

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

Panel Reference	2017HCC039
DA Number	8/2017/553/1
LGA	Cessnock City Council
Proposed Development	Alterations and additions to an existing educational establishment
Street Address	5 O'Connors Road, Nulkaba
Lot/DP	Lot: 295 DP: 729086
Applicant/Owner	TSA Management (on behalf of the Department of Education)
Date of DA lodgement	28/09/2017
Number of Submissions	Nil
Recommendation	Approval, subject to conditions
Regional Development Criteria (Section 4.5 of the EP&A Act)	Crown development that has a capital investment value of \$9,754,647 (greater than \$5 million), pursuant to part 4 of Schedule 7 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> .
List of all relevant s79C(1)(a) matters	• <i>State Environmental Planning Policy No 44 – Koala Habitat Protection</i> • <i>State Environmental Planning Policy No 55 – Remediation of Land</i> • <i>State Environmental Planning Policy No 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>Cessnock Local Environmental Plan 2011</i> • <i>Cessnock Development Control Plan 2010</i> • <i>Environmental Planning & Assessment Regulations 2000 (Clause 92)</i>
List all documents submitted with this report for the Panel's consideration	• Signed application form • Survey • Demolition plan • Lodgement plans • Landscape concept plan • Model, colours and finishes • Shadow diagram • Statement of environmental effects • Statement of heritage impact • Tree target risk assessment • Geotechnical investigation • BCA assessment • Bushfire assessment report • Traffic and parking assessment report
Report prepared by	Luke Mannix, Senior Planning Assessment Officer

Report date	23/03/2018
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Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

A Development Application has been submitted on behalf of the NSW Department of Education (the applicant) for alterations and additions to the existing educational establishment at Nulkaba Public School, located at 5 O'Connors Road, Nulkaba.

The subject site, known as Lot 295 DP 729086, borders O'Connors Road, Rothbury Street, Ivanhoe Street and Branxton Street in the village of Nulkaba. The site currently contains a number of single storey classroom, administration and ancillary school buildings, including the local heritage item known as Nulkaba Public School, together with ancillary landscaping, play space and car parking. The current school is understood to accommodate 422 primary school children and 30 staff.

The proposed alterations and additions would result in the demolition and removal of a number of existing buildings, 17 trees and the car park in the north-western corner of the site to allow the construction of a two storey building fronting O'Connors Road and a single storey building fronting Rothbury Street. In addition, landscaping improvements (most noticeably between the front of the heritage item and O'Connors Road), a temporary car park and ancillary stormwater drainage is proposed. As a result of the development an additional 38 pupils and 3 staff members will be accommodated on site.

In accordance with Council's Development Control Plan (DCP), 27 nearby affected property owners were notified for a period of 14 days, from 11 October to 25 October 2017. As a result, no submissions were made. Internal Council referrals were also undertaken, with comments and recommended conditions integrated within the assessment were relevant. Finally, whilst there are no concurrence or other approval bodies pursuant to Section 4.46 of the Act, an external referral for comment was sent to Roads and Maritime Services (RMS). On 9 February 2018 a response was received indicating comments but no objection to the development.

The following is a summary of the relevant Section 4.15 matters considered by Council:-

- Environmental Planning Instruments (EPI):-
 - State Environmental Planning Policy No 44 (SEPP 44) – The land is not considered to be core Koala habitat and no adverse impact to potential Koala habitat is expected.
 - State Environmental Planning Policy No 55 (SEPP 55) – Based on the information provided, the subject site is considered to be suitable for the intended use without remediation.
 - State Environmental Planning Policy No 64 (SEPP 64) – It is understood that no signage is proposed and therefore the requirements of this SEPP are not applicable.
 - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Educational SEPP) – Council has assessed the application against the design standard principles set out in Schedule 4 and it is considered appropriate.
 - Cessnock Local Environmental Plan 2011 (LEP) – The use is permissible in the zone and meets the objectives of the zone. The site contains a local heritage item and the proposal satisfies Clause 5.10 of the LEP. Any earthworks proposed are minor in nature and would not have adverse impacts under Clause 7.2 of the LEP.
- Draft EPIs – There are no draft EPIs that impact on the assessment of the development.
- Cessnock Development Control Plan 2010 (DCP):-
 - Chapter C.1 – Parking and access would be appropriate, with recommended conditions of consent relating to on-site parking and Council approval for connection to the road.
 - Chapter C.2 – No flora and fauna study is considered necessary.
 - Chapter C.4 – There are appropriate existing buffers between the land use and neighbouring properties.
 - Chapter C.5 – Waste management is considered to be appropriate, taking into account State construction management policy.
 - Chapter C.8 – No adverse social impact is expected and the CPTED matters are considered appropriate.
 - Chapter D.12 – The proposed development would have some impact on the heritage item and the general heritage value of the site; however, on balance, the impact would be acceptable.
- Planning agreements – there are no planning agreements relating to the site or the application.
- Matters prescribed in the *Environmental Planning and Assessment Regulations 2000* (the Regulations) – Pursuant to Section 92(1)(b) of the Regulations, recommended conditions of consent will ensure the demolition would be in accordance with AS 2601.
- Likely impacts – There are no other impacts that may significantly affect the proposed development.
- The suitability of the site – The site is considered suitable for the development.
- Any submissions – No submissions were received.
- Public interest – The proposal is considered to be in the public interest.

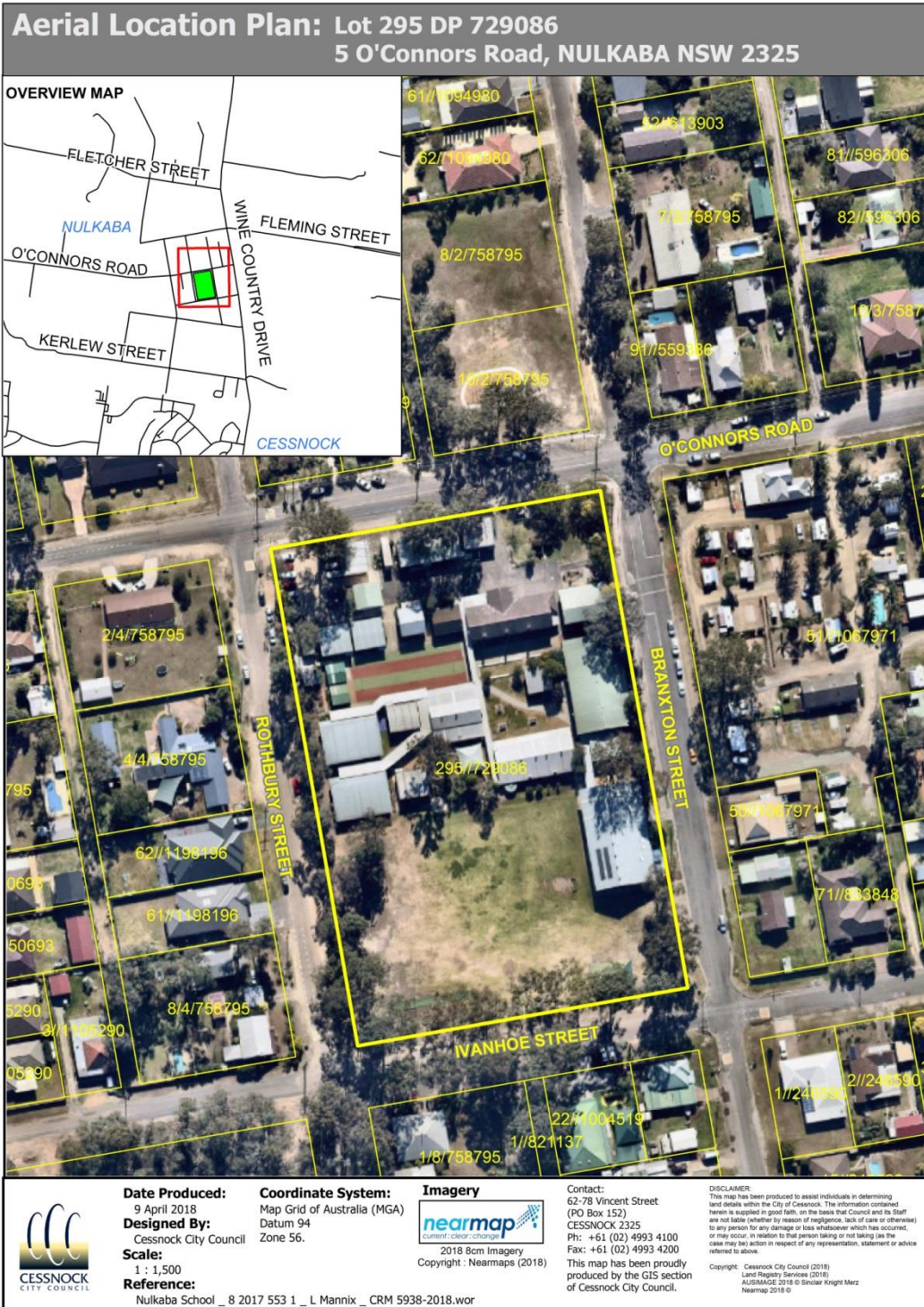
RECOMMENDATION

That Development Application No. 8/2017/553/1 proposing alterations and additions to the existing educational establishment at Nulkaba Public School, 5 O'Connors Road, Nulkaba (LOT: 295 DP: 729086) be determined pursuant to Section 4.16 of the Act, by the granting of consent subject to the conditions contained at the end of the report.

LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site, which measures approximately 1.72ha, is legally defined as Lot 295 DP 729086 and is bordered by O'Connors Road, Rothbury Street, Ivanhoe Street and Branxton Street in Nulkaba Village (see locality plan). The site is currently occupied by the Nulkaba Public School and currently accommodates approximately 422 primary school children.

The site includes the following development:-

- Nine (9) single storey demountable buildings, predominately along O'Connors Road and Rothbury Street;
- Eleven (11) single storey permanent buildings, predominately within the northern section of the site, constructed of a mixture of materials. This includes the heritage listed school building;
- Small sheds and greenhouses;
- Covered Outdoor Learning Area (COLA) fronting Branxton Street;
- Landscaping, including a memorial garden, playgrounds, sporting facilities and seating and,
- Gravel car park accessed from O'Connors Road.

The site includes a number of mature trees, predominately around the boundaries. The site has a generally flat topography, with a slight fall from the south-west to the north-east corner of the lot.

The site borders four local roads with Wine Country Drive, being a classified road, located 130m to the east. Vehicular access is provided into the car park from O'Connors Road and pedestrian access is provided from Branxton Street and O'Connors Road, with traffic calming devices around this area. A secondary access point is located on Rothbury Street, which is used primarily for servicing requirements. With the exception of bus bays on Branxton Street and no stopping around pedestrian crossings, there are no parking restrictions on the streets surrounding the site.

The surrounding area is dominated by single storey residential dwellings. With the exception of a caravan park and public park adjoining the site to the west and north respectively. The wider character includes large lot residential and rural land.

HISTORY

Consent History

The subject site has historically been used as a school, with a number of development consents being issued relating to that use. It is noted that a number of the buildings have been located on site without the need for consent. There are no known compliance issues that relate to the application.

Development Application

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

Date	Action										
28/09/2017	The application is lodged.										
4/10/2017	The application is allocated to an assessment officer.										
9/10/2017	Notification letters to adjoining properties are sent and the application is put on exhibition from 11 October to 25 October 2017. Internal referrals are sent to the following internal Council sections: <table border="1"> <thead> <tr> <th>Referral Officer</th><th>Date Returned</th></tr> </thead> <tbody> <tr> <td>Environmental Health</td><td>17/10/2017</td></tr> <tr> <td>Community Planning</td><td>26/10/2017</td></tr> <tr> <td>Development Engineer</td><td>27/10/2017</td></tr> <tr> <td>Heritage</td><td>7/11/2017</td></tr> </tbody> </table> External referral is sent to RMS for comment only.	Referral Officer	Date Returned	Environmental Health	17/10/2017	Community Planning	26/10/2017	Development Engineer	27/10/2017	Heritage	7/11/2017
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Environmental Health	17/10/2017										
Community Planning	26/10/2017										
Development Engineer	27/10/2017										
Heritage	7/11/2017										
16/10/2017	The application is assigned to a new Council assessment officer.										
18/10/2017	Written confirmation of the registration of the application with JRPP was received. Supporting documents prepared by the applicant were sent to the panel secretariat on 20 October 2017.										
26/10/2017	A written request for further information was issued to the applicant in accordance with Clause 54 of the Regulations. This related to the submission of a Traffic Assessment Report, clarification on the access to Rothbury Street and details on signage.										
16/11/2017	A written response from the applicant was received clarifying access from Rothbury Street and signage matters. It was noted that the Traffic Assessment Report was being completed.										
1/12/2017	A written response from the applicant was received regarding the recommended conditions in the heritage referral. It was refuted that the need for a condition resetting the setback of the eastern elevation was unnecessary given the positive visual impacts.										
1/2/2018	The Traffic Assessment Report was submitted by the applicant. Following the receipt, a further referral to the Development Engineers was issued including recommended conditions of consent. Following further consultation with the engineers, these conditions were amended before being agreed with the planning officers. A response from the Development Engineers was received on 15 March 2018.										
7/2/2018	A second written referral was issued to RMS, including the additional Traffic Assessment Report. Comments from RMS were received.										

22/3/2018	Draft conditions of consent were issued to the applicant for approval, pursuant to Section 4.33 of the Act.
28/3/2018	A written response to the draft conditions was received from the applicant with recommended alterations.
5/4/2018	Revised draft conditions of consent were issued to the applicant for approval and were agreed pursuant to Section 4.33 of the Act. These are shown in Schedule 1 at the end of this report.
15/5/2018	The final assessment report to be submitted to the JRPP for determination.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2017/553/1 seeks approval for alterations and additions to the existing educational establishment known as Nulkaba Public School, at 5 O'Connors Road, Nulkaba (see Figure 7). The proposal is described as follows:-

- Removal of the demountable buildings, the demolition of four permanent buildings (identified as Buildings F, G, H and L by the applicant), the demolition of the sheds and greenhouse along Rothbury Street and the removal of 17 trees;
- The construction of a two storey building fronting O'Connors Road and Rothbury Street, incorporating 12 classrooms and ancillary group/breakout space, an administration area, store rooms, amenities and lift. It is also proposed to include solar panels on the roof;
- The construction of a single storey building fronting Rothbury Street, incorporating two classrooms with ancillary group and marker space, store rooms, refuse and servicing rooms and amenities; and,
- Associated landscaping works, incorporating the enhancement of the entrance point off O'Connors Road, a paved connection from the new buildings to the playing fields and planting of new trees, particularly in the front setback of the buildings facing O'Connors Road and Rothbury Street.

The proposed buildings, when compared to the existing structures, are modern in design, incorporating a mixture of external materials including pale grey and brown brickwork, coloured panels, aluminium windows, feature balustrade patterns and a skillion colourbond roof.

It is noted that the proposed plans do not propose a new car park to replace the existing informal parking area. However, taking into account the information within the Traffic Assessment Report, it is understood that informal parking would be provided in the south-eastern corner of the site to accommodate 18 vehicles.

SECTION 4.15(1) ASSESSMENT

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

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

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

- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Land
- SEPP 64 – Advertising and Signage
- Educational SEPP 2017
- Cessnock LEP 2011

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

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The SEPP aims to encourage the conservation and management of natural vegetation providing habitat for Koalas. It applies to land within Cessnock City Council and the controls within Part 2 of the SEPP apply to land greater than 1ha, which includes the subject site.

The site contains a number of mature trees, some of which would be removed under this application. Regardless of the tree removal, the site is located within an urban setting, with a number of hazards to Koalas habitation (such as traffic and backyard pets). Furthermore, none of the trees as described in the supporting Tree Target Risk Assessment (Terras Landscaping; 26 September 2017) are listed within the Appendix of the Tree Risk Assessment as feed tree species.

Subsequently, the site is not considered to be potential Koala habitat and therefore the removal would not contravene the aims of this SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

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

The subject site has been used as a primary school since at least 1961. A report on the Geotechnical and Preliminary Waste Classification Investigation (Douglas Partners; June 2017) was submitted with the application and, whilst it was used

primarily to classify the soil to be removed, it indicates that no contaminants were discovered in the soil.

Therefore, as the site has been used primarily as a school and taking into account the information available to Council, the site would be suitable for the proposed works without any remediation measures.

State Environmental Planning Policy No 64 – Advertising and Signage

Whilst the drawings submitted with the application indicate signage on O’Connors Road, it has been clarified by the applicant that this is indicative and that no signage would be proposed under this application. Based on this, there are no matters within this SEPP that apply to the proposal. A condition of consent is recommended ensuring that any future signage be subject to a separate Development Application.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

This policy aims to facilitate the effective delivery of educational establishments and early care facilities across the state with Part 4 of the SEPP providing specific development controls for schools.

It is noted that land zoned RU5 Village is included in the prescribed zone meaning for Part 4 development. Pursuant to Clause 35(1), development for the purpose of a school may be carried out within the prescribed zone with development consent. Notwithstanding this, it is noted that the use is permissible in the zone under the LEP (see below).

Under Clause 35(6) of the SEPP, the consent authority is to consider the design quality of the development in accordance with the principles set out in Schedule 4, as well as whether the development enables facilities to be shared with the community. With respect to the design principles within Schedule 4, the applicant has provided a tabulated response with the supporting Statement of Environmental Effects. Council makes the following points against the principles:-

- **Context, Built Form and Landscape** – the subject site includes a heritage listed item, which would not be affected by the construction works. Rather, the removal of the demountable buildings would improve the visual quality of this heritage item from O’Connors Road. Whilst the proposed buildings would be larger than the existing development on the site, it is expected that this would not result in significant harm to the heritage item or the overall neighbourhood character (a more detailed assessment is provided elsewhere in the report). Finally, appropriate landscaping would be provided.
- **Sustainable, Efficient and Durable** – the applicant has stated that the proposed buildings have been designed to ensure the development meets this principle, including solar panels, use of natural ventilation and appropriate materials. Therefore the proposal is considered to satisfy this principle.
- **Accessible and Inclusive** – The proposed buildings would provide appropriate movement areas, with improvements to the landscaping enhancing the welcoming function of the school. Furthermore, it is noted that the proposal includes ramps for accessibility to the buildings and a lift to the first floor, as well as accessible toilets. With respect to usability outside of school, this is discussed below.

- **Health and Safety** – the proposed buildings would provide suitable openings facing the street and internal play areas. Therefore, it would ensure good surveillance from the building whilst maximising security for children. A significant area of play spaces would still be provided in the southern half of the site, ensuring appropriate outdoor amenity area.
- **Amenity** – the proposed buildings would provide satisfactory access to light, outlook and privacy considering its location and relative separation from adjoining properties and busy roads. Furthermore, outdoor amenity improvements are expected as a result of the removal of the demountable buildings and landscaping.
- **Whole of Life, Flexibility and Adaptive** – the proposal is considered to be consistent with this principle.
- **Aesthetics** – the proposal is considered to be consistent with this principle.

In terms of the shared community facilities, the proposed development would introduce primarily classrooms and administration areas. These facilities are not considered compatible with external community use. It is noted that there is an existing mixed use hall which can be used by external community groups; however, as this is outside of the proposal for alterations and additions, it is considered that enforcing any such use within this consent would not be reasonable.

Taking into account the above matters, it is considered that the application satisfies Clause 35(6) of the SEPP.

Clause 57 relates to traffic generating development, which is considered to be additions to existing premises which is able to accommodate 50 or more additional students. The proposal would result in an additional 38 students and therefore it does not trigger this clause.

Overall, taking into account the relevant matters, it is considered that the application is compliant with the SEPP.

Cessnock Local Environmental Plan 2011

The Cessnock Local Environmental Plan 2011 (CLEP 2011) applies in this instance.

Clause 2.3 Zone Objectives and Land Use Tables

The subject site is zoned RU5 Village under the provisions of CLEP 2011. The proposed development consists of alterations and additions to an educational establishment, a use that is permissible within the zone.

The objectives of the RU5 zone are as follows:-

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development is compatible with the amenity, functioning and scale of a rural village.

The application aims to improve the education services provided to the local community, which is consistent with the objectives of the zone. As illustrated by the supporting sun diagrams, the school is sufficiently separated from adjoining properties to prevent adverse overshadowing during the winter months. Furthermore, with an increase of only 38 students, the increase in noise is not considered to cause

significant adverse harm to the surrounding residents above the established effect. Therefore, in terms of amenity, the development is considered to be compatible with the rural village. It is noted that the proposal would be of greater scale and bulk to the regular residential development in the area; however, this scale and bulk is considered to be appropriate for social infrastructure within the residential setting.

Overall the proposed development is considered to be consistent with the objectives of the zone.

Clause 2.7 Demolition requires consent

The application seeks consent to demolish existing structures on the site in order to facilitate the proposed development. Demolition shall be undertaken in accordance with the relevant Australian Standards, as secured through recommended conditions of consent.

Clause 5.10 Heritage Conservation

This clause seeks to conserve the heritage significance of heritage items, as well as conserve the environmental heritage of Cessnock in general. Subsequently, erecting a building on land on which a heritage item is located requires consent. Furthermore, the consent authority must consider the effect of the proposed development on the heritage significance of the item before consent is granted under subclause (4).

Nulkaba Public School is listed as a heritage item, more specifically the weatherboard and brick functional style building. The heritage item is listed as local significance. The application is supported by a Statement of Heritage Impact (EJE Heritage; September 2017), which provides a history of the school and a background to the historical importance to the local area. The statement notes the brick building itself was constructed in 1926, with timber additions being made shortly thereafter. The building is significant for its local historical role in the settlement of Cessnock, Pokolbin and Nulkaba.

The applicant states that the proposal would have an acceptable impact on the heritage item; rather, the development would enhance the heritage value, given the removal of the demountable buildings and improved landscaping between the building and O'Connors Road. Whilst this enhancement is accepted, it has been noted by Council's heritage advisor that the visual break between the two buildings is minimal and the larger two storey building would visually dominate the smaller heritage building. Furthermore, the removal of smaller timber clad classrooms, whilst not included as heritage items, would also affect the history of the site through the removal of evolutionary stages of the schools development.

Taking into account the comments made by Council's heritage advisor, it is considered that there would be an impact on the heritage significance of the site. However, it is noted that no works are being undertaken to the actual heritage item and therefore the effect of the development would be minimised. Furthermore, whilst the building would be larger in scale than the adjoining building, it is accepted that this is a requirement for modern teaching facilities. In addition, it is considered that the harm to the heritage values caused by the current cluttered appearance of the poor quality and outdated buildings would outweigh the harm caused by the scale, bulk and proximity of the current building. Subsequently, it is considered that the positive effects of the removal of harmful buildings would outweigh the adverse effects of the proposed building.

Therefore, considering there would be no direct impact, the positive visual effects of the proposal and the other benefits of providing modern school facilities, the expected impact on the heritage value of the site is considered to be acceptable.

It is noted that the heritage advisor requested a condition to relocate the new building to create a view corridor of no less than 2m from the western elevation of the 1926 building. In response, the applicant highlighted that the development substantially improves the sightlines by removing the demountable buildings. In addition, Council officers note that the relocation would reduce the setback from Rothbury Street, increasing the visual prominence from the street and reducing the effective area for landscaping. Taking this into account, it is considered that the addition of this condition would be unnecessary and unreasonable and therefore has not been recommended in the schedule attached to this report.

The heritage advisor has highlighted the removal of timber buildings within the site and the impact this has on the historical significance of the site. These buildings were originally designed to be temporary and for relative short-term use. Whilst the loss of these buildings would be regrettable, the proposed building would provide a permanent feature with improved teaching facilities. Therefore, the proposal would make better use of the site and ensure there would still be a historical read between the 1926 building and the modern classrooms. Furthermore, the buildings are not included in the heritage listing and therefore have reduced heritage significance within the site. Therefore, it is considered that the removal would not have a noticeable impact on the heritage significance of the item.

With respect to Aboriginal heritage, the site is not known to include an Aboriginal object. Furthermore, taking into account the site is mapped as having a moderate Aboriginal heritage sensitivity, together with already being developed for the purpose of an educational establishment, there is a low likelihood that there would be Aboriginal objects located on the site. Therefore no harm to an item of Aboriginal heritage is expected.

Overall, the effect of the proposal on the heritage significance of the item, and the wider Cessnock area, is considered to be acceptable and is generally consistent with the objectives of the clause.

Clause 7.2 Earthworks

Clause 7.2 seeks to ensure that any earthworks do not result in an adverse impact on the environment, neighbouring properties or heritage items. Earthworks are likely as a result of the proposal and these are considered to be relatively minor. Furthermore, a soil and water management plan is recommended to be conditioned. As such no detrimental impact upon the surrounding environment is expected.

(a)(ii) *The Provisions of any Draft Environmental Planning Instrument*

It is noted that there are draft State Environmental Planning Policies in relation to Koala habitat and remediation. It is understood that these draft policies would not affect the provisions and requirements for Council to consider in relation to this application and subsequently they are not applicable to this assessment. There are no other draft EPI's applicable to the subject site or proposed development.

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

Cessnock Development Control Plan 2010

The Cessnock Development Control Plan 2010 (DCP 2010) applies to the land with the following chapters of particular relevance to the proposal:

C.1 Parking and Access

1.2 Car Parking Standards

The proposed additions and alterations are considered to fall under Educational Establishment pursuant to the car parking standards under this chapter. Subsequently, 1 space per 2 staff is required and, taking into account the school would cater for primary school students, no student parking is required.

Following the submission of the Traffic and Parking Assessment Report (Positive Traffic; January 2018), it is noted that the staff numbers would increase to 33 as a result of the development and the proposed building would result in the removal of the existing informal parking area off O'Connors Road. The report also indicates that another informal parking area would be located in the south-east corner of the site with a total of 18 spaces, which is considered to satisfy the requirements of the DCP. However, it is also noted that this information is not included in the proposed plans.

The information provided within the application in relation to pupil numbers and car parking is contradictory. However, it is considered that parking can be provided on the site to satisfy the seventeen (17) parking spaces required by the DCP. A condition of consent has been recommended (and accepted by the Department of Education) for the provision of parking to meet the DCP requirements.

Therefore, with the addition of conditions on parking, the DCP standard is considered to be met.

1.4 Design Guidelines for Off-Street Vehicular Parking Areas

The below parts of this section are considered relevant to the application.

Access

The proposed development would result in the closure of existing vehicular access from O'Connors Road as the classroom building would require the relocation of the staff car park. Furthermore, any internal car park would require additional access from either Ivanhoe Street or Branxton Street, as well as access for refuse service vehicles on Rothbury Street.

It is considered that the principle of the access points, in terms of location and expected capacity, would be appropriate. Furthermore, the provision of access points would be conditioned to ensure they are provided in the final design, including appropriate details and inspections by Council engineers to secure compliance. This would also apply to the reinstatement of previous vehicle access points to kerb on O'Connors Road.

Car Parking Design

A condition of consent has been negotiated with the Department of Education ensuring the proposed car park would provide safe and convenient access. Therefore it is considered that the application meets this requirement.

Disabled Parking

With respect to disabled parking, it is noted that there is an existing space on O'Connors Road. As the proposal would not result in significant increases in either pupils or staff, the existing space is considered sufficient to satisfy the DCP requirement.

Loading/Unloading Facilities

The subject site contains an existing informal servicing area on Rothbury Street. It is understood that waste is currently removed fortnightly from the site. The proposal would formalise the servicing arrangements within the smaller single storey building and it is expected to be collected similar to the existing circumstances.

It is acknowledged that the proposed servicing area is an improvement on the existing circumstances in terms of amenity. Furthermore, given the minor increase in pupils expected, the need for servicing is not anticipated to increase dramatically from the established levels. Therefore the proposed servicing area is considered to be appropriate against the provisions of the DCP.

It is noted that Council's Development Engineer recommended the extension of the kerb and gutter network from the intersection of Rothbury Street and O'Connors Road to the proposed servicing access (approximately 30m). This also included recommended conditions relating to the upgrade works. Whilst these points are noted, the applicant found the upgrade of the kerb and gutter to be onerous for the development. Notwithstanding that, it is known that this road is a Crown owned road and Council considers that this upgrade would be unfeasible. Therefore this condition has not been carried through in the recommended conditions in the schedule below.

Overall it is considered that the refuse and servicing facilities are appropriate.

C.2 Flora and Fauna Survey Guidelines

The proposal would result in the removal of native vegetation to facilitate the new building. Notwithstanding this, it is accepted that the tree removal would not result in the loss of any threatened or endangered species. Furthermore, it is acknowledged that, given the nature of development on the site and in the vicinity, the likelihood of the vegetation providing vital habitat for vital fauna is low.

Therefore the proposal is not considered to result in significant harm to native flora or fauna to warrant any survey being undertaken in accordance with this section.

C.4 Land Use Conflict and Buffer Zones

Under this section of the DCP, the proposed development is listed as a Category A land use. It is noted that there are no specific DCP requirements relating to educational establishments. Notwithstanding that, Council's Environmental Health Officer has identified that the school is likely to result in impacts on the surrounding

residential land use, particularly through noise, odours or light spillage. It was also recommended that the proposal be accompanied by an acoustic assessment.

Whilst the comments by the Environmental Health Officers are taken into consideration, it is also worth considering that the school is currently operating. Furthermore, the proposed application would result in an increase in 38 students, which is not considered to significantly increase the levels of noise or waste from the existing circumstances. Furthermore, conditions of consent are recommended by the Environmental Health Officer relating to the emission of noise, smell etc. and limiting the installation of external lighting. These have been considered and, where appropriate and approved by the Department of Education, these have been recommended in the conditions of consent schedule.

Therefore, taking into account the existing use of the school, no significant land use conflict with adjoining residential premises is expected as a result of the additions.

C.5 Waste Management and Minimisation

A Waste Management Plan has not been submitted in support of the application. Nonetheless, it is considered that appropriate waste management can be accomplished through conditions of consent, which have been recommended. Furthermore, it is noted that the proposal includes the demolition/removal of existing structures, the material of which are unknown. Whilst it is unlikely that the temporary structures contained asbestos, it is considered that a condition of consent be recommended to ensure that the demolition/removal of any building containing asbestos material be undertaken by a suitably qualified professional and disposed of at an approved facility.

Overall the objectives and requirements of this DCP can be satisfied through recommended conditions of consent.

C.8 Social Impact Assessment and Crime Prevention through Environmental Design Guidelines for Proposed Development

The applicant has indicated that, given the school is already in use and the proposal would result in only an increase of 38 students, a social impact would not be necessary. Council considers that this is reasonable and therefore a social impact assessment has not been requested.

Notwithstanding the above, the applicant has provided an assessment against the Crime Prevention Through Environmental Design (CPTED) principles in the Statement of Environmental Effects. It is noted that the proposal would result in significant increases in surveillance from classrooms along O'Connors Road and Rothbury Street, as well as lighting in accordance with departmental standards to increase surveillance outside of school hours. Furthermore, the proposed landscaping would improve ownership and amenity of the school site whilst not deterring natural surveillance. Council's Community Planner has assessed the application, taking into account relevant CPTED matters, and no objection has been raised.

Overall, it is considered that the proposal, given the relatively small increase in numbers, would not have severe adverse social impacts. Rather, through appropriate design, it is expected that the application would have positive social outcomes. Therefore the application is compliant with the objectives of the DCP.

D.12 Heritage Conservation and Design Guidelines

This part of the DCP provides controls and guidance for development involving heritage items so that the historical character of the building is enhanced. The aims are similar to that of Clause 5.10 of the LEP and the provisions are in addition to the requirements that clause. It should be noted that a description of the heritage item and its heritage value is provided under Clause 5.10 above.

The below sections of this chapter are relevant to the application.

12.7 General Requirements for Alterations and Additions

The objective of these guidelines is to ensure that new development involving heritage items will respect and enhance the heritage character of the building.

The proposed development includes the removal of a number of demountable buildings and the construction of larger, more modern and permanent buildings separate from the 1926 heritage item. Most notably, the proposal includes a two storey building with a flat roof to the front of O'Connor's Road.

The proposed classroom building would be significantly larger in scale with a distinctly modern appearance due to the design and materials proposed. It is also noted that the building would be set significantly forward of the heritage item with a minimal break from the western elevation of the 1926 brick building. Subsequently, there would be a noticeable visual impact on the heritage item, as indicated in the assessment by the heritage advisor. However, it is worth noting that no works would be undertaken on the heritage item.

Whilst this impact is noted, this should be weighed against the beneficial heritage impacts of the proposal. For instance, the removal of the demountable buildings to the front of the 1926 building, together with landscape improvements, would enhance the visual connection from O'Connors Road (primarily when travelling east). Furthermore, the construction of a permanent feature, as opposed to the temporary smaller buildings, would provide an improved read of the evolution of Nulkaba Public School. In addition to the beneficial elements of the heritage impacts, the provision of modern school classrooms, which requires more space and therefore larger buildings, would result in social benefits in the area.

Therefore, whilst the scale, size, setbacks and design of the development would result in a visually prominent building when compared to the 1926 Nulkaba Public School, these impacts are considered to be reasonably balanced against improved visual connection, historical reading and social benefits. As a result, the development would maintain the conservation importance of the building whilst suitably protecting the character of the area.

In addition to the building, it is noted that a number of buildings would be removed from the site, including a number of timber clad buildings and a brick building to the west, which is connected to the heritage item by a lean-to awning. Whilst these buildings are not included in the listing, they do provide a historical read to the evolution of the school. Consequently, the loss would impact on the overall heritage value of the site but, whilst it is regrettable, it would not significantly reduce the heritage significance of the item, as outlined under Clause 5.10 of the CLEP.

Overall the heritage impact of the additions and alterations to the Nulkaba Public School are considered to be in accordance with the objectives and requirements of the DCP.

(a)(iia) Any Planning Agreement or any draft Planning Agreement

No such agreement exists between the owner and Council and none has been proposed as part of this application.

(a)(iv) The Regulations

Division 8 of Part 6

Section 92(1)(b)

The development involves the demolition of buildings. A condition of consent is recommended to ensure that the demolition complies with the provisions of AS 2601.

There are no other prescribed matters that are applicable to the proposed development.

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

In addition to the matters considered under the heads of consideration under Section 4.15(1) of the Act, the following relevant impacts have been considered as follows:

Natural Hazards

Bush Fire

Within the supporting information, the applicant has identified the land as being identified as bush fire prone land. However, the land is not identified as bush fire prone land or buffer bush fire prone land on either Council's mapping system or on RFS mapping system. Furthermore, it is considered that, given the site is noticeably separated from significant vegetation, the threat from a bush fire is relatively low.

The proposed development is not expected to increase the existing bush fire threat level. Therefore, it is considered that it would not have any noticeable impact on bush fire hazards.

Flooding

The subject site is not known to be flood prone land or within the flood planning level, nor are there any known drainage issues in the area. Subsequently the site is considered to have a low flood risk. It is noted that land 80m to the north and 200m to the east is in the flood planning level as the land drains towards Black Creek.

The proposed development is not expected to increase the flood hazard on the site. It is noted that the works would include stormwater drainage, which contains a detention basin, to capture stormwater flows from the non-permeable surfaces. This, as well as the relatively low flood hazard, would ensure that the proposal would not significantly impact the wider flood hazard.

Ecological Impacts

The subject site does not contain any threatened or endangered flora or fauna species, nor is any endangered ecological communities located on the site. There are some native trees located primarily along the boundaries, however these are considered to be sporadic and separate from any significant vegetation so as to not provide any corridor habitat.

The proposed development would involve the removal of native trees to accommodate the buildings along O'Connors Road and Rothbury Street. Given the ecological significance of the site is considered to be relatively low, the removal of these trees would not adversely impact on flora and fauna species in the area. Furthermore, replacement trees are proposed along the boundaries, which would ensure any expected adverse impact would be mitigated.

Visual Impact

The character of the surrounding area is predominately residential, with the exception of the school at the subject site and the adjoining park and caravan park. The character of the existing residential development is generally single storey buildings set on relatively large residential blocks typical of village development. The wider area includes larger rural-residential blocks and agricultural land on the outskirts of Nulkaba. The subject site itself contains a number of single storey buildings, including a number of demountable buildings and the Nulkaba Public School heritage item, as well as landscaping along the boundaries. The existing buildings are focused in the northern half of the site and are considered to be of low quality, with the exception of the heritage item.

The proposed development includes the removal of a number of temporary and permanent single storey buildings and the removal of existing trees to allow the construction of a two storey building and single storey building respectively along O'Connors Road and Rothbury Street. The proposal would include tree planting to the front of O'Connors Road and Rothbury Street.

It is noted that the height and breadth of the building would be noticeably larger than the existing development in the area. Furthermore, the design of the building is more modern in nature when compared to the existing development, including the heritage item. Therefore it is considered that the proposal would have a noticeable impact on the visual character of the area. However, it is also considered that social infrastructure, such as schools, is generally larger in scale when compared with residential buildings. Therefore it is considered that the visual impact would be in keeping with the public nature of the building. Furthermore, it is acknowledged that there would be beneficial visual impacts from the removal of the lower quality single storey buildings, as well as improved visual connection to the heritage item.

Overall, it is considered that there would be no significant adverse visual impacts on the character of the area.

Transport and Traffic Impacts

A Traffic and Parking Assessment (Positive Traffic; January 2018) was submitted to assess the impacts of the development on the surrounding road network.

The report details the existing traffic situation, including the a description of the existing road network as well as the existing parking demand and trip generation,

determined through a parking survey of the area and a survey of student and staff arrival. In particular, it is worth noting that the surrounding area has a large number of available parking spaces within walking distance of the school and the dominant form of travel is by car for both students and staff.

After considering the proposed development, the traffic report makes the following conclusions:-

- The existing school has an on-site parking provision for 16 vehicles which is one space in excess with the DCP requirements of the school.
- The proposed relocation of the informal parking area with a total provision for 18 vehicles would result in a DCP compliant on-site parking provision.
- The relocation of teacher parking (some 15 vehicles) onto the surrounding road network during the course of construction would not impact on parking availability for the school and adjacent uses.
- The surrounding road network has sufficient spare capacity to accommodate the future potential overflow vehicles generated by new teachers.
- The potential traffic impacts of additional vehicle/bus trips by students is low and would not impact on the surrounding road network to a point of detriment.
- Intersections surrounding the development would continue to operate at levels of service to that which currently occurs.

It is worth noting that there are a number of deficiencies and contradictions in the conclusions. For instance, the increase in student numbers as a result of the development differs between the traffic report and the Statement of Environmental Effects (38 pupils to 22 pupils respectively). In addition, it is unclear whether parking spaces would be provided based on the information on the plans and the detail in the traffic report, as well as contradictions between the number of parking spaces required to meet the provisions of the DCP.

Notwithstanding the conflicting detail, Council officers have assessed the impact of the development based on an increase of 38 students to ensure a robust assessment. As outlined under Chapter C.1 of the DCP above, seventeen (17) parking spaces are required under the DCP and this would be satisfied by the relocation of the informal parking area, which should be secured via condition.

Council's Development Engineers have noted that Branxton Street, Rothbury Street and Ivanhoe Street are Crown roads, whilst O'Connors Road is owned by Council. O'Connors Road and Branxton Street are sealed, two-way roads and includes more sophisticated roadworks, comprising demarcated parking, bus parking restrictions, pedestrian crossing with median lanes and kerb and gutter systems. On the other hand, Ivanhoe Street and Rothbury Street still provide sealed, two-way roads, but with gravel shoulders only.

Council's Development Engineers have assessed the expected trip increases as detailed in the traffic report and it is anticipated that the vehicle trips would not dramatically increase. As a result of this minimal increase, as well as the satisfactory standard of the roads and suitable parking allocation, there would be no adverse impact on public road network requiring upgrades.

Therefore, it is considered that the proposal would not result in noticeable traffic and transport impacts on the surrounding road network.

(c) *The suitability of the site*

The subject site is currently used as a school and the proposed development would be in keeping with this use. The proposal is not considered to adversely impact on the visual character, heritage value or natural environment of the area. The site is therefore considered suitable for the proposed development.

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

The development application and accompanying information were placed on public exhibition for a period of 14 days from 11/10/2017 to 25/10/2017. As a result of the notification process no submissions were received.

(e) *The public interest*

The proposed development would result in the provision of additional school places. Furthermore, there are no anticipated severe adverse impacts on the heritage significance of the Nulkaba Public School or the character of Nulkaba village in general. Finally, no other adverse effects, such as land use conflict, traffic impacts or the like are expected. Therefore the application is considered to be in the public interest.

OTHER PLANNING MATTERS

Environmental Planning and Assessment Act 1979 – Section 4.33

The application has been made on behalf of the Crown, being the Department of Education, and therefore is considered to be a Crown development application.

Pursuant to subclause 1(b), the recommended conditions at the end of this report have been approved by the applicant. The other matters in this section have been noted during the assessment of this application.

Environmental Planning and Assessment Act 1979 – Division 6.3

It is noted that under this division, Crown development is exempt from requiring Construction Certificates and Occupation Certificates, as well as other requirements prior to the commencement of building works. Subsequently, the recommended conditions reflect these exemptions.

Environmental Planning and Assessment Act 1979 – Section 7.11

This section of the act relates to developer contributions and was previously known as Section 94.

The Nulkaba Section 94 Contributions Plan is applicable to the subject site and is located within Subarea 5 as indicated in Figure 1 of the plan. It is noted that the plan envisages predominately residential development, but there may be other types of development not specified in this Plan that generate a need for new or augmented public services and amenities. In such instances the applicant may be requested to prepare a needs analysis for the development to determine the development contribution requirements.

It is considered that, as the proposal would increase the number of pupils and teachers, there would be an increase in population utilising public services and amenities. Whilst this is noted, it is likely that this population catchment area would be from the surrounding location and therefore this impact on public services has already been captured in residential development. Furthermore, the proposed additions and alterations to the school is in itself the provision of public services and amenities and therefore the provisions of further contributions is not considered necessary or reasonable. As such, the payment of Section 7.11 Contributions is not recommended.

Environmental Planning and Assessment Act 1979 – Section 7.12

Whilst the Section 94A Contribution Plan was adopted in December 2017, this was after the submission of this application and therefore is not applicable to the development. Therefore Section 7.12 Contributions are not applicable.

INTERNAL AND EXTERNAL REFERRALS

The Development Application was referred to the following Council sections for comment:

Referral Officer	Date Returned	Referral Result
Environmental Health	17/10/2017	It was considered that a noise impact assessment is required to assess the expected impact from the increased number of children on the site. However, should one not be provided, conditions of consent were recommended. Whilst the request for noise impact assessment is noted, it was considered that the increase in pupil numbers would have an insignificant increase in noise impacts from the established impact. Therefore the request of this information was not considered reasonable.
Community Planning	26/10/2017	CPTED matters were considered and no objections to the development was raised.
Development Engineer	27/10/2017	The application is not considered to meet relevant engineering provisions, with further assessment required in relation to the following: - To assess the impact of additional traffic generated by the proposed development, the cumulative impact of existing additions and alterations that did not require development consent and impacts on the local street network due to removal of the existing car park (if not relocated), it is recommended that a detailed traffic and parking impact statement be prepared in support of the application. - From plans submitted, it appears that a 3m wide access is proposed to Rothbury Street adjacent to the proposed refuse room. However there does not appear to be any suitable area provided on site to allow a vehicle to park wholly within the site to service the site. It is recommended that the applicant provide additional information as to the size of vehicle required to access the site, and the required servicing arrangements (time, frequency, etc). - Off street car parking must be provided in accordance with the requirements of Section C1 of the DCP. Any off street

		car parking lost as a result of the new building should be replaced elsewhere on the school site. The required car park shall be constructed with a sealed pavement, graded and drained in accordance with Council's Engineering Requirements for Development and line marked in accordance with AS2890.1.
	15/03/2018	Following submission of additional information, no objections to the application were raised and a number of conditions were recommended. This included, most notably, car parking numbers and road upgrades. It is also noted that the conditions related to Construction Certificate and Occupation Certificate works. Bearing in mind there is no requirement for Crown development to provide Certificates, these conditions were either removed or reworded by planning officers to be suitable. The remaining recommended conditions were provided to the applicant for approval, pursuant to Section 4.33 of the Act. Following this, the agreed conditions are included within the schedule attached to this report.
Heritage Officer	07/11/2017	It was noted that, in addition to the c1926 brick building, which is subject to the heritage listing, the Heritage Impact Statement (EJE Heritage; September 2017) references a timber classroom building having been relocated from Tempe Public School and erected at the Nulkaba Public School. Whilst it is unclear from the documentation supplied as to which building this relates to, the photos depict a series of permanent timber weatherboard buildings with corrugated sheet metal roofing. These buildings each display characteristics that are attributed to the early 20th century and, although not specifically nominated in the heritage listing, contribute to and reinforce the early 20th century educational character of the school. The retention of these buildings would be preferred, however it is recognised that as Crown Development achieving this would be unlikely and therefore refusal on this is not recommended. The proposed building would become more visually prominent given its scale and therefore it is expected to dominate the heritage listed brick building. The applicant argues that the removal of the buildings to the front would improve the visual relationship between the item and the public domain. Whilst this is noted, the proposed two-storey building will partially

		obscure these views. Therefore, whilst consent is recommended, a condition of consent to reposition the building to the west is also recommended to ensure a visual separation between the buildings. The above comments have been noted within the body of the report. It is also worth noting that a condition requiring the relocation of the building has not been included in the attached schedule as it is not considered reasonable.
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In addition to the above internal referrals, the Development Application was referred to the following external agency/agencies for comment:

RMS (comment only)	07/02/2018	It is noted by RMS that Council is the roads authority for the public roads in the area (although it has been noted elsewhere that only O'Connors Road is under Council's control). It is also noted that the proposal would not result in the increase of more than 50 students under the Educational SEPP (see within the body of the report). Nonetheless, whilst no objection is raised, the following advice has been provided to Council for consideration:- • Council should consider the suitability of the site for the development based on the overall student capacity of the site and site constraints including (but not limited to) the ability for the school to provide acceptable transport solutions for students. Council may seek to impose a condition restricting the maximum student population to 460 placements to ensure that traffic impacts associated with the unrestricted student population growth do not adversely affect the surrounding road network. • Traffic congestion surrounding schools typically occurs during school morning and afternoon peak periods and can often be attributed to private vehicle use by parent/caregiver pick-ups and drop-offs. Accordingly, Roads and Maritime recommends that Council give consideration to the provision of on-site short stay parking and the associated driveway design to facilitate safe and efficient circulation of vehicles on-site to limit the impact on the surrounding
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		public road network. • Bus pick-up and drop-off locations and capacity within the road network are matters for Council to consider in the assessment of the application. Council should also have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the driveway to a future carpark on the southeast of the multipurpose hall promotes safe vehicle movements. • All matters relating to internal arrangements on-site such as traffic/pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider. Furthermore, safe access for pedestrians to/from the school should be considered. • Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity, particularly during school peak periods. As construction activities are scheduled to coincide with school operating hours and parking on-site is limited, it is likely that greater pressures will be placed on parking availability in the surrounding local street network. • Roads and Maritime has no proposal that requires any part of the property. The above considerations have been taken into account in the assessment of the traffic and access impacts. Furthermore, any conditions of consent have been negotiated with the Department of Education to ensure no unreasonable impacts are expected. Overall it is agreed that the increase in students and staff would not be significant to adversely impact on the public road network.
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CONCLUSION

The Development Application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all other relevant instruments and policies.

As outlined in the report, it is considered unlikely that the development would result in any significant adverse impacts. The proposed development has taken into consideration identified site constraints and the proposal is supported based on the following:

- The proposed building would be of appropriate size and scale within the existing school setting and the wider Nulkaba character. Whilst it is acknowledged that the scale would be significantly larger than the existing heritage item, this is reasonably outweighed by positive impacts through improved landscaping and visual connection to the public network and social benefits;
- The expected increase in pupils and student is not considered significant to cause any severe adverse impacts, such as traffic increases and noise impacts;
- It is acknowledged that the provision of improved teaching and learning buildings, as well as the formalisation of the classrooms within the modern building, would result in positive social and economic impacts within the area; and
- The proposal would generally be compliant with the considered matters under Section 4.15.

It is therefore recommended that the application be approved subject to the conditions contained at the end of this report.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/553/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Plan (Drawing no. NU03, Rev C)	EJE Architecture	25/09/2017
Demolition Plan (Drawing no. NU05)	EJE Architecture	25/09/2017
Ground Floor Plan Part 1 (Drawing no. NU06, Rev I)	EJE Architecture	25/09/2017
Ground Floor Plan Part 2 (Drawing no. NU07, Rev I)	EJE Architecture	25/09/2017
3D Ground Floor Plan (Drawing no. NU08, Rev G)	EJE Architecture	25/09/2017
First Floor Plan Part 1 (Drawing no. NU09, Rev H)	EJE Architecture	25/09/2017
3D First Floor Plan (Drawing no. NU10, Rev F)	EJE Architecture	25/09/2017
Roof Plan Part 1 (Drawing no. NU11, Rev I)	EJE Architecture	25/09/2017
Roof Plan Part 2 (Drawing no. NU12, Rev I)	EJE Architecture	25/09/2017
Section A & B (Drawing no. NU13, Rev H)	EJE Architecture	25/09/2017
Section C & D (Drawing no. NU14, Rev H)	EJE Architecture	25/09/2017
North & East Elevations (Drawing no. NU15, Rev H)	EJE Architecture	25/09/2017
South & West Elevations (Drawing no. NU16, Rev H)	EJE Architecture	25/09/2017
Schematic Design – External Finish (Job no. 11506, Issue B)	EJE Architecture	22/09/2017
Landscape Plans (Job no. 11506.54, Sheets 01-03, Rev C)	Terras Landscape Architects	25/09/2017
Civil Site Plan and Sedimentation Control Plan (255202-004-DRG-CV-0002-A)	Aurecon	21/09/2017
Civil Stormwater Plan (255202-004-DRG-CV-0003-A)	Aurecon	21/09/2017
Civil Details Sheet 1 (255202-004-DRG-CV-0005-A)	Aurecon	21/09/2017

Document Title	Prepared By	Dated
Report on Geotechnical and Preliminary Waste Classification Investigation	Douglas Partners	June 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

2. Separate Approval for Signs

A separate DA for any proposed signs that do not comply with the exempt and complying development code must be submitted to and approved by Council prior to the erection or display of any such signs.

3. BCA Compliance

Pursuant to Section 4.17 of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

4. Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, linemarking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the commencement of works and subsequent Section 138 Roads Act Approval.

5. Road Works Required

The applicant must bear the cost of construction of the following works:

- a) Stormwater Drainage works in O'Connors Road in accordance with detailed plans to be submitted with a Section 138 application.

Development Consent does not give approval to undertake any works on Council property. An application must be made to Council for a S138 Roads Act Approval to construct these works. Detailed engineering drawings (plans, sections and elevation views) and specifications of the works required by this Condition must accompany the application form.

The Roadworks Approval request/application must be submitted to, and approved by Council.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the use of the development.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will

result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

6. OSD System

A stormwater drainage design, incorporating on site stormwater retention/detention facilities, prepared by a qualified practising Civil Engineer must be constructed prior to the first use of the development.. The design must be prepared/amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 255202-004-DRG-CV-0003-A prepared by Aurecon and dated 21 September 2017.
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with AS 3500.3.2003 *Plumbing and Drainage – Stormwater Drainage*
- d) Overflow pipeline(s) must be provided for any rainwater tank(s) to discharge by gravity to the Council drainage system. Where OSD facilities are required by this consent, the overflow pipelines must be discharged by gravity to the OSD storage tank(s)
- e) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets
- f) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system
- h) Stormwater must be discharged by gravity to the kerb and gutter of a public road or to Council's piped drainage system
- i) Stormwater must be discharged by gravity directly into Council's piped drainage system
- j) All redundant stormwater pipelines within the footpath area must be removed, and the footpath and kerb reinstated
- k) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm

Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

7. Stormwater – Collection and Discharge Requirements

The registered proprietor of the land shall collect all roof and stormwater runoff from the site and discharge it to Council's stormwater pit and pipe network in O'Connors Road in accordance with Council's 'Engineering Requirements for Development' (available at Council's Offices).

8. Archival Recording Required

Prior to the demolition of any building, Photographic Archival Recording shall be undertaken of the three timber classroom buildings known as Building F and Building G.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

One (1) complete copy of the Photographic Archival Recording shall be submitted to Council and shall contain (for digital projects):

- a) A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- b) Full measured floor plans and all elevations of the building at 1: 100 scale;
- c) A site plan of the building at min 1: 200 scale;
- d) Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- e) The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- f) Catalogue sheets, photographic plan, supplementary maps;
- g) Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- h) One (1) full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- i) Photographic images are to include:
 - i) View to and from the site (possible from four compass points);
 - ii) Views showing relationships to other relevant structures, landscape features and moveable items;
 - iii) All external elevations;

- iv) Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces, etc);
- v) External and internal detail (e.g. joinery, construction joints, decorative features, paving types, etc); and,
- vi) Capturing of the buildings during school term to record the manner in which the buildings are used by students and staff alike; and,
- j) A CD or DVD containing electronic image files saved as RAW or TIFF files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Written confirmation must also be obtained from Council's Heritage Advisor, attesting that the Photographic Archival Recording is of an acceptable quality and satisfies the requirements of this condition.

9. Construction and Traffic Management Plan

The applicant must prepare and implement a Construction Management and Traffic Management Plan prior to the commencement of works. The following is to be incorporated in the plan.

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.

- ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
 - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e) All traffic control plans must be in accordance with the *RMS publication Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

10. Site to Be Secured

The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

11. Soil and Water Management Plan

The applicant must prepare and implement a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas
 - iii) Ensures surface run-off occurs at non erodible velocities
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

12. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property.

13. Approval Required for Equipment in Road Reserve

An application for any of the following on public property (footpaths, roads, reserves) shall be submitted to, and approved by, Council prior to the commencement of works.

- a) Construction zone
- b) A pumping permit
- c) Mobile crane
- d) Skip bins.

Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc. without the approval of Council.

14. Protection of Trees to be Retained

The existing trees shown as being retained on the approved Demolition Plan (Drawing no. NU05) shall not be removed under this consent. Prior to the commencement of works the retained trees shall be appropriately protected by fencing or other suitable barriers and shall be maintained for the duration of the building works.

15. Nominated Location of Waste

The location and facilities for the collection, storage and disposal of waste generated within the premises is to be identified prior to the commencement of works.

16. Toilet Facilities

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

17. Relocation of Services

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

DURING WORKS

The following conditions are to be complied with during works.

18. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

19. Construction Noise

All construction activity shall be conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.

20. Virgin Fill to be Used

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and

which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

21. Stormwater – Impact on Adjoining Land – Natural Drainage

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

22. Stormwater – Impact on Adjoining Land – Surface Water

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

23. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

24. Demolition

All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from NSW Workcover Authority. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.

PRIOR TO THE FIRST USE OF THE DEVELOPMENT

The following conditions are to be complied with prior to the first use of the development.

25. Certification of Fire Services

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the *Environmental Planning and Assessment Regulation 2000* prior to occupation of the building.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

26. Completion of Landscape Works

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the first use of the development.

27. Section 50 – Hunter Water Board (Corporation) Act 1991

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

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

28. Car Parking

As soon as reasonably practical, onsite car parking shall be provided for a minimum of seventeen (17) vehicles. The car parking shall be designed for all weather access with appropriate measures to prevent the movement of vehicles onto grassed areas, children's play space or other areas not designated for car parking.

29. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation to the property boundary in:

- Rothbury Street for servicing access; and,
- Either Ivanhoe Street or Branxton Street for staff parking access

The access crossing shall be in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the use of the development

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

30. Noise

All activity conducted on site shall cause no unreasonable interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general.

31. Outdoor Lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

32. Stormwater – Impact on Adjoining Land

Filling shall not be placed in such a manner that obstructs natural drainage from adjoining land.

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

33. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

ADVISORY NOTES

A. Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

B. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

C. Site Contamination Issues during Construction

The applicant is advised that Council's contamination assessment has been made based on the information submitted with the application. It is the developer's responsibility, or those contracted to undertake the works on behalf of the developer, to manage site contamination should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination.

D. Discovery of Aboriginal Heritage

If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.