will only be removed in order to facilitate the school and would ordinarily have been able to be retained but for that development	
B1.6 Environmentally Sensitive Land	The impacts of development upon environmentally sensitive land are to be minimised	As aforementioned, the proposed vegetation clearing is considered acceptable and reasonable for the urban development of the land subject to offset planting	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	A standard condition is recommended to address this matter	Yes
B1.9 Waste Minimisation and management	A waste management plan is required	Conditions are recommended to address this matter	Yes
B1.10 Bushfire Risk Management	A bush fire report is required for development on bush fire prone land	A bush fire report was submitted in support of the DA. The DA was also referred to the RFS as integrated development as much of the site is bush fire prone and the proposed school is classed as a special bush fire protection purpose. The RFS have granted a bush fire safety authority for the proposed development, compliance with which is a recommended condition	Yes
B1.11 Flood Hazard Management	Compliance with Council's Flood Risk Management Policy	The site is partially flood affected through the middle of the site and extending to the north through 26 Byron Road. The applicant has submitted a flood report in support of the DA. The flood report demonstrates that post development flows will be directed around the	Yes

		proposed playing fields and hard courts in the northern portion of the site via grassed swales. These swales will contain the 1% annual exceedence probability flow with adequate freeboard. Overall the proposed development is considered to be acceptable in terms of flooding impacts, both within and outside of the site	
B1.12 Contaminated and Potentially Contaminated Land	A contamination assessment is required	The applicant has submitted contamination assessments and a remediation action plan for the site in support of the DA. The contamination assessments note that parts of the site contain hydrocarbon and asbestos contamination that must be remediated. Council staff have reviewed these assessments and agree with their recommendations for decontaminating the site. Compliance with these assessments is a recommended condition. A standard contingency condition is also recommended that requires if any unexpected contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy	Yes
	A remediation action plan is required	A suitable remediation action plan has been submitted. Compliance with this plan is a recommended condition	Yes
B1.16 Acoustic Amenity	An acoustic report demonstrating compliance with	An acoustic report has been submitted in support of the DA. The report demonstrates that the	No, however minor variation supported

	Council's Environmental Noise Policy is required	proposed development will comply with Council's Environmental Noise Policy and recommends that thicker glazing is provided for all building windows facing Heath Road. Council staff have reviewed this report and agree with its recommendations. In addition, a condition is recommended to require an ensure that the bedrooms and living areas of an existing dwelling to be retained on the site at 50 Heath Road comply with reasonable internal noise criteria to ensure an appropriate level internal acoustic amenity. It is noted that the external acoustic amenity criteria for the existing dwelling at 50 Heath Road may not be fully compliant however given that this dwelling will be eventually demolished once the school is further developed, that in the interim it will be required to provide reasonable internal acoustic amenity and that the school primarily operates during the day in working hours, this is considered reasonable in this circumstance	
B1.17 Air Quality	An odour report is required for development likely to be impacted by odour from existing land uses	Leppington contains a number of poultry farms that have the potential to impact upon the proposed development by way of odour. The applicant has submitted an odour report in support of the DA. This report demonstrates that during operational hours the school will be impacted by between 1-2 odour units (OU). The acceptable criteria for OU impact on sensitive land uses such as	Yes

		schools, child care centres and residential development is 2 OU. Consequently the predicted OU impact of 1-2 OU for the proposed development is considered to be acceptable. It is noted that the odour report indicates that the site will be affected by between 2-3 OU outside of the school's operational hours. However this is considered reasonable as it is outside of the school's operational hours and so there will be no additional practical impact upon staff or students. It is also noted that whilst Leppington contains a number of poultry farms, these farms are expected to be progressively redeveloped for urban development over time and will ultimately not be a development constraint in the long term	
B2 Landscape Design	A suitable landscaping plan is required	An adequate landscaping plan has been provided and, subject to a recommended condition requiring additional landscaping, is suitable for the proposed development	Yes
B3.2 Aboriginal Culture and Heritage	An aboriginal heritage due diligence assessment to determine potential impacts upon aboriginal objects is required	The applicant has submitted an aboriginal heritage due diligence assessment in support of this DA. This assessment concludes that the site is unlikely to contain aboriginal objects however recommends that should any be encountered during works, the Office of Environment and Heritage should be informed. Council staff concur with the above findings and recommendation	Yes

B5.1 Off Street Car Parking Rates/ Requirements	1 car parking spaces per full time equivalent staff member	<u>School Concept Masterplan</u> 82 staff x 1 = 82 894 students / 100 = 8.94 Year 12 students = 55 / 5 = 11 Total required = 101.94 (102) Provided = 166 <u>School Stage 1</u> <u>Development</u> 9 staff x 1 = 9 100 students / 100 = 1 Total required = 10 Provided = 31	Yes
	1 car parking space per 100 students 1 car parking space per 5 students in Year 12	Service vehicle provision at Council's discretion	
D1.5.1 Earth Dams	Details of dam filling are required	Service vehicle provision has been discussed with the applicant and it is acknowledged that ample space will exit on the site for loading and unloading to occur, eg. within the drop off areas outside of peak school hours. This is considered acceptable in this circumstance	Yes
D1.5.2 Rural Fences	Council will consider rural fencing which exceeds that allowed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) on merit	1.8m high chain wire and picket fencing is proposed around and within the stage 1 development area. This complies with the SEPP however a condition is recommended that requires all fencing and gates forward of the building line to be open style picket metal fence and gates and coloured black. This type of fencing is considered more visually appropriate than chain wire fencing for areas	Yes

		forward of the building line	
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(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 Regulation prescribes 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.

Camden Growth Centre Precincts Development Control Plan

Schedule 5 of the Camden Growth Centre Precincts Development Control Plan (DCP) was adopted on 8 December 2015 which was after this DA was lodged. Consequently this DCP does not apply to the site or proposed development.

However given that the DCP will guide development for the rest of the site and the surrounding area it is considered relevant to review its provisions in the assessment of this DA.

Aside from the proposed variations to the ILP which are assessed below, the proposed development is generally consistent with the DCP.

Leppington Precinct Plan Indicative Layout Plan Variations

Replacement of Low Density Residential with a School

The Leppington Precinct Plan zones the site a mix of R2 Low Density Residential and RE1 Public Recreation. The indicative layout plan (ILP) in Schedule 5 of the Camden Growth Centre Precincts Development Control Plan (DCP) identifies this site for low density residential development, passive open space and public roads. The proposed development will be an additional school over and above the public school sites identified by the ILP.

It is noted that DPE's Leppington Priority Precinct - Finalisation Report (October 2015) acknowledged that this site was intended to be developed as a school. During the precinct planning process DPE modified the draft ILP layout for this site to better facilitate the proposed school. DPE determined that the site should be zoned R2 Low Density Residential which would permit the development of the proposed school.

The concept of an additional school in this location is supported in principle as detailed throughout this report. Subject to a recommended condition, the land

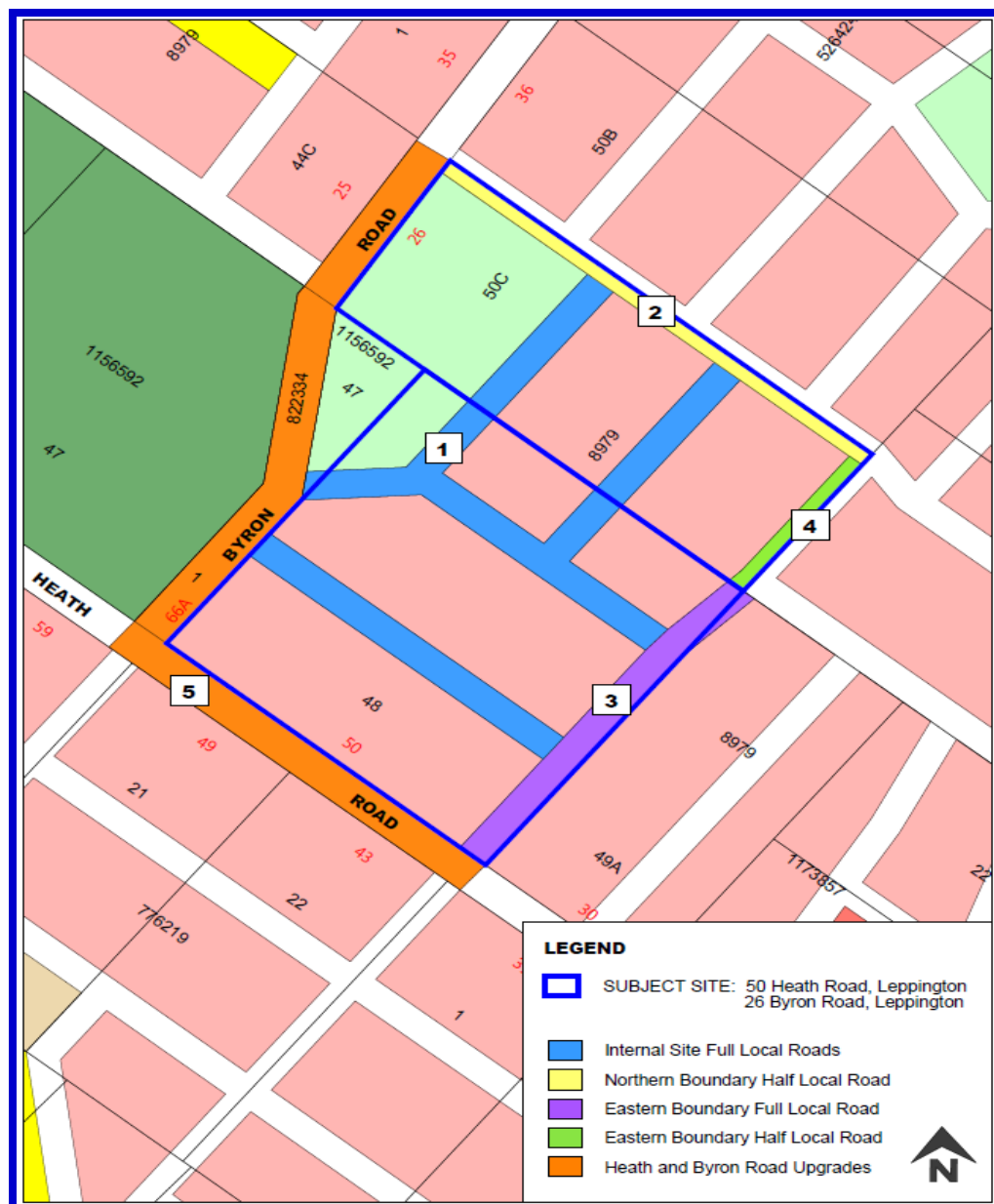
identified for future passive open space will not be impacted by the proposed development.

Public Road Construction/Upgrade

The ILP identifies this site as providing a number of public roads. The upgrade of existing public roads has also been considered. The proposed development will result in many of those roads not being provided or being deferred until future stages of the school's development.

It is noted that DPE's Leppington Priority Precinct - Finalisation Report (October 2015) acknowledged that this site was intended to be developed as a proposed school. The report also noted that the "road layout within and around the site as shown in the ILP is indicative only and exact road locations will be determined when any development to subdivision pattern is approved by Council."

A map identifying all of the ILP roads is provided below for clarity:



1. Internal Site Full Local Roads (Shown in Blue)

Two east west and two north south local roads identified for the site will not be provided. This has been assessed and is considered acceptable from a traffic impact perspective in that it will not significantly affect the functioning of the planned surrounding road network. Council staff consequently support not providing these roads.

2. Northern Boundary Half Local Road (Shown in Yellow)

Half road construction of a new public local road will eventually be required along the northern boundary of the site. This half road will provide access to the northern part of the site but it is also essential for the future low density residential area to the north to achieve adequate vehicular access and be developed in accordance with the DCP.

This half road is not required by the proposed stage 1 development however it is considered that it must be provided upon further intensification of the school on the site. This issue will be assessed in greater detail following submission of the detailed proposals for the remainder of the site via separate DAs.

It is noted that an 8m wide area to facilitate the construction of half of the required 16m wide local road has been provided.

3. Eastern Boundary Full Local Road (Shown in Purple)

Full road construction of a new public local road is identified along much of the site's eastern boundary. This road will not be provided but instead be replaced by the main driveway to the school from/to Heath Road. This has the potential to impact the identified residential development of the adjoining property to the east (at 30 Heath Road) and the functioning of the master planned surrounding road network.

The applicant has confirmed that the Anglican Church Property Trust Diocese of Sydney has purchased 30 Heath Road with the intention of developing that property for a church. The church will be developed in stages and integrated with the proposed school the subject of this DA. The applicant argues that if a church is developed at 30 Heath Road there will be no need for this road (as no residential development at 30 Heath Road will require it for frontage/access).

Council staff acknowledge the sincere intent to develop the adjoining land for a church and note that a DA for the first stage of the church development was lodged with Council on 20 May 2016. That DA is currently under assessment by Council staff.

Council staff have considered the proposed school's impact upon development at 30 Heath Road if a church is not developed on that property. Council staff consider that residential development on 30 Heath Road could still be reasonably developed in the event that the church is not developed, albeit in a different configuration than that shown on the ILP.

Council staff have also considered what impact not providing this road would have upon the functioning of the master planned surrounding road network. Council staff are satisfied that not providing this road will not have a significant impact upon the surrounding road network and consequently support not providing this road.

4. Eastern Boundary Half Local Road (Shown in Green)

Half road construction of a new public local road will eventually be required along the northern section of the site's eastern boundary. This half road will help provide access to the northern part of the site but it is also essential for the future low density residential area to the east to achieve adequate vehicular access and be developed in accordance with the DCP.

This half road is not required by the proposed stage 1 development however it is considered that it must be provided upon further intensification of the school on the site. This issue will be assessed in greater detail following submission of the detailed proposals for the remainder of the site via separate DAs.

It is noted that an approximately 8-9m wide area to facilitate the construction of half of the required 16m wide local road has been provided. This 8-9m wide area may need to be widened to ensure an appropriate offset for the school's car park from the road reserve boundary. This issue will be assessed in greater detail following submission of the detailed proposals for the remainder of the site via separate DAs.

5. Heath and Byron Road Upgrades (Shown in Orange)

The two existing rural roads that bound the site are Heath and Byron Roads. Pursuant to the Camden Growth Centre Precincts Development Control Plan both roads will ultimately be upgraded to two lane collector roads.

The upgrade of these roads is not considered necessary as part of the proposed stage 1 works. However a condition is recommended to require the construction of a rural basic auxiliary right turn bay on Heath Road to better facilitate right turn movements into the site. The detailed design of this right turn bay will be subject to Local Traffic Committee approval.

The further development of the school may necessitate the upgrade of both or either Heath or Byron Roads. This issue will be assessed in greater detail following submission of the detailed proposals for the remainder of the site via separate DAs.

It is noted that Council staff are currently preparing a Section 94 Contributions Plan for this precinct. This plan may ultimately collect monetary contributions for both the design and construction of both Heath and Byron Roads. Should the applicant need to upgrade these roads in the future monetary contributions may be available from Council.

6. Advice Note for Development Consent

Council staff have discussed the above matters with the applicant. The applicant has indicated that they may agree to carrying out some of the road works as described in points 2, 4 & 5 above. However they suggest that an appropriate time for that to be considered is when detailed proposals for the remainder of the site are submitted via separate DAs.

It is recommended that an advice note, that clearly states that the further development of the site will require the construction and upgrade of roads within and adjoining the site consistent with the DCP, is made part of the development consent for the proposed development. This is to ensure that the applicant is made fully and formally aware of the need for these works to occur in the future.

Public Utility Infrastructure

Consultation with Sydney Water has revealed that currently there is limited water capacity in the area's existing potable water system. The site is also currently unsewered.

A standard condition is recommended to ensure that essential public utility infrastructure, including water, electricity and sewer, will be available when required. It is noted that a pump out sewage management system is proposed for the school which will serve the development until Sydney Water sewer becomes available. The approval of the pump out sewage system will be subject to separate approval under Section 68 of the *Local Government Act 1993*.

The above approach is considered reasonable in that the south west growth centre is progressively being serviced by upgraded water, sewer and electricity utilities. A condition requiring that those services be made available to the development when actually required, ie. before the school commences operation, is a reasonable response to this issue.

(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 publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 20 January to 18 February 2016. One submission was received however following discussion with Council staff it was withdrawn.

The issues raised in the submission related to the position of the future local road construction along the site's northern boundary. Following discussion with Council staff the submission writer voluntarily withdrew the submission. It was noted that no objection was raised to the indicated position of this future road as it is in accordance with the ILP and that the delivery of the road will be subject to separate DAs.

(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

Department of Planning and Environment (DPE)

The DA was referred to DPE for comment pursuant to Clause 17 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. This clause requires DAs to be referred to DPE for comment if they are over a set monetary value and are lodged before planning for a growth centre precinct is completed.

DPE raised no objection to the proposed development and advised that it is consistent with the current zoning of the land (the land having been rezoned prior to the final response form DPE being received).

DPE advised that Council considers whether a masterplanned local road along the site's eastern boundary should be provided as part of the DA. This issue has been assessed previously in this report.

NSW Rural Fire Service (RFS)

The DA was referred to the RFS for assessment as the development is classed as a special bush fire protection purpose and 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 has raised no objection to the proposed development subject to general terms of approval relating to a restriction on the parts of the site zoned RE1 Public Recreation. The restriction requires that it be maintained as an inner protection area, that the remainder of the site is permanently maintained as an inner protection area and that all landscaping complies with Planning for Bush Fire Protection 2006. Compliance with these general terms of approval is a recommended condition.

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment as it is classed as traffic generating development pursuant to Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

The RMS raised no objection to the proposed development and recommended that a number of matters be considered including school zones, signage and car parking layout and design. A condition requiring compliance with the RMS recommendations is recommended.

Sydney Water

The DA was referred to Sydney Water for comment as this is required by Sydney Water's DA Referral Guidelines.

Sydney Water raised no objection to the proposed development however notes that whilst water facilities are available there is limited capacity without system upgrades. Sydney Water have requested further detail on development timeframes for the site, advised that drinking water mains must be constructed across the full frontage of the proposed development and noted that detailed water requirements will be provided at the Section 73 application phase. A condition requiring compliance with Sydney Water's requirements is recommended.

Sydney Water also advised that trunk wastewater services are being delivered to the adjacent Leppington North Precinct and that to service the proposed development an extension of trunk drainage system would be required however the delivery of the truck drainage system is currently beyond 2018. It is noted that a pump out sewage management system is proposed for the school which will serve the development until Sydney Water sewer becomes available. The approval of the pump out sewage system will be subject to separate approval under Section 68 of the *Local Government Act 1993*.

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 502/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Approved Plans and Documents** - Development shall be carried out generally in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
N/A	View From South (Master Plan)	Butler & Co Architects	September 2015
N/A	View From West (Master Plan)	Butler & Co Architects	September 2015
1428-DA 03E	Byron School Stage 1	Butler & Co Architects	11 September 2015
1428-DA 01H	Byron School Master Plan	Butler & Co Architects	11 September 2015
1428-DA 02E	Byron School Roof Plan	Butler & Co Architects	11 September 2015
1428-DA-04 A	Admin & Classrooms Plan +Elevations Stage 1	Butler & Co Architects	29 April 2015
1428-DA-05 A	Prep School Plan +Elevations Stage 1	Butler & Co Architects	29 April 2015
1428-DA-06 B	Byron School Elevations	Butler & Co Architects	2 October 2015
15 109 DA Sheets 2-17 of 17 (all revision C)	Engineering and related plans	Site Plus	23 December 2015
LC01/02 E	Concept Landscape	Site Plus	16 December

	Plan Stage 1		2015
LC02/02 E	Landscape Details	Site Plus	16 December 2015

Document Title	Prepared by	Date
Statement of Environmental Effects	Outline Planning Consultants	October 2015
Response to Council Request for Additional Information	Outline Planning Consultants	24 December 2015
Flood Study (Revision B)	Site Plus	December 2015
Preliminary Site Contamination Assessment	Martens Consulting Engineers	May 2015
Detailed Site Investigation	Martens Consulting Engineers	May 2015
Remediation Action Plan	Martens Consulting Engineers	12 May 2015
Preliminary Salinity and Geotechnical Assessment	Martens Consulting Engineers	May 2015
Acoustic Assessment	Koikas Acoustic Pty Ltd	25 September 2015
Wastewater Management Options Assessment	Martens Consulting Engineers	28 September 2015
Odour Assessment	Todoroski Air Sciences	2 October 2015
Preliminary Site Contamination Assessment	Martens Consulting Engineers	May 2015
Traffic and Parking Impact Assessment	McLaren Traffic Engineering	1 October 2015
Traffic and Parking Impact Assessment (Stage 1)	McLaren Traffic Engineering	1 October 2015
Response to Council Request for Information	McLaren Traffic Engineering	7 December 2015
Flora & Fauna Assessment Report	Gunninah	September 2015
Bushfire Protection Assessment	Australian Bushfire Protection Planners	19 September 2015
Byron Anglican College Aboriginal Heritage Due Diligence	AMBS Ecology + Heritage	February 2016

- (4) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the applicant will have for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The DPC is taken to mean completion of all civil works, soil preparation, weed control, planting, turf installation, street tree installation and mulching.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all planting's, including street tree installations.

At the completion of the 12 month landscaping maintenance and establishment period, all road verge areas, street trees, street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all planting's display healthy and vigorous growth.

- (5) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (6) **Glass Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (7) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (8) **Noxious Weeds** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (9) **State Authority Correspondence** - The correspondence from state authorities shall be complied with prior to, during, and at the completion of the development.

The correspondence is:

- 1. Letters from the Roads and Maritime Services dated 24 July 2015 and 27 November 2015.
 - 2. Bush Fire Safety Authority from the NSW Rural Fire Service dated 19 January 2016.
 - 3. Letter from Sydney Water dated 11 February 2016.
- (10) **Staged Development** - This development consent is granted for a staged development pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* and as described in this development consent. Excluding the stage 1 development which is approved as part of this development consent, all other development conceptually approved as part of the concept approval must be subject to separate DAs.
 - (11) **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.

- (12) **General Building Layout and Footprint** – The concept approval only conceptually approves the general layout and footprint of all buildings (excluding those approved for construction as part of the stage 1 development). The indicative height of those buildings are not approved.

- (13) **Fencing and Gates** - All fencing proposed forward of the building line to Heath Road established by the preparatory school building must be an open style, picket metal fence and coloured black with matching entry gates.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (5) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal.

The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (7) **Validation Report** - A Validation Report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
- a) compliance with the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;
- and includes:
- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - f) a statement confirming that the site following remediation of contamination is suitable for the intended use.
- (8) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the Food Regulation 2004;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) Council's Food Premises Code;
 - e) AS 1668 'The use of ventilation and air conditioning in buildings';
 - f) the BCA; and
 - g) AS 4674-2004 Design, construction and fit out of food premises.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (9) **Acoustic Report** - The development shall be constructed in accordance with Section 11.0 of the approved acoustic report titled "Acoustic Assessment Proposed School Development at lot 48 DP 8987 and lot 50C DP 8987, 50 Heath Road and 26 Byron Road, Leppington" prepared by Koikas Acoustics Pty Ltd dated 25 September 2015.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (10) **Revised Stormwater Management Report** - A revised stormwater management report, that demonstrates that the approved development will comply with the water quality and environmental flow targets specified in Table 2-1 of the Camden Growth Centre Precincts Development Control Plan.
- (11) **Section 68 of the Local Government Act 1993** - An Approval to Install a Commercial Sewage Management System under Section 68 of the *Local Government Act 1993* shall be obtained from Council. In seeking such approval the applicant shall ensure that all wastewater from both the existing and proposed buildings associated with the school are to be connected to a centralised sewage management system.
- (12) **Detailed Landscaping Plans** - Detailed landscaping plans prepared by a qualified landscape architect or qualified landscape designer, must be lodged with the Construction Certificate Application and include the following:
- (a) The plans must be consistent with the Concept Landscaping Plans lodged for Development Consent. Dwg No LC01/02 & LC02/02, dated 07.05.2015, Project No 15109, Prepared by Siteplus on behalf of Sydney Anglican Schools Corporation.
 - (b) The plans must have an amended planting schedule. The planting schedule must include the additional planting of 35 x *Cupaniopsis anacardioides* (sourced in minimum 45 litre containers). The small trees are to be installed, evenly spaced, within the garden beds for the proposed car park area and the grassed areas/garden beds along the south eastern boundary area of the site (but not in the drop off area) adjacent to Heath Road.
- (13) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

- (14) **Bush Fire Safety** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

- a) the RFS' General Terms of Approval for the DA;
- b) the bush fire report provided with the DA; and
- c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."

- (15) **Future Roundabout** - A vacant triangular shaped area of land measuring 10m by 10m must be retained within the site at the corner of Heath and Byron Roads. All proposed drainage infrastructure, building and other elements must be relocated from this area to ensure that the land may be utilised for the provision of an identified future roundabout.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (16) **RE1 Public Recreation Zone** – No stormwater drainage, quality treatment infrastructure or associated works are to be located on any land zoned RE1 Public Recreation.

The design of the approved development must be modified to ensure that all such development is located outside of the RE1 Public Recreation zone and that post development stormwater flow conditions will match pre-development stormwater flow conditions before entering any land zoned RE1 Public Recreation in accordance with Council's engineering specifications.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (17) **Lighting Plan** - All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting, and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. The design is to minimise the numbers of light sources, areas that will be illuminated and time of operation.

Any lighting structures must comply be no higher than 9m above existing ground level.

A lighting plan demonstrating compliance with these requirements is to be submitted to the Certifying Authority.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.

- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;

- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (6) **Performance Bond** - Prior to commencement of works a performance bond of \$30,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

- (8) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (9) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (10) **Construction Management Plan** - A Construction Management Plan that includes construction waste, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.

- (11) **Heath Road Right Turn Bay** - A rural basic auxiliary right turn bay must be provided on Heath Road at the entrance to the school unless construction traffic entering and exiting the site will be restricted to left in/left out only movements. Otherwise the right turn bay must be provided in accordance with condition 5.0(11) of this development consent.

The detail design of this bay must be approved by the Local Traffic Committee.

- (12) **Inner Protection Area Tree Removal** - Any trees to be removed to achieve the inner protection area required by the NSW Rural Fire Service's Bush Fire Safety Authority shall be offset at a 1:1 ratio on adjoining land zoned RE1 Public Recreation (without compromising the provision of the inner protection area).

The trees to be removed must be assessed for habitat value and any tree hollows to be removed must be offset for similar habitat value on adjoining land zoned RE1 Public Recreation.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (3) **Site Management Plan** - The following practices shall be implemented during construction works:
- a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (4) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any

measures required by the plan shall not be removed until the site has been stabilised.

- (5) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (6) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).
- (7) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*.

All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.

- (8) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided 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;
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics;
- c) be prepared in accordance with;

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 6000m³ - 3 sampling locations;
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ 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 ³)
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.

- (9) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (10) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the *Soils and Construction – Managing Urban Stormwater manual (Blue Book)*.
- (11) **Unexpected Finds Contingency (Remediation)** - Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved RAP shall be adopted.
- (12) **Remediation Action Plan** - All works proposed as part of the remediation action plan that includes remediation, excavation, offsite disposal, asbestos removal, additional sampling, monitoring, validations, site management and health and safety of workers, must be undertaken in accordance with the Remediation Action Plan prepared by Martens & Associates dated 12 May 2015.

Any variation or modification to the remediation action plan in terms of compliance work must be requested from the Consent Authority in writing prior to variation.

- (13) **Salinity** - All proposed construction works that includes earthworks, buildings, landscaping and associated infrastructure shall be carried out in accordance with Section 3.5 of the Preliminary Salinity and Geotechnical Assessment prepared by Martens Consulting Engineers ref: P1504640JR02V01 dated May 2015.
- (14) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (15) **Excavation** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (16) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Protection of Wastewater Systems** - During all works all wastewater systems associated with the existing dwellings to be retained on the site must be protected from damage.

Should any alteration to these systems be necessary to facilitate the approved development, approval pursuant to the *Local Government Act 1993* must be obtained prior to any alteration.

- (19) **Dam Infilling** - Measures must be taken in accordance with the *National Parks and Wildlife Act 1974* to ensure that any fauna inhabiting the existing dam on the site, or surrounding vegetation, are treated humanely and relocated before development activities commence. A qualified ecologist must be present throughout de-watering activities to relocate fauna or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the building/s has been constructed in accordance with Section 11.0 of the approved acoustic report acoustic report titled "Acoustic Assessment Proposed School Development at lot 48 DP 8987 and lot 50C DP 8987, 50 Heath Road and 26 Byron Road, Leppington" prepared by Koikas Acoustics Pty Ltd dated 25 September 2015.
- (2) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (3) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (4) **Approval to Operate** - An Approval to Operate a Sewage Management System under Section 68 of the *Local Government Act 1993* shall be obtained from Council.
- (5) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (7) **Operational Waste Management Plan Preparation** - An operational waste management plan that addresses:
 - estimates of areas/volumes of waste; and

- information about reuse, recycling and disposal options for all types of waste produced on-site

must be prepared for the approved development.

- (8) **Internal Acoustic Amenity for Existing Dwelling** - The existing dwelling to be retained at 50 Heath Road must meet internal noise criteria of 35dB(A) in all bedrooms and 40dB(A) in all living rooms. Details demonstrating compliance must be provided to the PCA.

- (9) **Heath Road Right Turn Bay** – A rural basic auxiliary right turn bay must be provided on Heath Road at the entrance to the school unless already provided in accordance with condition 3.0(12) of this development consent.

The detail design of this bay must be approved by the Local Traffic Committee.

- (10) **Fencing of Wastewater Systems** – Suitable open style fencing must be provided to ensure that the wastewater systems to be retained on the site are not accessible by school children.

- (11) **Fire Safety Certificate** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.

6.0 – Ongoing Use

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 shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (2) **Sydney Water Connection** - When a connection to Sydney Water reticulated sewerage mains becomes available to the site, the site shall connect to such mains within 6 months of the infrastructure becoming available. Upon connection the existing on-site sewage management system shall be decommissioned in accordance with requirements of Camden Council.
- (3) **Waste Collection** - Waste collection is to occur wholly within the site from a suitably designed, accessible and designated area.
- (4) **Hours of Operation** - The property is only to be open and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7am-9pm
Tuesday	7am-9pm
Wednesday	7am-9pm
Thursday	7am-9pm
Friday	7am-9pm

Despite the above, the approved soccer field and hard courts may be used 7 days a week from 7am-9pm for sporting activities ancillary to and associated with the school.

- (5) **Number of Students** - The number of students on the premises shall not exceed 100 (stage 1 development) or 894 (full school development) at any given time.
- (6) **Number of Staff** - The number of people working on the premises shall not exceed 9 staff (stage 1 development) or 82 staff (full school development) at any given time.
- (7) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan and the conditions of this development consent.
- (8) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (9) **Operational Waste Management Plan Compliance** - The operational waste management plan required to be prepared by this development consent must be fully complied with.
- (10) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (11) **Food Premises** - The following notifications shall occur prior to the preparation, manufacture or storage of food for sale:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website; and
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (12) **Update of Bush Fire Prone Land Maps** – Within 4 months of the date of the issue of an Occupation Certificate, a revised draft Bush Fire Prone Land Map shall be produced showing all asset protection zones and bush fire prone land within the school development and shall include the following:
 - (a) A statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
 - (i) experience in identifying bushfire prone land within NSW,
 - (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and

- deemed to satisfy designs and plans for development in bushfire prone areas,
- (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
 - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
 - (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
 - (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
 - (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million

Note: The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see website <http://www.fpaa.com.au/certification/index.php?certification=bpad>)

- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (13) **Loading/Unloading and Servicing** – All loading, unloading and servicing activities must take place within the site at all times.

RECOMMENDED

That the Panel approve DA 502/2015 for the construction of an educational establishment at 50 Heath Road and 26 Byron Road, Leppington subject to the conditions listed above.