

**JOINT REGIONAL PLANNING PANEL**  
**(Northern Region)**

<b>Panel Reference</b>	2017NTH015
<b>DA Number</b>	DA17/0377
<b>LGA</b>	Tweed Shire Council
<b>Proposed Development</b>	Alterations and additions to the existing Pottsville Beach Public School
<b>Street Address</b>	85 Tweed Coast Road, POTTSVILLE (Lot 2 DP 1006776)
<b>Applicant/Owner</b>	Conrad Gargett
<b>Owner</b>	NSW Department of Education
<b>Date of DA lodgement</b>	20 June 2017
<b>Number of Submissions</b>	<p>Nil public submissions were received in relation to the subject application.</p> <p>A submission was received from the following Public Authority:</p> <ul style="list-style-type: none"> <li>• NSW Rural Fire Service</li> </ul>
<b>Recommendation</b>	Approval with conditions
<b>Regional Development Criteria</b> (Schedule 4A of the Act)	<p>Crown development that has a capital investment value of more than \$5 million.</p> <p>The Development has a capital investment value of \$11,376,993.00.</p>
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <u>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</u> <p>Clause 7(1) of SEPP 44 - Koala Habitat Protection</p> <p>Clause 8(1) of SEPP 44 - Koala Habitat Protection</p> <p>Clause 9(1) of SEPP 44 - Koala Habitat Protection</p> <p>Clause 7 of SEPP 55 – Remediation of Land</p> <p>Clause 7(b) of SEPP 71 – Coastal Protection</p> <p>Clause 32(2) - SEPP (Infrastructure)</p> <p>Clause 104 of SEPP (Infrastructure) 2007</p> </li> </ul>

	<p>Clauses 2.3 (2), 5.5 (2), 5.5(3), 7.1(3), 7.2(3), 7.3(3), 7.6(3), 7.10 of the Tweed LEP 2014.</p> <p>All of the applicable consent considerations associated with the abovementioned SEPP's and LEP have been addressed within the body of this report.</p> <ul style="list-style-type: none"> <li>• <u>List any relevant development control plan: s79C(1)(a)(iii)</u></li> <li>• Tweed DCP Section A2 – Site Access &amp; Parking Code</li> <li>• Tweed DCP Section A3 - Development of Flood Liable Land</li> <li>• Tweed DCP Section A11 - Public Notification of Development Proposals</li> <li>• Tweed DCP Section A15 – Waste Minimisation &amp; Management</li> <li>• Tweed DCP Section B21 – Pottsville Based Development Code</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Section 79C Assessment Report including proposed conditions of consent.
<b>Report prepared by</b>	Lydia Charman, (Acting Team Leader Development Assessment)
<b>Report date</b>	4 October 2017

### 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 summarised, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP55 - 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

**Not Applicable**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

*Note: Certain Das in the Western Sydney Growth Areas Special Contributions Areas may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

*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*

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**Yes**

# Assessment Report and Recommendation

**FILE NO:** DA17/0377

**REPORT TITLE:**

Development Application DA17/0377 for alterations and additions to the existing Pottsville Beach Public School (JRPP) at Lot 2 DP 1006776; No. 85 Tweed Coast Road POTTSVILLE

**SUMMARY OF REPORT:**

Council is in receipt of a proposed development application seeking consent for alterations and additions to the Pottsville Beach Public School.

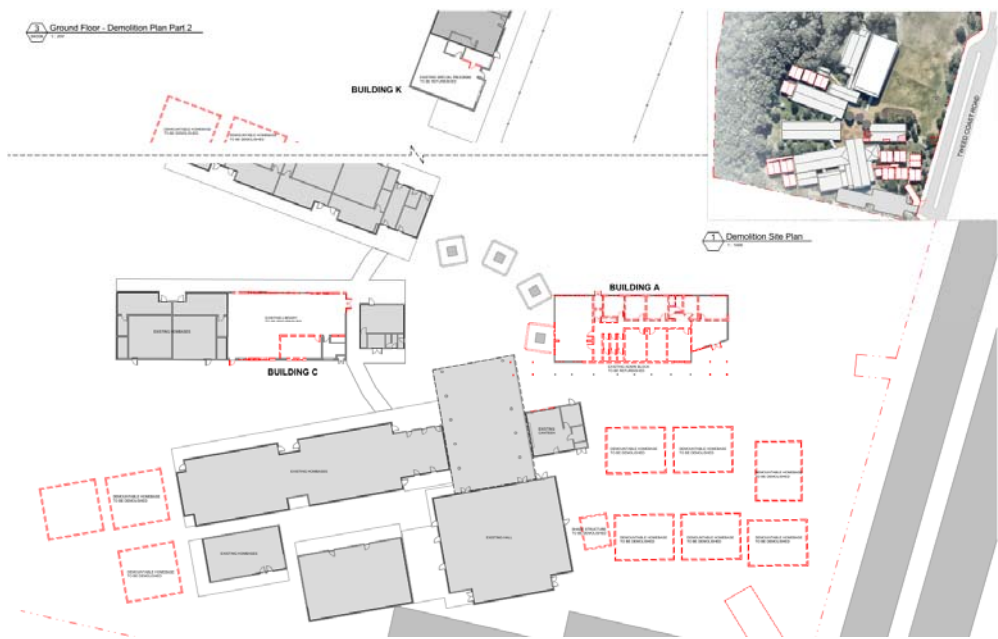
The proposal seeks development consent to replace existing demountable buildings with permanent classrooms and internal refurbishments to several existing buildings including the library and administration block. Works are generally located within the south-eastern section of the subject site, see Figure 1 below.



**Figure 1: Location of proposed works**

The proposed alterations and additions to Pottsville Beach Public School will involve the following removal / demolition works:

- Removal / demolition of 13 demountable buildings that currently occupy the south-eastern and south-western sections of the site (see figure 2 below);
- Removal / demolition of the existing shade structures;
- Minor demolition associated with the refurbishment of the existing administration block; and
- Minor demolition associated with the refurbishment of the existing library.



**Figure 2: location of proposed demolition works**

The proposed alterations and additions to Pottsville Beach Public School will involve the following refurbishment/construction works (as located in figure 1, above):

Refurbishment	New construction	Landscape/Open Space Areas
Building A – Former Administration / Staff Block Refurbished to create library and support areas	New building located at front of site split into three sections – north, middle and south.  North section:	Learning space and associated landscaping
Building C – Former Library Refurbished to two home base class room areas	<ul style="list-style-type: none"> <li>• Staff room and annexe, associated toilets and facilities and a special program room on the</li> </ul>	

<p>Building K – Former Special Program Block Refurbished to home base class room areas</p>	<p>ground floor; and</p> <ul style="list-style-type: none"> <li>Two classrooms on the first floor. This section also includes lift access to the new building</li> </ul> <p>Middle section:</p> <ul style="list-style-type: none"> <li>New administration building including offices on the ground floor; and</li> <li>Two classrooms on the first floor.</li> </ul> <p>South section:</p> <ul style="list-style-type: none"> <li>Three classrooms and bathroom / toilet facilities on ground floor; and</li> <li>Three classrooms on the first floor.</li> </ul>	
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The development will not result in an increase in student or staff numbers (690 students).

The subject application offers an opportunity to deliver a high quality educational establishment to service existing students and staff.



**Figure 3: Street view from Tweed Coast Road**



**Figure 4: Courtyard view**

There are a number of planning legislation requirements that the consent authority must consider. A detailed assessment of the relevant clauses is noted within the report. A summary is noted below:

- **Clause 7(1) of SEPP 44 - Koala Habitat Protection.** Clause 7 requires the consent authority to be satisfied whether or not the land is a potential Koala Habitat, the site is mapped as potential habitat. Conditions to apply.
- **Clause 8(1) of SEPP 44 - Koala Habitat Protection.** Clause 8 requires the consent authority to be satisfied that the site is a potential koala habitat, it must satisfy itself whether or not the land is a core koala habitat, the site is not considered core habitat.
- **Clause 9(1) of SEPP 44 - Koala Habitat Protection.** Clause 9 advises that consent can be granted if works proposed do not contravene Council's KPoM. The proposed works are minor and consistent with the KPoM. Conditions with this regard have been applied.
- **Clause 7 of SEPP No 55 – Remediation of Land.** The proponent's assessment of the subject site concluded that the land is not contaminated and is suitable for the proposed development. Council officers are satisfied that the proposed development meets the provisions of clause 7 of SEPP 55, conditions have been applied;
- **Clause 7(b) of SEPP 71 – Coastal Protection.** Clause 7(b) advises the matters for consideration set out in clause 8, which are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies. The application has considered and satisfies Clause 8;
- **Clause 32 of SEPP (Infrastructure) 2007 – Educational Establishments.** Clause 32 provides criteria for Council's determination of the development application, and identifies where DCPs are superseded by School Facilities Standards. Subject to conditions of consent Council officers are satisfied that the proposed development meets the provisions of clause 32 of the Infrastructure SEPP;
- **Clause 104 of SEPP (Infrastructure) 2007 – Traffic Generating Development.** Clause 104 requires the consent authority to consider accessibility of the site as well as traffic / transport impacts associated with the development. The subject application does not increase student numbers, accordingly, is not considered as traffic generating development under Clause 104 of the Infrastructure SEPP;
- **Clause 2.3 (2) of the Tweed LEP 2014 - Zone objectives and Land Use Table.** This clause advises that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The

subject application has considered the zone, is permissible with consent and meets the aims of the R1 zone;

- **Clause 5.5 (2) and (3) of the Tweed LEP 2014 – *Development within the coastal zone*.** These clauses require the consent authority to consider existing public access to and along the coastal foreshore for pedestrians with regards to maintaining existing public access and, where possible, improving that access, and identifying opportunities for new public access and the impact of any waste on the coastal foreshore. The proposed development is not considered to impact any access along the foreshore and provides adequate waste management;
- **Clause 7.1(3) of the Tweed LEP 2014 – *Acid Sulfate Soils*.** This clause advises that consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. A minor works application has been submitted with the application and supported by Councils Environmental Health Unit;
- **Clause 7.2(3) of the Tweed LEP 2014 – *Earthworks*.** Clause 7.2(3) requires the consent authority to consider effects and potential impacts on the site and surrounding locality as a result of the proposed earthworks. The earthworks associated with the subject application are considered minor. Council officers are satisfied that the proposed development meets the provisions of clause 7.2(3) of the Tweed LEP 2014;
- **Clause 7.3 of the Tweed LEP 2014 – *Flood Planning*.** The provisions of clause 7.3 require the consent authority to consider potential impacts and compatibility of the proposed development in terms flooding. Council officers are satisfied that the proposed development meets the provisions of clause 7.3 of the Tweed LEP 2014;
- **Clause 7.6(3) of the Tweed LEP 2014 – *Stormwater management*.** This clause advises that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will have adequate stormwater management. Subject to conditions applied, the proposed development meets the provisions of Clause 7.6; and
- **Clause 7.10 of the Tweed LEP 2014 – *Essential Services*.** Clause 7.10 requires the consent authority to consider essential services for the proposed development. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.10 of the Tweed LEP 2014.

In summary, the assessment of the proposed development has adequately addressed all consent considerations required by the abovementioned SEPP's and LEP clauses. It is therefore considered that the Panel can proceed with determining the application, subject to the recommended conditions of consent.



## **REPORT:**

**Applicant:** Conrad Gargett  
**Owner:** Department OF School Education  
**Location:** Lot 2 DP 1006776; No. 85 Tweed Coast Road POTTSVILLE  
**Zoning:** 5(a) School, R1 - General Residential  
**Cost:** \$11,376,993.00

## **BACKGROUND:**

### The site

The subject land is legally described as Lot 2 in DP 1006776 and more commonly referred to as 85 Tweed Coast Road, Pottsville.

The site contains the Pottsville Beach Public School and is located on the western side of Tweed Coast Road, providing a site area of 3.84 Hectares.

Pottsville is generally characterised by a mix of residential and commercial developments, with surrounding public parks and recreation areas. The subject site generally adjoined by the following:

- Pottsville Bicentennial Environmental Park and Tweed Coast Road (north);
- Medium and low density residential developments, public recreation zone and foreshore (east);
- Medium density residential development, Pottsville Preschool, Fire Brigade, Pottsville Bowls and Sports Club, Tweed Coast Holiday Park and commercial developments within the 'B2 Local Centre' zone (south); and
- Pottsville Bicentennial Environmental Park, low density residential developments and land zoned for rural landscape purposes and environmental protection.

The site has a gradual grade of 2% from the eastern boundary to the western boundary.

The subject site is zoned part R1 General Residential under the Tweed Local Environmental Plan 2014. The proposed development is permissible with consent. All works are proposed within the R1 zone.

The site is zoned part deferred matter under the Tweed Local Environmental Plan 2014. Accordingly is zoned 5(a) Special Uses – School, under the Tweed Local Environmental Plan 2000. No works are proposed within this area.

For the purposes of this report assessment has been undertaken against the Tweed LEP 2014.



**Figure 5: Tweed LEP 2014 zoning and DM Tweed LEP 2000 zoning**

The site has been used as the Pottsville Public School for a number of years. The school currently caters for 690 children and associated staff.

A range of applications have been granted consent over the site, including:

#### Consent History

Application Number	Description	Date approved
DA12/0472	Development Application - erection of a covered outdoor learning area (COLA)	31/12/2012
DA07/0898	Development Application - carpark for Pottsville Beach public school	20/03/2008
DA03/1423	Development Application - erection of a sign	11/11/2003
1360/2000DA	Development Application - erection of a shade cover	8/01/2001
D94/0258	Educational establishment (primary school)	04/09/1997

Further to the above Council issued consents, an Infrastructure Project (IP10/098 EP), authorised under the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* (NBJP Act) was approved for the construction of a two storey CDR classroom building and covered walkway (building k).

The approval (IP10/098 EP) was for an additional six classrooms and an increase in student numbers to the current enrolment (690).

### The proposal

As detailed above the subject application is for additions and alterations to the existing Pottsville Public School. The new works include:

Refurbishment	New construction	Landscape/Open Space Areas
Building A – Former Administration / Staff Block Refurbished to create library and support areas	<p>New building located at front of site split into three sections – north, middle and south.</p> <p>North section:</p> <ul style="list-style-type: none"> <li>• Staff room and annexe, associated toilets and facilities and a special program room on the ground floor; and</li> <li>• Two classrooms on the first floor. This section also includes lift access to the new building</li> </ul> <p>Middle section:</p> <ul style="list-style-type: none"> <li>• New administration building including offices on the ground floor; and</li> <li>• Two classrooms on the first floor.</li> </ul> <p>South section:</p> <ul style="list-style-type: none"> <li>• Three classrooms and bathroom / toilet facilities on ground floor; and</li> <li>• Three classrooms on the</li> </ul>	Learning space and associated landscaping
Building C – Former Library Refurbished to two home base class room areas		
Building K – Former Special Program Block Refurbished to home base class room areas		

	first floor.	
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### Access

The subject site is currently comprised of 41 parking spaces, including 1 temporary and 1 permanent accessible space. No change to number of existing onsite parking is proposed.

The school has two main vehicle access points. The first is on Cudgera Avenue (north), where there is a small car park and a pick up/drop off area. With the main car park accessed via the service lane (that runs for most of the site's Tweed Coast Road frontage), see figure 6 below.



**Figure 6: Existing parking and access**

The northern carpark is comprised of 12 spaces (including a disabled space) and five (5) vehicle spaces for pick up/drop off.

Within the existing service lane there are five (5) bus spaces and 10 vehicle spaces for pick up/drop off.

The remaining car park (south) is comprised of 29 spaces and a delivery service bay.

In accordance with Tweed DCP Section A2 – Site Access and Parking Code the proposed development requires seven (7) bus spaces. Accordingly, the service lane requires an additional two (2) bus spaces.

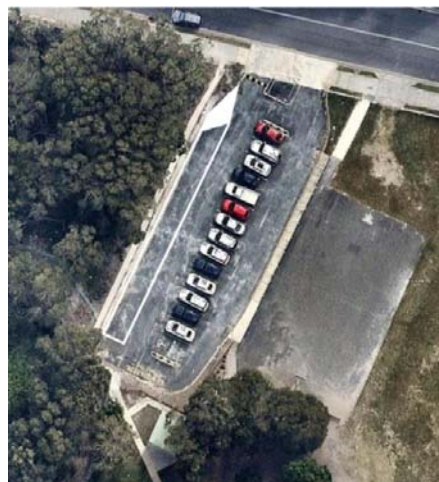
In accordance with the submitted *Traffic and Parking Impact Assessment* the subject application seeks a slight amendment to the existing drop off/pick up area located in the northern carpark, Cudgera Avenue (see figure 7 below).



**Figure 7: Existing carpark (northern carpark)**

At present the bus zone terminates into a pick up/drop off area of approximately 65m in length and catering for approximately 10 vehicles. With the proposed extra two-bus spaces required, the resulting pick up length will be reduced to approximately 36m and cater for 6 vehicles for drop off/pick up.

The subject application proposes to relocate the lost on-site pick-up from the service lane to the west side of the off street car park (Cudgera Avenue). This will be accommodated by shifting the middle parking bays to the east (see figure 8 below).

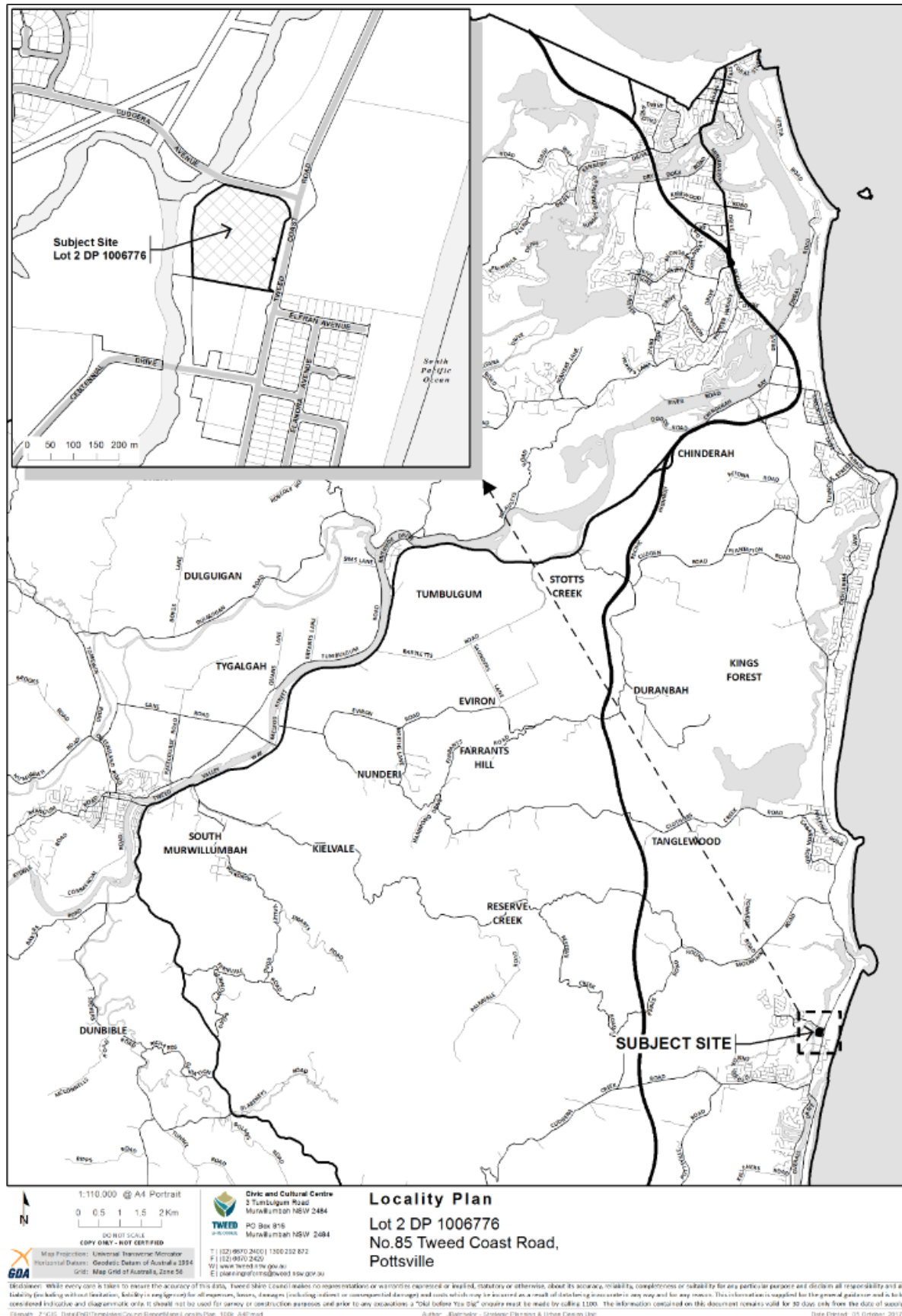


**Figure 8: Proposed drop off/pick up area**

Councils Traffic Engineer has reviewed and supported the proposed access arrangements. Conditions with this regard have been applied.



## SITE DIAGRAM:







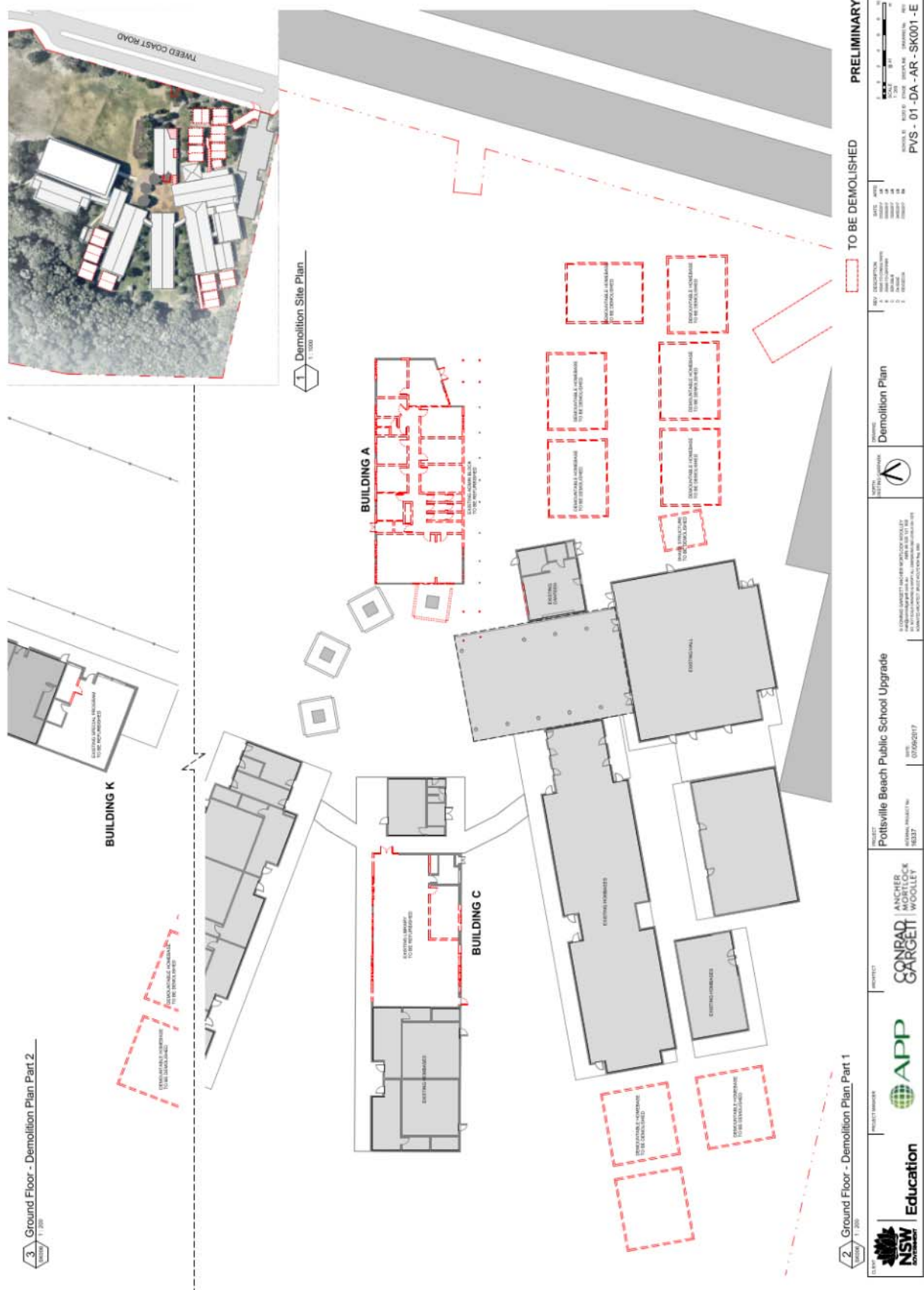


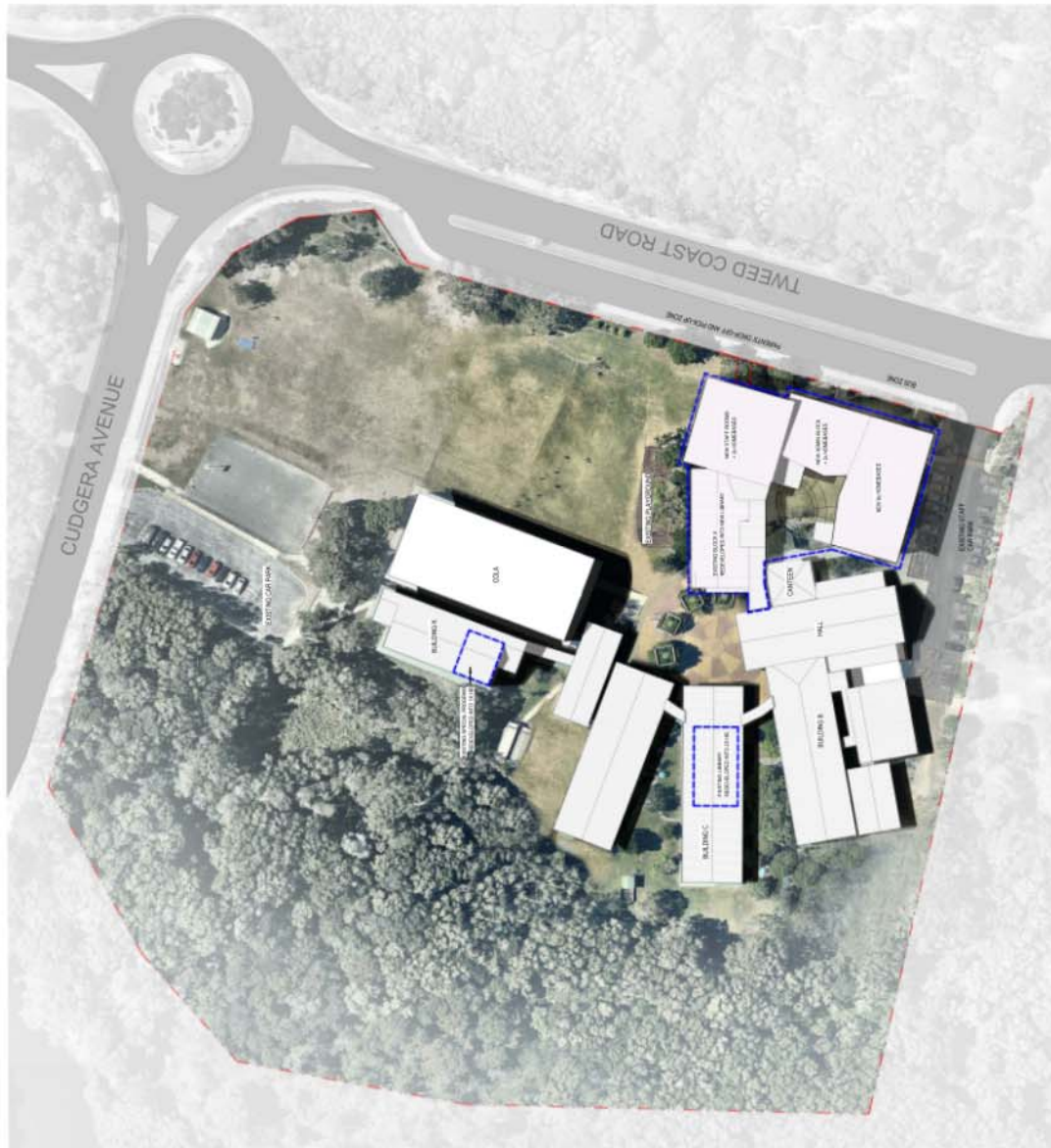
## Architectural rendering of the Pottsville Beach Public School building. The building is a modern, multi-story structure with a flat roof and a mix of wood and metal siding. It features large windows and a prominent entrance area. The building is surrounded by landscaping, including trees and a paved walkway. Two cars are parked on the street in front of the school. The text "POTTSVILLE BEACH Public School" is visible on the building's facade.

## DRAWING LIST

B	SK008	Sections	B
B	SK007	Elevations - Sheet 2	B
B	SK006	Elevations - Sheet 1	B
B	SK005	Roof Plan	B
B	SK004	Level 1 Floor Plan	B
B	SK003	Ground Floor Plan	B
B	SK002	Proposed Site Plan	B
B	SK001	Demolition Plan	B
B	SK000	Cover Sheet	B
B	SK015	Landscape Masterplan	B
B	SK014	Tree Retention, Removal & Demolition Plan	B
B	SK013	3D Views - Sheet 4	B
B	SK012	3D Views - Sheet 3	B
B	SK011	3D Views - Sheet 2	B
B	SK010	3D Views - Sheet 1	B
B	SK009	Shadow Diagrams	B

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EXTENT OF WORK

**NSW GOVERNMENT**

**Education**

**ANCHER**

**MORTLOCK**

**WOOLLEY**

**PROPOSED SITE PLAN**

**Pottsville Beach Public School Upgrade**

**PRELIMINARY**

**DA - AR - SK002-D**

**PROJECT**

Pottsville Beach Public School Upgrade

**DATE**

24/05/2017

**PROJECT NO.**

18337

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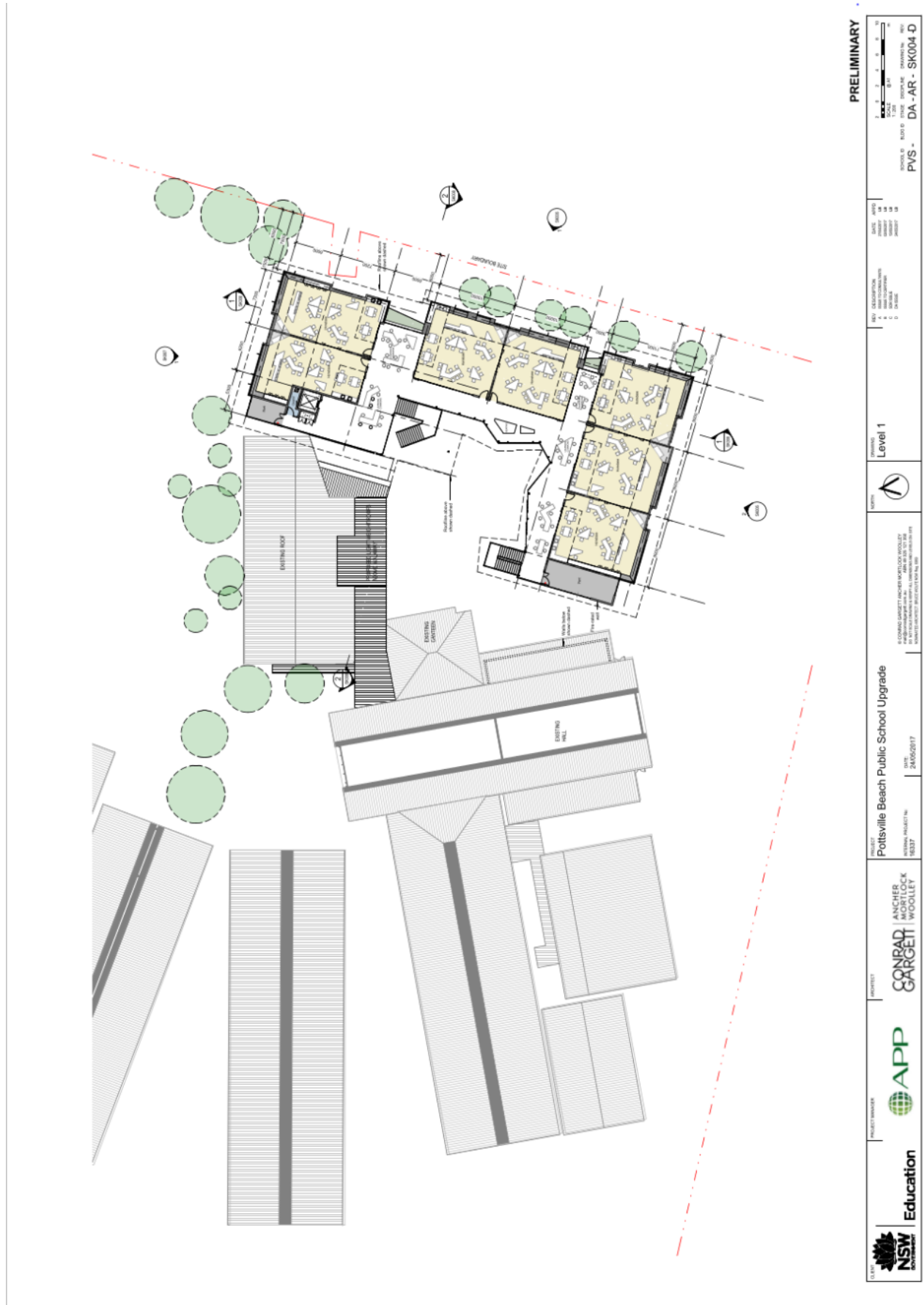
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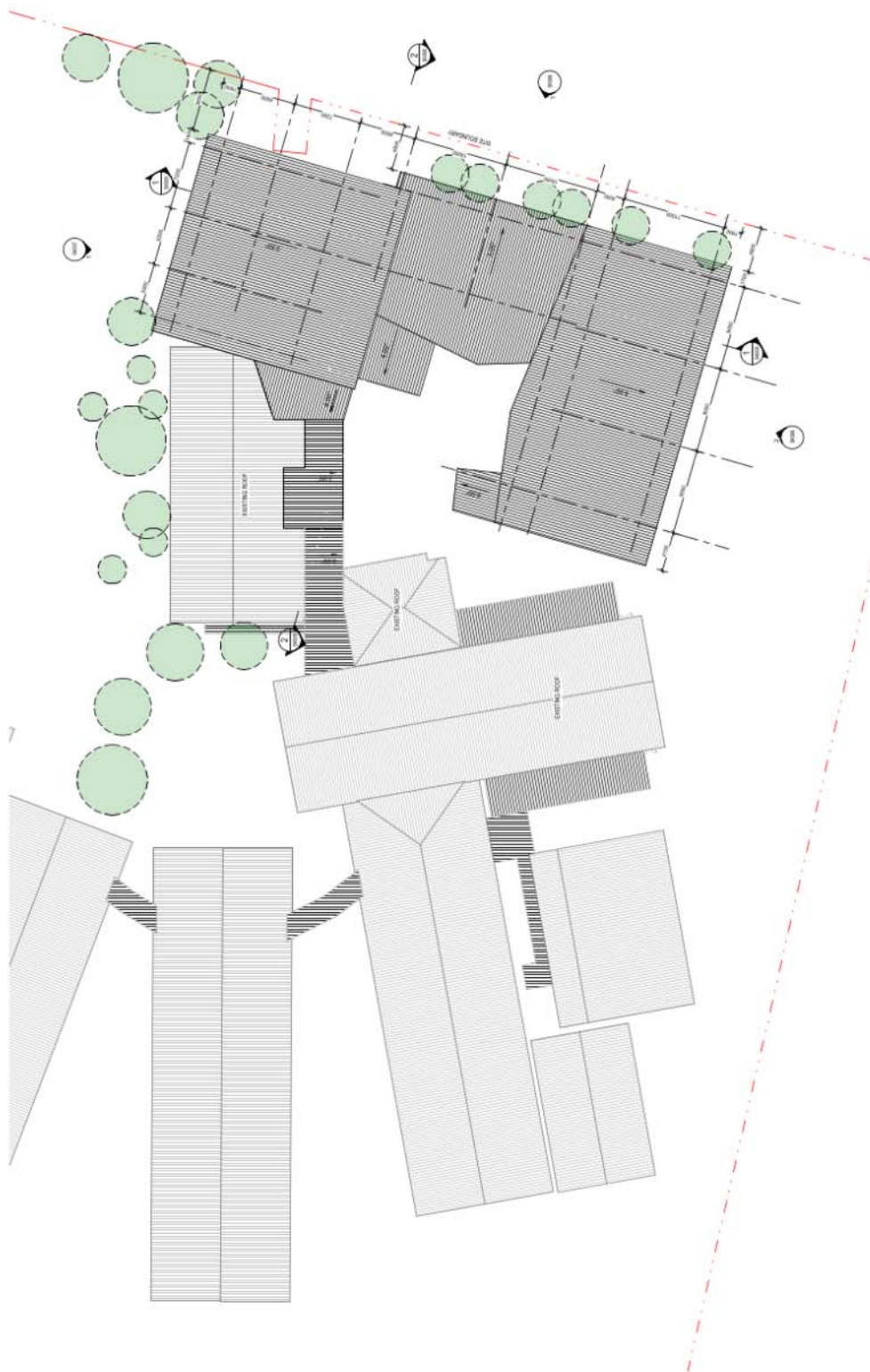
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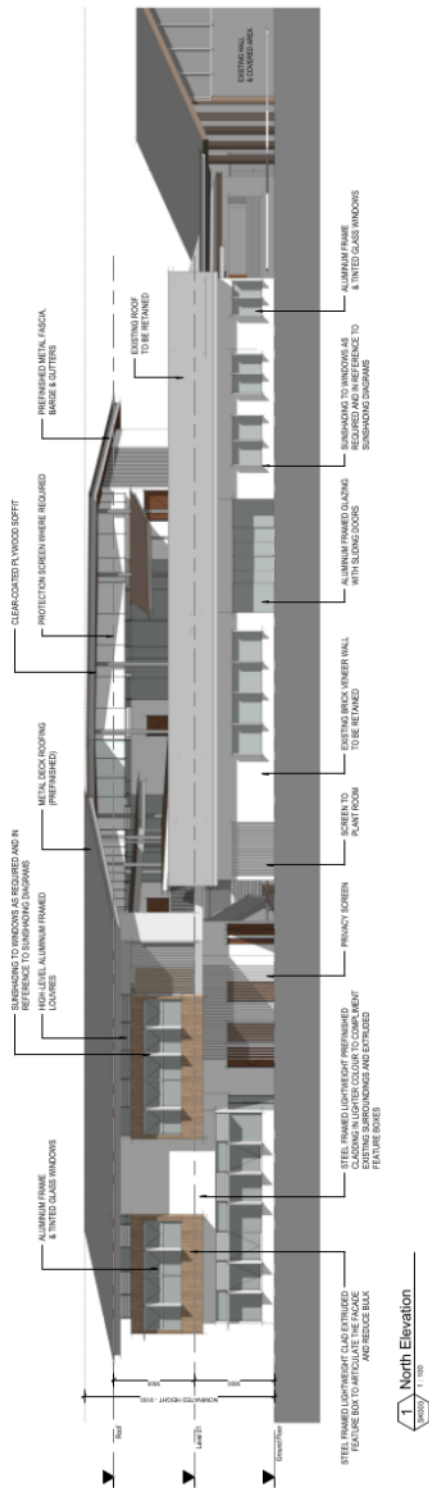




PRELIMINARY

				<p>PROJECT: Pottsville Beach Public School Upgrade          DRAWING: PROJECT No. 18337          DATE: 26/08/2017</p>		<p>Roof Plan</p>	<p>REV. DESCRIPTION          1. 26/08/2017          2. 26/08/2017          3. 26/08/2017</p>	<p>DATE: 26/08/2017          DRAWN: 18337          CHECKED: 18337          PROJECT: PVS - DA-AR - SK005 D</p>
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**Education**

ANCHER CONRAD GARGETT WOOLLEY

**PROJECT**

Pottsville Beach Public School Upgrade

DATE: 24/05/2017

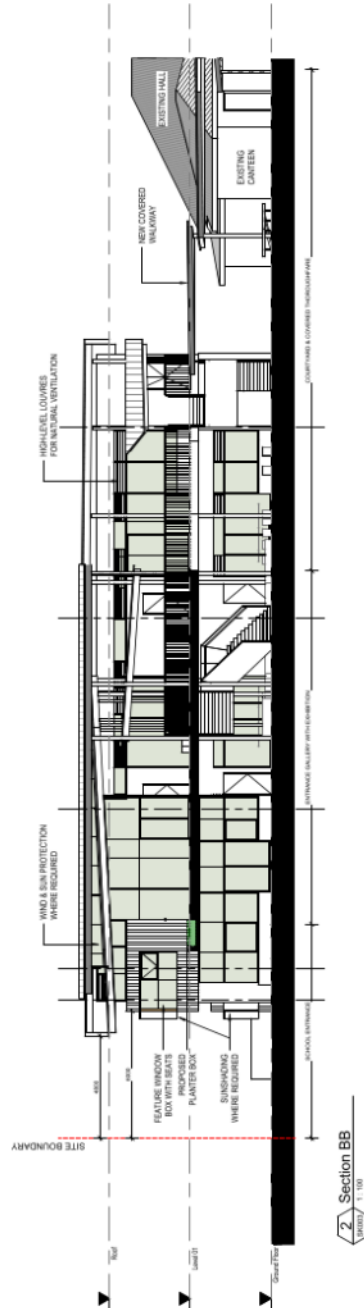
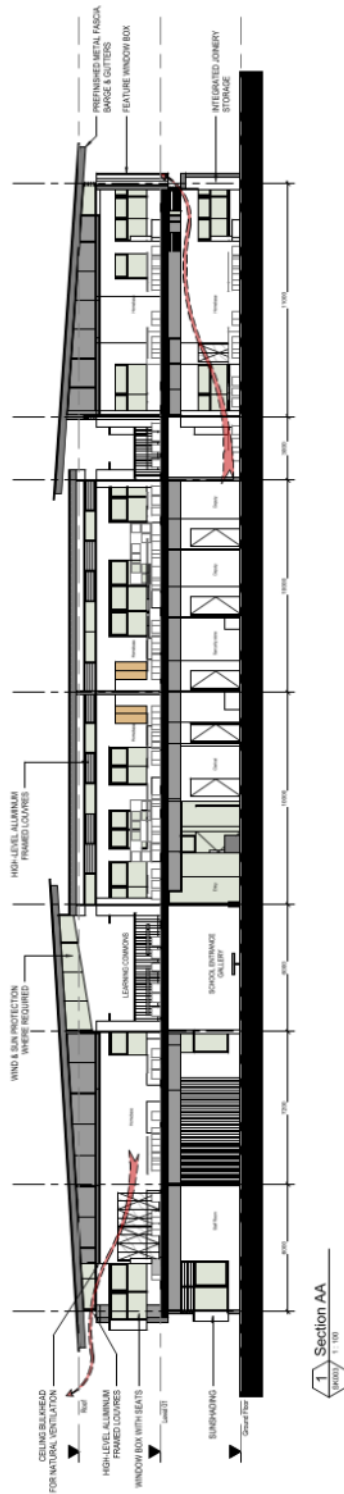
**REVISIONS**

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR TENDERS	24/05/2017	1.0

**PRELIMINARY**

PVS-DA-AR-SK007-B





PRELIMINARY

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W | [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

1:750

1:750 30 Metres



## CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

- (a) (i) The provisions of any environmental planning instrument

### Tweed Local Environmental Plan 2014

#### **Part 1 Preliminary**

##### Clause 1.2 - Aims of the Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
  - (b) *to encourage a sustainable, local economy, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
  - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage,*
  - (d) *to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
  - (e) *to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
  - (f) *to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
  - (g) *to conserve or enhance the biological diversity, scenic quality, geological and ecological integrity of the Tweed,*
  - (h) *to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site*

*under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*

- (i) to conserve or enhance areas of defined high ecological value,*
- (j) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissibility at this location and subject to the recommended conditions of consent.

#### Clause 1.4 - Definitions

Under this Plan, the proposed development is considered to be an *educational establishment*, defined as follows:

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

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

## **Part 2 Permitted or prohibited development**

#### Clause 2.1 Land use Zones

The proposed development area is zoned as R1 General Residential under the provisions of this plan.

#### Clause 2.3 – Zone objectives and Land use table

The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the provision of tourist accommodation and related facilities and services in association with residential development where it is unlikely to significantly impact on amenity or place demands on services beyond the level reasonably required for residential use.*

The proposed development is considered to be consistent with the above objectives, by virtue of providing a service that meets the day to day need of residents. The subject application offers an opportunity to deliver a high quality educational establishment to service existing students and staff.

## **Part 4 Principal development standards**

### Clause 4.3– Height of Buildings

The objectives of this clause are as follows:

- (a) to establish the maximum height for which a building can be designed,*
- (b) to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity,*
- (c) to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,*
- (d) to encourage greater population density in less car-dependant urban areas,*
- (e) to enable a transition in building heights between urban areas comprised of different characteristics,*
- (f) to limit the impact of the height of a building on the existing natural and built environment,*
- (g) to prevent gross overshadowing impacts on the natural and built environment.*

The height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map*, which for the subject site is 13.6m from existing ground level. The proposed development has a maximum height of 9.58m. The proposal is therefore compliant with the above controls.

### Clause 4.4 – Floor Space Ratio

TLEP 2014 provides for a Floor Space Ratio of 2:1 for the subject site. The proposed development has an FSR of 0.16:1. Accordingly, complies with the maximum FSR.

### Clause 4.6- Exceptions to development standards

Not applicable. It is noted that the application as originally submitted included a Clause 4.6 variation with respect to building height controls. However the proposal has now been modified and all buildings comply with the 10m building height control as outlined under the Clause 4.3 assessment above.

## **Part 4 Miscellaneous Provisions**

## Clause 5.5 – Development within the Coastal Zone

The subject site is within the *Coastal Zone*.

The objectives of this clause are, broadly, to implement the principles of the NSW Coastal Policy. The clause goes on to list 12 matters for consideration, and 6 matters for which specific outcomes must be achieved prior to any consent being granted. These matters are addressed below.

(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:

- (i) *maintaining existing public access and, where possible, improving that access, and*
- (ii) *identifying opportunities for new public access, and*

The subject site does not impact on the provision of any public access to coastal lands nor does it represent an opportunity for a new public access given there is no through link from the site to public open space.

(b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

- (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
- (ii) *the location, and*
- (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site. The proposal is for additions and alterations to an existing school. Accordingly, is considered acceptable at this location with respect to the above criteria.

(c) *the impact of the proposed development on the amenity of the coastal foreshore including:*

- (i) *any significant overshadowing of the coastal foreshore, and*
- (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development would not impact the coastal foreshore by way of overshadowing or loss of views, by virtue of sufficient physical separation from the coastal foreshore.

- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development given its location and scale is not considered to impact the scenic qualities of the coast.

- (e) *how biodiversity and ecosystems, including:*

- (i) *native coastal vegetation and existing wildlife corridors, and*
- (ii) *rock platforms, and*
- (iii) *water quality of coastal waterbodies, and*
- (iv) *native fauna and native flora, and their habitats can be conserved, and*

The proposed development is unlikely to result in significant environmental impacts. Councils Natural Resource Management have reviewed the proposed development and advised that they satisfied that any adverse ecological impacts likely to be associated with the proposed development can be avoided, minimised and managed to an acceptable level, with applicable conditions of consent applied, including Bush Stone-Curlew compensatory habitat boundary and fencing options.

- (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is in keeping with the intended desired future character and has no negative impact over the coastal catchment.

- (3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*



- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

- (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The proposed development proposes full utilisation of Council's reticulated sewerage infrastructure for disposal of effluent and waste.

- (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform

- (d) *the proposed development will not:*

- (i) *be significantly affected by coastal hazards, or*
- (ii) *have a significant impact on coastal hazards, or*
- (iii) *increase the risk of coastal hazards in relation to any other land.*

The proposed development is acceptable having regard to coastal hazards as outlined above.

In summary, the proposal is consistent with the broad principles of the NSW Coastal Policy, is deemed suitable with respect to the matters for consideration specific development outcomes as identified under this Clause.

#### Clause 5.10

Not applicable, the subject site not mapped within a Heritage Conservation area and no aboriginal places or sites are recorded within or near the subject site/location.

#### Clause 5.11 – Bush fire hazard reduction

The subject site is mapped as bushfire prone land. Clause 5.11 advises that Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

The bushfire assessment was referred to NSW Rural Fire Service under Section 100B of the *Environmental Planning and Assessment Act 1979*. A response has been received which includes General Terms of Approval.

Having regard to the application being reviewed by NSW RFS and recommended conditions being provided, the proposed development is considered to be generally acceptable with respect to bush fire protection. Accordingly satisfying Clause 5.11

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

Clause 5.12 advises that this Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

#### Clause 7.1 – Acid Sulfate Soils

The subject site is mapped as Class 2 and 3 Acid Sulfate Soils (ASS). The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The application has been reviewed by Councils Environmental Health Unit who have provided the following comment with respect to Acid Sulfate Soils;

‘The site is mapped as Class 2 and 3 ASS, with works being located within the Class 3 area. A Minor Works Plan was provided with the subject application. Given the alterations and additions proposed and the Class 3 zoning, no objections are raised to a minor works plan applying for this proposal. Standard conditions have been applied.

In this regard, the proposal is considered to be acceptable with respect to the acid sulfate soils on site and the provisions of this clause subject to the recommended condition of consent.

#### Clause 7.2 – Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development includes only minor earthworks for footings/building works. Accordingly, minimal impact is expected. Appropriate conditions of consent relating to sediment and erosion control, to manage any impact has been applied and the proposal is considered to be in accordance with the provisions of clause 7.2.

#### Clause 7.3 – Flood planning

The objectives of this clause are to:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

The subject site is mapped as flood liable land. The site has a 1 in 100 year flood level of 2.6m AHD and a Probable Maximum Flood (PMF) of 4.5m AHD.

The site levels range from RL 3.4 to 5.6 metres AHD, with approximately half of the subject site, including the location of works and access points outside of the PMF level. Accordingly, evacuation is of no concern. The proposed development is considered to meet the objectives of clause 7.3. No conditions were applied with this regard.

#### Clause 7.6 – Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

This clause outlines that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*



requirements. The proposal is considered to be acceptable with respect to the requirements of this clause.

#### Clause 7.10 – Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as water, electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

The consent authority is satisfied that essential services such as water, electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

#### State Environmental Planning Policies

##### SEPP No. 14 - Coastal Wetlands

*The subject site includes a buffer area to the west, being 100m from SEPP 14 wetland areas.*



**Figure 10: SEPP 14 100m buffer**

*The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.*

*The subject application includes the construction of a new building located in the south-east corner and the removal of demountable buildings from the western portion of the site. All works are clear of the SEPP 14 buffer.*

*Further to the above, stormwater devices will ensure runoff is not directed towards the wetland areas.*

*It is not anticipated that the proposed development will have any impact on coastal wetlands.*

*SEPP No. 44 - Koala Habitat Protection*

*This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

*The Provisions of SEPP 44 (clause 6) apply to the site (being greater than 1 ha and containing Secondary A koala habitat).*



**Figure 11: Mapped KPOM Precinct and preferred Koala Habitat**

*The flora and fauna assessment report submitted included as Appendix 1 an assessment carried out in accordance with the requirements of the Koala Plan of Management (KPOM).*

*Councils Natural Resource Management Unit have reviewed the application and advised the following:*

*An assessment has been undertaken for ‘minor development’ in accordance with the Tweed Coast Comprehensive Koala Plan of Management (KPOM).*

*Assessment under KPOM indicated that no Preferred Koala Food Trees or Preferred Koala Habitat shall be removed and no APZ requirements are expected to encroach into existing Preferred Koala habitat. Accordingly, the proposed development is considered to satisfy the provisions clauses 7-9 of SEPP 44.*

#### *Clause 7*

*Step 1—Is the land potential koala habitat?*

*This clause advises that:*

- (1) before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*

*The subject site is mapped as potential Koala Habitat.*

- (2) *A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.*

As detailed above, the site is mapped under Councils KPOM Precinct and nominated as preferred Koala Habitat

- (3) *If the council is satisfied:*
- (a) *that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
  - (b) *that the land is a potential koala habitat, it must comply with clause 8.*

#### *Clause 8*

##### *Step 2—Is the land core koala habitat?*

- (1) *Before a council may grant consent to an application for consent to carry out development on land to which this Part applies that it is satisfied is a potential koala habitat, it must satisfy itself whether or not the land is a core koala habitat.*

*The submitted SEE advises the following:*

*The site is located within a regional fauna corridor and which is in close proximity to potential Koala habitat. It is not anticipated that the proposed development will have adverse impacts on Koala habitat.*

*Councils Natural Resource Management Unit have advised that the submitted and reviewed assessment under the Tweed KPOM indicated that no Preferred Koala Food Trees or Preferred Koala Habitat shall be removed and no APZ requirements are expected to encroach into existing Preferred Koala habitat.*

*The area is not classed as core habitat.*

- (2) *A council may satisfy itself as to whether or not land is a core koala habitat only on information obtained by it, or by the applicant, from a person with appropriate qualifications and experience in biological science and fauna survey and management.*
- (3) *If the council is satisfied:*



- (a) that the land is not a core koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
- (b) that the land is a core koala habitat, it must comply with clause 9.*

#### *Clause 9*

##### *Step 3—Can development consent be granted in relation to core koala habitat?*

- (1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a core koala habitat, there must be a plan of management prepared in accordance with Part 3 that applies to the land.*
- (2) The council's determination of the development application must not be inconsistent with the plan of management.*

*The site is located within a regional fauna corridor and which is in close proximity to core Koala habitat. It is not anticipated that the proposed development will have adverse impacts on Koala habitat.*

*Councils Natural Resource Management Unit have advised that the submitted and reviewed assessment under the Tweed KPoM indicated that no Preferred Koala Food Trees or Preferred Koala Habitat shall be removed and no APZ requirements are expected to encroach into existing Preferred Koala habitat.*

*Accordingly, Council is satisfied that consent can be granted and the approval of the subject application is classed a minor works and consistent with the KPoM.*

#### *SEPP No. 55 - Remediation of Land*

*The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.*

*SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*

- (b) *if the land is contaminated, it is 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, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*The site has been used continually as a school since its original approval and construction in approximately 1994. A preliminary soil contamination assessment was undertaken and submitted with the application. The preliminary report concluded the following:*

- *There were no visual or olfactory indicators of contamination identified at the location of the two proposed buildings at the site by Range Environmental or Soil Surveys.*
- *Contaminant concentrations in the soil were below the applicable human health and ecological investigation levels.*
- *No contaminant sources were identified at the location of the two proposed buildings at the site by Range Environmental.*
- *The location of the two proposed buildings at the site, as at 10 April 2017, presents a low risk of contamination and is suitable for the intended continued sensitive land use as an educational establishment.*

*The subject application has been reviewed by Council's Environmental Health Unit who advised the following:*

*Checks of the Pottsville topographic map (1986) and aerial photographs dated 1944 (8/10637), 1976 (1/32), and 1993 (5/061) did not reveal potentially contaminating activities on the subject site. Aerial photograph dated 1962 (12/5021) and the Heavy Mineral Sands Mining Paths (Sept 2004) GIS layer indicate sand mining near the subject site and neighbouring sites. No cattle dip sites within 200m of the subject site.*

*A Soil Contamination Testing at Pottsville Beach Public School, Pottsville report prepared by Range Environmental Consultants dated 28 April 2017 (Reference: SSU007) has been provided. It is noted that the testing was completed in accordance with a request from Department of Education for a limited soil sampling program at two geotechnical boreholes.*

*The sampling does not comply with the minimum sampling requirements and guidelines under the Contaminated Land Management Act. The report does not constitute a preliminary site investigation. Sampling results have also been assessed*

*against National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) 1999 which have now been superseded. The amended NEPM applies to works completed after 15 May 2013. Nevertheless, the consultant advised that the site is suitable for the intended continued sensitive land use as an educational establishment. Given there has been no change to the school use and activities, additional contamination concerns are not raised.*

*With regards to historic sandmining in the area:*

*Environmental Health comments for DA07/0898 for a car park on the subject site dated 22/11/07 state:*

*“The SEE indicates that the eastern portion of the site has been previously disturbed by sand mining. Part 5.10 of the SEE indicates that Coffey partners monitored radiation in 1993 and found that ‘all radiation levels were well below the action level of 0.07mR/hr’. This is a surface radiation reading and the limits of surface radiation monitoring are noted. There is always the possibility of material of concern existing at depth and being exposed during works.*

*Therefore it is proposed to impose a condition requiring post earthworks surface radiation monitoring, as follows:*

*Prior to the use of any building, a surface radiation survey shall be completed by a suitably qualified person to the satisfaction of the PCA. All surface radiation levels shall be below the adopted remedial action level of 0.7uGy/hr (playgrounds). Should the remedial action level be exceeded, a Remediation Action Plan (RAP) shall be submitted for approval prior to commencement of these works. Works shall be carried out in accordance with the approved RAP. A copy of the final radiation survey shall be provided to the Building Certifier and Council’s Environmental Health Officer upon request.*

#### SEPP No 71 – Coastal Protection

The twelve aims of this Policy are set out in Clause 2, and relate broadly to the protection and management of the Coast with respect to environmental, visual, cultural, recreational and economic values. The proposed development does not conflict with these aims.

Part 2 of the SEPP sets out 16 matters for consideration that should be taken into account by Council when it determines a development application, with the following matter being of particular relevance to the current proposal:

- (d) *the suitability of the development given its type, location, design and its relationship with the surrounding area;*

As addressed elsewhere in this report, the proposed development is considered suitable for the site given it the development is for the alterations and additions to the existing Pottsville Public School. The subject application offers an opportunity to deliver a high quality educational establishment to service existing students and staff. The development is not located on the foreshore and will have no anticipated direct or indirect impacts on the foreshore. The buildings will not overshadow the foreshore, and will not unduly impact on fish, habitat, wildlife, heritage or water bodies.

The provisions of the Coastal SEPP are considered satisfied.

### SEPP (Infrastructure) 2007

*The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:*

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

### **Division 3 Educational Establishments**

*Clause 28 of the SEPP (Infrastructure) advises that Educational establishments and alterations and additions are permissible with consent in any prescribed zone (including R1).*

*Clause 29 of the SEPP (Infrastructure) advises which development may be permitted without consent. The proposal does not comply with these provisions. Accordingly, requires development consent.*

*Clause 32 advises the following:*

*(1) (Repealed)*

*(2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*

*(a) School Facilities Standards—Landscape Standard—Version 22 (March 2002),*

*(b) Schools Facilities Standards—Design Standard (Version 1/09/2006),*

*(c) Schools Facilities Standards—Specification Standard (Version 01/11/2008).*

*Noted.*

*(3) If there is an inconsistency between a standard referred to in sub clause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.*

*Noted*

*(4) Copies of the standards referred to in sub clause (2) are available for inspection by the public at the head office of the Department of Planning and Environment and such other offices of the Department (if any) as the Secretary may determine.*

*Noted*

*(5) If a development application has been made before the commencement of the amendment to this clause by State Environmental Planning Policy (Infrastructure) Amendment (Group Homes) 2009, and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not been made.*

*Noted*

*The proposed development is for additions and alterations to the existing Pottsville Public School. The subject application offers an opportunity to deliver a high quality educational establishment to service existing students and staff. The proposed development is consistent with aims of the plan and the requirements of Division 3 – SEPP (Infrastructure).*

#### **104 Traffic-generating development**

*The proposed development is not expected to increase the traffic generation rates from the current site due to the replacement of demountable buildings with permanent structures. There is no intensification of development or use.*

*The surrounding traffic flows, student and staffing numbers are considered existing conditions at this stage, as the demountable units that are being replaced have been in operation for more than 10 years.*

*The proposed DA is not expected to have any adverse effect to the road network operation or safety compared to the site's current use.*

*Accordingly, the proposed development is not classed as Traffic-generating development. Please see further comments below under Clause 104 of the SEPP (Infrastructure).*

*Clause 104 of the SEPP (Infrastructure) provides for certain matters relating to traffic generating development that the consent authority must consider and be satisfied with prior to determining the proposed development. Council's assessment against the provisions of Clause 104 of the ISEPP is noted below.*

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

*(a) new premises of the relevant size or capacity, or*

*(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

*The proposed development falls under "any other purpose" of Column 1 of Schedule 3 of the SEPP (Infrastructure).*

*The proposed development is for an enlargement to an existing premise.*

*In accordance with Clause 104(2)(a) to be defined as **relevant size or capacity** means (as under clause 1(b)):*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

*As advised above, the proposed development is not expected to increase the traffic generation rates from the current site due to the replacement of demountable buildings with permanent structures. There is no intensification of development or use. Accordingly, the proposed development not considered to fall under Clause 104 (Schedule 3).*

#### SEPP (State and Regional Development) 2011

This SEPP was gazetted on 1 October 2011 and nominates a range of developments for which the Minister or the local Council is the consent authority and the circumstances where the Joint Regional Planning Panel may have the role of determining an application, depending on the class of development (type of use and value).

The estimated cost of the proposed development is \$11,376,993.00 which is above the \$5 million threshold for Crown development as specified by the *Environmental Planning & Assessment Act 1979*.

Therefore in this case Tweed Shire Council is the consent authority for this Development Application but the JRPP will have the determining powers of the Consent Authority and will be responsible for determining the application

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

##### SEPP (Educational Establishments and Childcare) 2017

It is noted that the SEPP (Educational Establishments and Childcare) 2017 was gazetted on 1 September 2017, as the SEPP (Educational Establishments and Childcare) 2017. The application was submitted prior to this SEPP commencing and as such the application will be

assessed as if this plan had not commenced as per Schedule 5 Savings and Transitional Provisions of the SEPP (Educational Establishments and Childcare) 2017.

Schedule 5 is as follows:

- (1) This Policy does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of this Policy.*
- (2) Despite sub clause (1), before determining a development application referred to in that sub clause for development for the purpose of a centre-based child care facility, the consent authority must take into consideration the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline, in relation to the proposed development.*
- (3) This Policy does not apply to or in respect of the determination of an application for an approval for an activity made by a proponent to a determining authority under Part 5 of the Act within 2 years before the commencement of this Policy but not finally determined before that commencement.*
- (4) The following are taken not to be development to which this Policy applies (to the extent that they would otherwise comprise development to which this Policy applies):*
  - (a) the carrying out of an activity for which an approval was granted by a determining authority under Part 5 of the Act before the commencement of this Policy, if the carrying out of the activity under that approval begins within 2 years after that commencement,*
  - (b) the carrying out of an activity for which an approval was granted by a determining authority in response to an application referred to in sub clause (3) if the carrying out of the activity under that approval begins within 2 years after the grant of the approval,*
  - (c) the carrying out of an activity for which the proponent is also the determining authority and in relation to which an environmental assessment under Part 5 of the Act has been completed if the carrying out of the activity is commenced within 2 years after the completion of the assessment.*
- (5) In this clause:*

*activity and approval have the same meanings as they have in Part 5 of the Act.*

Notwithstanding, the above as the SEPP (Educational Establishments and Childcare) 2017 was in draft form as the Draft SEPP (Educational Establishments and Childcare) 2017 when the application was submitted consideration of the draft is required.

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:



- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

The reforms outlined in the SEPP will allow schools to more readily implement improvements, upgrades and expansions. The proposed development has regard for the objectives, standards and guidelines set out in the draft SEPP.

Of particular relevance is Part 4 Schools – Specific development controls

Clause 33 Definition of “prescribed zone”

The proposed development is located on a prescribed zone, being land zoned R1 General Residential

Clause 34 Development for the purpose of student accommodation

Not applicable to the subject application

Clause 35 Schools—development permitted with consent

Noted – the proposed development is permitted with consent.

Of particular relevance to the subject application is clause 35(6) which advises the following.

*Before determining a development application for development of a kind referred to in sub clause (1), (3) or (5), the consent authority must take into consideration:*

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

The proposed development is considered to enable the use of school facilities (including recreational facilities) with the community

The subject application is a development referred to under clause 35(1).

Schedule 4 Schools – design quality principles

Principle 1—context, built form and landscape

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

*School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

Principle 2—sustainable, efficient and durable

*Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*

*Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

#### Principle 3—accessible and inclusive

*School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

*Note. Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

#### Principle 4—health and safety

*Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

#### Principle 5—amenity

*Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*

*Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*

*Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

#### Principle 6—whole of life, flexible and adaptive

*School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

#### Principle 7—aesthetics

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

As previously advised, in accordance with Schedule 5 Savings and Transitional Provisions of the SEPP (Educational Establishments and Childcare) 2017 the policy does not apply to the subject application. Accordingly a complete assessment of the SEPP has not been undertaken.

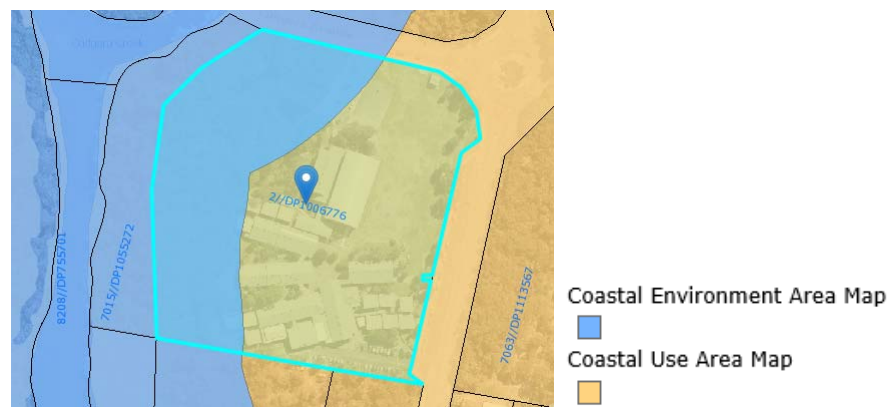
Notwithstanding this the subject application is for the removal of existing onsite demountable classrooms and the addition of a new two storey building. The proposed development is considered to comply with the principles of Schedule 4.

Clauses 36 – 42 of Part 4 have been noted.

The proposed development is considered consistent with the provisions of the Draft SEPP (Educational Establishments and Child Care Facilities).

#### Draft State Environmental Planning Policy (Coastal Management) 2016

The subject site is mapped under the Coastal Environment Map and Coastal Use Area map. Accordingly, is mapped as land to which this policy applies.



It is noted that the subject site is currently mapped as SEPP 71. The Draft Coastal Management SEPP will repeal this policy.

The draft SEPP has recently ceased exhibition (20 January 2017).

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* by:

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.*

#### *Division 3 Coastal Environment Area*

##### *14 Development on land within the coastal environment area*

*Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority is satisfied that the proposed development*

- (a) *is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and*
- (b) *is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and*
- (c) *is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and*
- (d) *is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and*
- (e) *will not adversely impact Aboriginal cultural heritage and places, and*
- (f) *incorporates water sensitive design, including consideration of effluent and stormwater management, and*
- (g) *will not adversely impact on the use of the surf zone.*

*(2) In this clause, **sensitive coastal lake** means a body of water identified in Schedule 1.*

The development is not considered to cause adverse impacts in relation to geological and geomorphological coastal processes, the environment (including flora and fauna and their habitats) or Aboriginal culture or the surf zone.

Further to the above, the proposed development provides acceptable effluent and stormwater management.

Accordingly, the proposed development is consistent with the aims of clause 14(1).

*Division 4 Coastal use area*

*15 Development on land within the coastal use area*

*Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:*

- (a) is satisfied that the proposed development:*
  - (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
  - (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
  - (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
  - (iv) will not adversely impact on Aboriginal cultural heritage and places, and*
  - (v) will not adversely impact on use of the surf zone, and*
- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The subject proposal will not impede public access to the foreshore, create overshadowing, adversely impact on the visual amenity and scenic qualities of the coast on coastal land (including the surf zone) or Aboriginal cultural heritage or places.

The proposed development is considered in keeping with the existing and future intended development or the location and surrounds.

The proposed development is considered in keeping with the aims of Clause 15 of the draft Coastal Management SEPP.

### Summary

The proposed development is not considered to increase the risk of coastal hazards.

The proposed development is consistent with the overall aims of the draft Coastal Management SEPP.

The proposed development is consistent with the aims of the coast environment area (as applicable to the subject site).

The proposed development is consistent with the aims of the coastal use areas (as applicable to the subject site).

There are no specific coastal management programs applicable to the subject site.

There is no coastal zone management plan (*Coastal Protection Act 1979*) applicable to the subject site.

The site not located within a Coastal Hazard area.

Accordingly, the proposed development is considered to comply with the provisions of the draft SEPP.

### **(a) (iii) Development Control Plan (DCP)**

#### Tweed Development Control Plan

#### A2-Site Access and Parking Code

Clause 32 Determination of development applications of the SEPP (Infrastructure) advises the following:

#### **(1) (Repealed)**

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

Accordingly, the Educational Facilities Standard and Guidelines (EFSG) apply in this instance. DCP Section A2, applies where this development falls silent.

In accordance with the State and Environment Planning Policy (SEPP) Infrastructure, and Educational Facilities Standard and Guidelines (EFSG), the car parking provision refers to the Accommodation Summary. The EFSG states:

In order to ensure that the available site area for teaching, learning and play is maximized, to enable community use and to encourage the use of sustainable means of transport to and from the school, on school site parking should be kept to a minimum. The parking numbers indicated in the EFSG accommodation summary are maximums and should only be provided when a site specific traffic report indicates that these numbers are required taking into account the location of the facility, public transport links, cycle routes etc.

Car parking on Public School sites:

Maximum 5 spaces for a 3 core school (max 120 students population)

Maximum 15 spaces for a 7 core school (max 300 students population)

Maximum 26 spaces for a 14 core school (max 510 students population)

Maximum 36 spaces for a 28 core school (max 900 student population)

Currently the school has an attendance of 690 students; the parking requirement would be a maximum of 36 car parks based on the above policy.

The subject site is currently comprised of 41 parking spaces, including 1 temporary and 1 permanent accessible space. No amendments to the number of existing onsite parking is proposed. The subject application is consistent with the requirements of the Schools Facilities standards.



Notwithstanding the above, DCP Section A2, part F4 – Primary Schools requires the following rates for bus and bicycle parking:

Item	Development	Bicycle Parking	Bus	Staff Parking	Customer Parking
A9	Primary Schools	1/5 pupils over year 4	1 Bus/100 pupils	0.5/Staff member	1/14 pupils
Total		$311 / 5 = 62.2 = 63$	$6.9 = 7$	$27.5 = 28$	$49.3 = 50$

At present the bus zone includes 5 bus parking spaces and terminates into a pick up/drop off area of approximately 65m in length and catering for approximately 10 vehicles. With the proposed extra two-bus spaces required to comply with Tweed DCP Section A2, the resulting pick up length will be reduced to approximately 36m and cater for 6 vehicles for drop off/pick up.

The subject application subsequently proposes to relocate the lost on-site pick-up from the service lane to the west side of the off street car park (Cudgera Avenue). This will be accommodated by shifting the middle parking bays to the east (see figure 12 below).



*Figure 12: Proposed drop off/pick up area*

Bicycle parking is currently provided on the subject site and is compliant with Tweed DCP Section A2.

The proposed development is compliant with the required onsite parking. Conditions with this regard have been applied.

Councils Traffic Engineer has reviewed and supported the proposed access arrangements. Conditions with this regard have been applied.

### A3-Development of Flood Liable Land

The subject site is mapped as flood liable land. The site has a 1 in 100 year flood level of 2.6m AHD and a Probable Maximum Flood (PMF) of 4.5m AHD.

The site levels range from RL 3.4 to 5.6 metres AHD, with approximately half of the subject site, including the location of works and access points outside of the PMF and 1 in 100 year flood levels. Accordingly, flooding of the site and evacuation is of no concern. The proposed development is considered to meet the objectives of Section A3.

### A11-Public Notification of Development Proposals

In accordance with Section A11 of the Tweed DCP the subject application was notified and advertised for a period of 14 days Wednesday 12 July 2017 to Wednesday 26 July 2017. During this period no submissions were received.

### A15 – Waste Minimisation and Management

The development will not result in an increase in student or staff numbers, therefore no additional ongoing or operational waste requirements are required. Councils Waste Management Unit reviewed the application advised the following:

*As there is no increase in waste as student and administration numbers will remain the same. No conditions applied.*

### B21-Pottsville Locality Based Development Code

Section B21 aims to:

- *Contribute to the growth and character of the Pottsville village centre and surrounding areas,*
- *Protect and enhance the public domain, and*
- *Provide for future retail and employment centres as the population increases to meet the needs of the Pottsville locality area.*

The subject application includes additions and alterations to the existing Pottsville Public School. The proposed development is not considered to contradict objectives within this code. The school is an existing use and the proposed development is consistent with the style and character of existing school buildings.

The applicants SEE included the following assessment table:

PART B DEVELOPMENT STANDARDS FOR SPECIFIC SITES	
B21. Pottsville Locality Based Development Code	
Part 1 Introduction	Noted.
Part 2 Pottsville in Context	The proposed alterations and additions to Pottsville Beach Public School are consistent with the existing and desired future character of the locality.
Part 3 Locality Wide Strategies	
1. Urban Structure	The proposed development complies with the standards set out in the urban structure plan. The proposal will retain the ecological values of the site as well as upgrade infrastructure and deliver a high-quality educational environment.
2. Traffic and Transport	The proposal will not affect existing pedestrian and bicycle access to and from the site. In addition to school buses, the area is serviced by public transport, with bus stops on either side of Tweed Coast Road approximately 150m from the subject site. The development will not result in an increase in student or staff numbers. The existing 41 car spaces on site will be retained. A traffic report has been prepared and is included in Appendix I.
3. Environment and Community	The proposed alterations and additions to Pottsville Beach Public School provide a significant opportunity to futureproof the school and deliver vibrant and flexible learning facilities, high-quality infrastructure and environmentally sensitive design.
Part 4 Area Specific Strategies – Pottsville Village Centre	Not Applicable.

DCP REQUIREMENT	COMMENT												
Part 4 Area Specific Strategies Continued	See below												
2 Pottsville North	<p>Complies. Part 4.2 outlines the controls listed below to facilitate and promote best practice site and building design in Pottsville North.</p> <table> <tr> <th>Control</th><th>Compliance</th></tr> <tr> <td>Buildings are to incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades.</td><td></td></tr> <tr> <td>Buildings should achieve integration between indoor and outdoor areas</td><td>Complies. The proposed design achieves a high degree of integration between indoor and outdoor areas. The proposal includes an outdoor learning area, outdoor learning commons, courtyards and an outdoor extension to the library.</td></tr> <tr> <td>Front and return fences are not to exceed 600mm in height and have a minimum openness ratio of 60%.</td><td>No changes proposed.</td></tr> <tr> <td>Landscape is integrated with built form and should be of a subtropical character with strong textures and colours and where practical, local or endemic species.</td><td>Complies. Refer to landscape plans included in Appendix B.</td></tr> <tr> <td>Buildings incorporate composite construction, combining lightweight and masonry elements,</td><td>Complies. Refer to schedule of materials and finishes included in Appendix A.</td></tr> </table>	Control	Compliance	Buildings are to incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades.		Buildings should achieve integration between indoor and outdoor areas	Complies. The proposed design achieves a high degree of integration between indoor and outdoor areas. The proposal includes an outdoor learning area, outdoor learning commons, courtyards and an outdoor extension to the library.	Front and return fences are not to exceed 600mm in height and have a minimum openness ratio of 60%.	No changes proposed.	Landscape is integrated with built form and should be of a subtropical character with strong textures and colours and where practical, local or endemic species.	Complies. Refer to landscape plans included in Appendix B.	Buildings incorporate composite construction, combining lightweight and masonry elements,	Complies. Refer to schedule of materials and finishes included in Appendix A.
Control	Compliance												
Buildings are to incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades.													
Buildings should achieve integration between indoor and outdoor areas	Complies. The proposed design achieves a high degree of integration between indoor and outdoor areas. The proposal includes an outdoor learning area, outdoor learning commons, courtyards and an outdoor extension to the library.												
Front and return fences are not to exceed 600mm in height and have a minimum openness ratio of 60%.	No changes proposed.												
Landscape is integrated with built form and should be of a subtropical character with strong textures and colours and where practical, local or endemic species.	Complies. Refer to landscape plans included in Appendix B.												
Buildings incorporate composite construction, combining lightweight and masonry elements,	Complies. Refer to schedule of materials and finishes included in Appendix A.												
Part 5 Appendices	Noted.												

In conclusion to the development is considered to promote good building design which responds to the site, climatic considerations and materiality choice and construction type for a subtropical climate. Accordingly, the proposed development is considered to meet the objectives of Section B21.

**(a) (iv) Any Matters Prescribed by the Regulations**

Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not

considered that the proposed development contradicts the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

#### Clause 92(b) Applications for demolition

The subject application includes the following minor demolition works:

- Removal / demolition of 13 demountable buildings that currently occupy the south-eastern and south-western sections of the site;
- Removal / demolition of the existing shade structures;
- Minor demolition associated with the refurbishment of the existing administration block; and
- Minor demolition associated with the refurbishment of the existing library.

The application has been reviewed and conditions requiring compliance with Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011 have been applied.

#### Clause 93 Fire Safety Considerations

Not applicable – the subject application is not for a change of use.

#### Clause 94 Buildings to be upgraded

The proposal includes alterations and additions to existing school buildings, comprises a new two storey building containing administration offices and class rooms and renovations to existing buildings to create additional class rooms, staff room and library.

The application was referred to Councils Building Services Unit who advised the following:

Under the requirements of Clause 94 of the *Environmental Planning and Assessment Act 1979*. The proposal will satisfy this clause as all works are to comply with the BCA. A Building Compliance report has been submitted with the proposal prepared by TT building Surveyors Pty Ltd.

- (a) (v) **Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)**

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology and, social and economic demand. Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is considered to be consistent with the objectives of the Management Plan.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline

Tweed Coast Estuaries Management Plan 2004

This Plan applies to the Cudgen Creek and Cudgen Lake, Cudgera Creek and Mooball Creek systems and does not apply to the subject site.

Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

This Plan applies to the Cobaki and Terranora Broadwater and does not apply to the subject site

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

Context and Setting

The proposed development is for alterations and additions to the existing Pottsville School.

The development will not result in an increase in student or staff numbers (690 students).

The subject application offers an opportunity to deliver a high quality educational establishment to service existing students and staff.

Accordingly, there are no detrimental impacts envisaged as in relation to the subject application.

#### Access, Transport and Traffic

The school has two main vehicle access points. The first is on Cudgera Avenue (north), where there is a small car park and a pick up/drop off area. The main car park is accessed via the service lane (that runs for most of the site's Tweed Coast Road frontage) and is located at the south of the site. The service lane includes a bus bay and a pick up/drop off area, see figure 13 below.



**Figure 13: Existing parking and access**

As previously advised within this report the development is not expected to increase traffic generation rates as student and staff numbers are not expected to expand as a result of the development. Notwithstanding this the subject application includes an additional two (2) bus spaces. The existing bus bay allows for the parking of five (5) buses. Under the subject application this will increase to seven (7).

Accordingly, the existing existing drop off/pick up area located in the service lane will be reduced. The subject application proposes to relocate the lost on-site pick-up from the service lane to the west side of the off street car park (Cudgera Avenue). This will be accommodated by shifting the middle parking bays to the east (see figure 14 below).



**Figure 14: Proposed drop off/pick up area**

Councils Traffic Engineer has reviewed and supported the proposed access arrangements. Conditions with this regard have been applied.

#### Amenity

The applicant advises that the development will not result in an increase in student or staff numbers which sits at approximately 690 students and associated staff. It is noted the original proposal (D94/258 – PF1190/2125) referred to a maximum of 400 students although this was not conditioned. Since the original approval in 1994, the school has increased in size with approvals issued under Infrastructure Projects (IP10/098 EP), which were authorised under the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* (NBJP Act).

A site inspection on 28/6/17 revealed there is limited residential development to the southeast and south of the site. Given the proposal seeks to replace the current buildings in this location and retain student numbers, noise is expected to remain unchanged. No complaints or objections are noted. Conditions with this regard have been applied.

#### Ground Water and Dewatering

Ground level construction is proposed including a lift well. Based on the information provided, groundwater is located approximately 2.7m below current ground level and is unlikely to be intercepted. Council has applied a general condition with this regard.



**(c) Suitability of the site for the development**

Surrounding Landuses/Development

The proposed development is located within an existing school and is considered suitable development for the site given its function will be complimentary to the operation of the school.

Flora and Fauna

The proposed development involves alterations and additions to Pottsville Beach Public School

A complete Ecological assessment has been undertaken by Councils Natural Resource Management Unit. A summary of this assessment is as follows:

- *The removal/demolition of demountable buildings will remove a known daytime refuge for endangered Bush Stone-curlews.*
- *The application includes the removal of six (6) local native trees, none of which are significantly large, threatened species or preferred koala food trees.*
- *Short term noise and disturbance during demolition and construction works will potentially have negative impact on fauna species within the vicinity of the works (Koala scats recorded within the subject site).*
- In order to:
  - Ensure the proposal does not have a significant effect on local threatened species.
  - Compensate for the loss of native vegetation
  - Minimise disturbance to endangered fauna

The following flora and fauna management measures are recommended to be implemented:

- Provide a Bush Stone-curlew compensatory habitat area on-site that includes ideal landscaping and partial exclusion fencing to reduce disturbance from ongoing school activities (see approved plans).

- Replace local native trees with similar species as part of landscaping.
- Additional arboricultural/tree management measures to ensure trees nominated for retention are managed appropriately and that native vegetation around the development footprint remains undisturbed during construction

Councils Natural Resource Management unit are satisfied that any adverse ecological impacts likely to be associated with the proposed development can be avoided, minimised and managed to an acceptable level where conditions of consent are implemented.

#### Contaminated Lands

The site has been used continually as a school since its original approval and construction in approximately 1994. A preliminary soil contamination assessment was undertaken and submitted with the application. The preliminary report concluded the following:

- *There were no visual or olfactory indicators of contamination identified at the location of the two proposed buildings at the site by Range Environmental or Soil Surveys.*
- *Contaminant concentrations in the soil were below the applicable human health and ecological investigation levels.*
- *No contaminant sources were identified at the location of the two proposed buildings at the site by Range Environmental.*
- *The location of the two proposed buildings at the site, as at 10 April 2017, presents a low risk of contamination and is suitable for the intended continued sensitive land use as an educational establishment.*

*The subject application has been reviewed by Council's Environmental Health Unit who advised the following:*

*Checks of the Pottsville topographic map (1986) and aerial photographs dated 1944 (8/10637), 1976 (1/32), and 1993 (5/061) did not reveal potentially contaminating activities on the subject site. Aerial photograph dated 1962 (12/5021) and the Heavy Mineral Sands Mining Paths (Sept 2004) GIS layer indicate sand mining near the subject site and neighbouring sites. No cattle dip sites within 200m of the subject site.*

*A Soil Contamination Testing at Pottsville Beach Public School, Pottsville report prepared by Range Environmental Consultants dated 28 April 2017 (Reference: SSU007) has been provided. It is noted that the testing was completed in accordance*

*with a request from Department of Education for a limited soil sampling program at two geotechnical boreholes.*

*The sampling does not comply with the minimum sampling requirements and guidelines under the Contaminated Land Management Act. The report does not constitute a preliminary site investigation. Sampling results have also been assessed against National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) 1999 which have now been superseded. The amended NEPM applies to works completed after 15 May 2013. Nevertheless, the consultant advised that the site is suitable for the intended continued sensitive land use as an educational establishment. Given there has been no change to the school use and activities, additional contamination concerns are not raised.*

*With regards to historic sandmining in the area:*

*Environmental Health comments for DA07/0898 for a car park on the subject site dated 22/11/07 state:*

*“The SEE indicates that the eastern portion of the site has been previously disturbed by sand mining. Part 5.10 of the SEE indicates that Coffey partners monitored radiation in 1993 and found that ‘all radiation levels were well below the action level of 0.07mR/hr’. This is a surface radiation reading and the limits of surface radiation monitoring are noted. There is always the possibility of material of concern existing at depth and being exposed during works.*

Therefore it is proposed to impose a condition requiring post earthworks surface radiation monitoring, as follows:

Prior to the use of any building, a surface radiation survey shall be completed by a suitably qualified person to the satisfaction of the PCA. All surface radiation levels shall be below the adopted remedial action level of 0.7uGy/hr (playgrounds). Should the remedial action level be exceeded, a Remediation Action Plan (RAP) shall be submitted for approval prior to commencement of these works. Works shall be carried out in accordance with the approved RAP. A copy of the final radiation survey shall be provided to the Building Certifier and Council’s Environmental Health Officer upon request.

### Topography

The site has a gradual grade of 2% from the eastern boundary to the western boundary.

The earthworks proposed for the development involves minor excavation, for preparation of the building works.

The topography of the site is capable of accommodating the proposed development with minimal works.

#### Private Sewage ejection pump station

The subject application does not include nor require modifications to Council's public water and sewer infrastructure. Notwithstanding this, the subject site is currently serviced by a private sewage ejection pump station. Insufficient information is known about the existing sewerage pump station and the pump flow to Council's existing sewerage system.

As this station pumps directly to Council's sewerage rising main, It is imperative that information is made available to allow Council to assess the system curve.

Council's Water and Waste Water Engineering Unit and Environmental Health Unit have assessed the application and advised that a condition be applied to ensure the following is addressed:

- a) General design specifications such as capacity of the pump well and pump specifications.
- b) The operational condition of the pump station, pump well and sanitary drainage line confirming that such line is in good working order free of breakages and defects.
- c) The maximum flow rate of sewage discharge from the private sewage ejection pump station into the Council sewer gravity main.
- d) The pump-well is sized to provide adequate storage between the alarm level and the overflow level wherever that may be in the internal system so as to give adequate time for repair before an overflow occurs. This can include the capacity of the pipe network draining to the pump station up to the overflow level.
- e) The sewage management system shall have a minimum attenuation storage capacity equal to **six (6) hours** of the average peak flow measured over an eight-hour period per day however, the basis of design shall be related to the intensity and duration of the design event and a realistic storage volume to account for the difference between peak flow rate and maximum permitted flow rate.
- f) The maximum flow rate of sewage discharge from the sewage management system into the Council sewer rising main shall not exceed five (5) Litres per second.
- g) The grinder pump in pump-well of the sewage management system is fitted with float

and/or electrode control switch sensors to ensure volumes of sewage are pumped at regular intervals.

- h) The pressure sanitary drainage line connecting the private sewage ejection pump station is fitted with a device to prevent backflow.
- i) The pump-well of the sewage management system is fitted with an alarm system to indicate an electrical or pump failure. The alarm system shall comprise a visible alarm. The alarm shall be readily visible at all times.
- j) All metal fittings and components within the pump-well of the sewage management system are of non-corroding material and have a service life of at least fifteen (15) years. All mechanical and electrical parts have a minimum service life of 5 years (5) and a minimum warranty period of twelve (12) months.

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

**Public Authority Submissions**

Rural Fire Service

The application was referred to the Rural Fire Service under Section 100B of the *Environmental Planning and Assessment Act 1979* as the site is located within bushfire prone land. The authority issued General Terms of Approval. These have been incorporated into the recommended conditions of consent.

**(e) Public interest**

The subject application is considered to be in the interest of the public as the proposal will generate positive social, environmental and economic benefits.

**OPTIONS:**

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with stated reasons for refusal.

Option 1 is recommended.

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

## **POLICY IMPLICATIONS:**

Nil.

## **CONCLUSION:**

It is considered that the development is compatible with the existing educational establishment development, the needs of the existing and future students and local environment. The assessment has had regard for the applicable SEPPs, TLEP 2014 clauses and Sections of the Tweed DCP; and for the issues raised by the government authority submissions. As a result, the proposed development for additions and alterations to the existing Pottsville Public School is considered to be acceptable.

## **UNDER SEPARATE COVER:**

Nil

## **RECOMMENDATION:**

That Development Application DA17/0377 for alterations and additions to the existing Pottsville Beach Public School (JRPP) at Lot 2 DP 1006776; No. 85 Tweed Coast Road POTTSVILLE, be approved subject to the following conditions: -

## **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans listed in the below table, prepared by Conrad Gargett, as amended in, except where varied by the conditions of this consent.

Plan number	Title	Revision	Date
SK000	Cover sheet	A	24/05/2017

SK001	Demolition Plan	E	07/09/2017
SK002	Proposed Site Plan	D	24/05/2017
SK003	Ground Floor Plan	D	24/05/2017
SK004	Level 1 Plan	D	24/05/2017
SK005	Roof Plan	D	24/05/2017
SK006	Elevations - 1	C	07/09/2017
SK007	Elevations - 2	B	24/05/2017
SK008	Sections	B	24/05/2017
K014	Tree Retention, Removal and Demolition	B	24/05/2017
-	Bush Stone-curlew Compensatory Habitat Area Plan	Tweed Shire Council	26/09/2017

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.

[GEN0265]

6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

7. Stormwater Management shall be in general accordance with the Stormwater Management Plan prepared by Barker Ryan Stewart dated 12 May 2017 and amended Plans dated 19/9/2017, except where varied by the conditions of this consent.

8. To ensure the proposal does not have a significant effect on the local population of the threatened Bush Stone-curlew (*Burhinus grallarius*), a 1.2 metre high partial exclusion fence shall be installed along the eastern and northern boundary of the Bush Stone-curlew Compensatory Habitat Area as shown on *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 September 2017 by Tweed Shire Council*. Details of the proposed fence shall be submitted to Council and approved by the General Manager or delegate, prior to the commencement of work.
9. Site based flora and fauna management measures detailed in *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017 Recommendations'* (except where varied by conditions of this consent) shall be complied with during the construction and operational phase of the development.

10. The developer shall provide the following parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council's Development Control Plan Part A2 - *Site Access and Parking Code*.
  - A minimum of 41 Car Parks.
  - A minimum of 63 Bicycle spaces.
  - 2 additional Bus Parks.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to works.

11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council prior to the occupation of the building, to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Occupation of the building shall not occur until the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

12. All imported fill material shall be from an approved source.
13. Prior to commencement of works, details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and proposed haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate (or the Principle Certifying Authority (PCA)) for approval.



14. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

15. All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with the S68 stormwater application for Council approval.

[PCC0485]

16. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of the filling on the local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

17. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior works. Safe public access shall be provided at all times.

[PCC0865]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:

- a) A Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.
- c) Specific Requirements to be detailed include:
  - i. Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site prior to any earthworks being undertaken.
  - ii. Roof water does not require treatment.

[PCC1105]

19. Erosion and Sediment Control shall be provided in accordance with the following:

- a) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

20. Prior to commencement of works, applications shall be lodged together and approved by Tweed Shire Council under Section 68 of the Local Government Act for the following works (as applicable, but not limited to);
- a. drainage works, including;
- the connection of a private stormwater drain to a public stormwater drain,
  - the installation of stormwater quality control devices,
  - erosion and sediment control works.

The Legal Point Of Discharge for piped stormwater for the development is to the rear of the site.

21. Prior to the commencement of works the applicant must submit and have approved by Council an amended tree retention/removal survey plan which includes the accurate location of all 'Prescribed Vegetation' (as described under Council's Development Control Plan Section A16) which may be impacted by construction or use phases of the development such as (but not limited to); those Preferred Koala Food Trees (Trees No. 2-7) identified in *Figure 1 of Appendix F - Flora and Fauna Assessment by Landmark Ecological Services Pty Ltd dated May 2017*.
22. Prior to the commencement of works the applicant must submit and have approved by Council an arboricultural impact assessment report prepared by a suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist). The report shall be prepared in general accordance with *Australian Standard AS4970-2009 Protection of trees on development sites* and shall include (but not limited to) the following:
- a) A scaled plan with amended tree retention/removal survey plan overlaid with extent of; Tree Protection Zones; Structural Root Zones; and tree protection fencing.
- b) Quantified Tree Hazard Assessment to assess any risks to trees to be retained.
- c) Specific tree management and construction/use management recommendations to ensure the long term health of all relevant trees be maintained or improved.
23. Prior to the commencement of works the applicant must submit and have approved by Council a detailed plan of landscaping. The detailed plan of landscaping shall meet the following plant selection criteria within all areas except the "Bush Stone-curlew Compensatory Habitat Area" as shown in *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 September 2017 by Tweed Shire Council*:
- a) A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
- b) A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).

- c) No noxious or environmental weed species

The detailed plan of landscaping shall detail the following specifications within the Bush Stone-curlew Compensatory Habitat Area including (but not limited to):

- a) 100 % local native plants indigenous to the adjacent vegetation communities.
- b) Plantings consisting of clumps of vegetation with isolated tree canopy cover and sparse to moderate mid and ground layer cover.
- c) 100% top soil cover with sustainably sourced bark chip mulch (i.e. from on-site vegetation removal works) to minimise on-going maintenance.
- d) Inclusion of at least one (1) *Eucalyptus robusta* (Swamp Mahogany) of minimum super tube size.
- e) Compliance with NSW RFS general terms of approval dated 8<sup>th</sup> September 2017 and Planning for Bushfire Protection 2006 requirements.
- f) Location and specifications for Bush Stone-curlew fencing as generally shown in *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 October 2017 by Tweed Shire Council*.

[PCCNS01]

24. Prior to the commencement of works the applicant shall provide a report and certification from a suitably qualified hydraulic engineer on the current operational condition of the private sewage pump station and associated sanitary drainage line and any associated attenuation storage vessel to the satisfaction of Council's General Manager or delegate. The report should address but not be limited to the following matters;

- a) General design specifications such as capacity of the pump well and pump specifications.
- b) The operational condition of the pump station, pump well and sanitary drainage line confirming that such line is in good working order free of breakages and defects.
- c) The maximum flow rate of sewage discharge from the private sewage ejection pump station into the Council sewer gravity main.
- d) The pump-well is sized to provide adequate storage between the alarm level and the overflow level wherever that may be in the internal system so as to give adequate time for repair before an overflow occurs. This can include the capacity of the pipe network draining to the pump station up to the overflow level.
- e) The sewage management system shall have a minimum attenuation storage capacity equal to **six (6) hours** of the average peak flow measured over an eight-hour period per day however, the basis of design shall be related to the intensity and duration of the design event and a realistic storage volume to account for the difference between peak flow rate and maximum permitted flow rate.

- f) The maximum flow rate of sewage discharge from the sewage management system into the Council sewer rising main shall not exceed five (5) Litres per second.
- g) The grinder pump in pump-well of the sewage management system is fitted with float and/or electrode control switch sensors to ensure volumes of sewage are pumped at regular intervals.
- h) The pressure sanitary drainage line connecting the private sewage ejection pump station is fitted with a device to prevent backflow.
- i) The pump-well of the sewage management system is fitted with an alarm system to indicate an electrical or pump failure. The alarm system shall comprise a visible alarm. The alarm shall be readily visible at all times.
- j) All metal fittings and components within the pump-well of the sewage management system are of non-corroding material and have a service life of at least fifteen (15) years. All mechanical and electrical parts have a minimum service life of 5 years (5) and a minimum warranty period of twelve (12) months.

[PCCNS01]

- 25. Information shall be provided to the Water Authority regarding the existing sewerage pumping station on site including a copy of the pump curve showing the design pump duty and flow.
- 26. The geometric layout of the internal parking and circulation access must comply with *AS/NZ 2890.1 2004 - Parking Facilities Part 1 - Off-Street Car Parking*, unless accepted otherwise by Council.

[PCCSN01]

#### **PRIOR TO COMMENCEMENT OF WORK**

- 27. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

- 28. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

- 29. **Prior** to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or

- b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- c) WorkCover Regulations 2000

[PCW0025]

- 30. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million.
- 31. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

- 32. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

- 33. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

- 34. A suitably qualified ecologist who holds a fauna survey licence shall inspect the site no more than 24 hours prior to commencement of works for fauna to determine whether:

- a) Native fauna are occupying the site through survey evidence or direct observation of animals
- b) It is necessary to employ any site specific fauna management measures that are additional to those measures prescribed in *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017* to avoid adverse impact on the health and wellbeing of native fauna

- 35. Tree protection fencing shall be installed prior to commencement of works in accordance with approved arboricultural report.

36. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) shall be appointed prior to commencement of work. The Project Arborist is to be responsible for overseeing all vegetation management works detailed in arboricultural report and completing certification of tree management in accordance with approved arboricultural report and *Australian Standard AS4970-2009 Protection of trees on development sites*.

[PCWNS01]

## DURING CONSTRUCTION

37. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, drawings and specifications.

[DUR0005]

38. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

39. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

40. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia

[DUR0375]

41. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

42. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in

progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

43. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

44. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

45. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

46. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the occupation of any building.
47. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
  - Dust during filling operations and also from construction vehicles.
  - Material removed from the site by wind.

[DUR1005]

48. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.
- [DUR1075]
49. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
- [DUR1725]
50. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]
51. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
52. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
53. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
- [DUR2185]
54. During construction appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
- [DUR2205]
55. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate and Department of Primary Industries - Water.
- [DUR2425]
56. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;



- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

## 57. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

58. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

59. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

60. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

61. Any drainage lines (including house drainage lines) affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

62. Bush Stone-curlew and Koala management measures prescribed within *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017* shall be complied with during the construction phase.

63. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife on-site during and preceding vegetation removal and demolition/removal of demountable buildings. It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions.
  64. All vegetation management measures specified in the approved arboricultural report shall be complied with during the construction phase. Tree protection fencing may be temporarily removed during establishment of asset protection zones and landscape works.
  65. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact, appropriate Plans of Management for those species/habitats must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.
  66. All landscaping shall be carried out in accordance with the landscaping plans as required under this consent and as signed off by the General Manager or his delegate.
- [DURNS01]
67. The importation of waste (including fill or soil) to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines". The only fill material that may be received at the development is virgin excavated natural material or waste-derived fill material the subject of a resource recovery exemption. Any virgin excavated natural material or waste-derived fill material the subject of a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

[DURNS01]

## USE

68. Prior to use of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.
- [POC1040]
69. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
- [USE0125]
70. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above,

noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

71. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

72. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

73. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

74. Domestic dogs (with exceptions for guide dogs and other managed animals that are part of educational programs, such as "story dogs") and cats shall not be kept on the subject site for the life of the development.

[USE0301]

75. Prior to the use of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[USE0301]

76. Prior to the use of any building, all conditions of consent are to be met.

[USE0302]

77. An arboricultural certification report prepared by the Project Arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the use of any building demonstrating compliance with:

- a) Vegetation management measures specified within the report;
- b) *Australian Standard AS4970 - 2009 Protection of trees on development sites*; and
- c) Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period.

78. All landscaping (including construction of Bush Stone-curlew compensatory area and fencing) must be completed in accordance with the approved landscaping plans prior to the use of any building.
79. Prior to the use of any building, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.
80. Prior to the use of any building, a surface radiation survey shall be completed by a suitably qualified person to the satisfaction of the PCA. All surface radiation levels shall be below the adopted remedial action level of 0.7uGy/hr (playgrounds). Should the remedial action level be exceeded, a Remediation Action Plan (RAP) shall be submitted for approval prior to commencement of these works. Works shall be carried out in accordance with the approved RAP. A copy of the final radiation survey shall be provided to the Building Certifier and Council's Environmental Health Officer upon request.

[USENS05]

#### **GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

1. At the commencement of building works and in perpetuity the following areas shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
  - north of the proposed building to the property boundary;
  - east to the property boundary;
  - south of the existing and proposed buildings to the property boundary; • west of Building C for 15 metres; and
  - to the west of the existing buildings where the demountable classrooms are to be removed.
2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.
4. Construction of the new building containing a staff room, administration area and classrooms shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel

Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

5. New construction to Building A shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. New construction to Building C shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.