

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 21 March 2019
PANEL MEMBERS	Garry West (Chair), Pamela Westing, John Griffin and James Treloar
APOLOGIES	None
DECLARATIONS OF INTEREST	James Treloar declared that he is associated with Tamworth Premium Turf as an owner and employee of the business. Given that the Site Context Plan, Proposed G.A. Plans & the Landscape Masterplan all refer to an area of new lawn, Cr Treloar wished to state for the record that neither he or Tamworth Premium Turf have been contacted in relation to the turf requirements of this development.

Public meeting held at Tamworth Regional Council on 21 March 2019, opened at 11.30am and closed at 11.45am.

MATTER DETERMINED

2019NTH009 – Tamworth – DA2019-0209 at Upper Street, East Tamworth (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposal is unlikely to result in a detrimental impact on the heritage listed buildings;
- The proposed development is not expected to increase the capacity of the school or lead to intensification; and
- The proposal will result in the deletion of six demountable buildings.

CONDITIONS

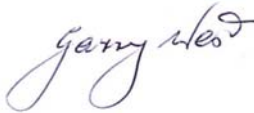



The development application was approved subject to the conditions in the Council Assessment Report with the following amendments agreed to by the Applicant:

- To manage waste storage during construction (condition 27); and
- To protect the amenity of the surrounding neighbourhood from the emission of light (condition 15).

The applicant (being the Crown) agreed at the meeting to the addition of the above conditions of consent.

CONSIDERATION OF COMMUNITY VIEWS

No written submissions were made in relation to this development application.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 John Griffin	 James Treloar

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019NTH009 – Tamworth – DA2019-0209
2	PROPOSED DEVELOPMENT	Part Redevelopment of Tamworth Public School – demolition of existing Blocks G and J, sheds and structures, removal of demountables, and construction of two new school buildings, including communal hall and teaching block and alterations associated with the play areas.
3	STREET ADDRESS	Lots 1-11 Sec 54 DP 758951 and Lots 418 & 419 DP 821635, East Primary School, Upper Street, East Tamworth
4	APPLICANT/OWNER	TSA Management Pty Ltd / Department of School Education – Tamworth Public School
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 64 – Advertising & Signage Tamworth Regional Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tamworth Regional Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 6 March 2019 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – NIL In objection – NIL Council assessment officer – Mitch Gillogly, Senior Development Assessment Planner On behalf of the applicant – Michael Cassell, Project Architect; Tony Wong, Senior Project Manager and Jane Hagan, Project Director, SINSW, Department of Education
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing 21 March 2019, 10.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Garry West (Chair), Pamela Westing, John Griffin and James Treloar <u>Council assessment staff</u>: Mitch Gillogly, Senior Development Assessment Planner; Sam Lobsey, Coordinator, Development & Approvals Operations Support; Alex Manners, Water Engineer; and Aidan Pugh, Roads & Stormwater Engineer.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached as Schedule 2

SCHEDULE 2

Prior to Work Commencing

1. Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development.
2. The applicant is to provide a minimum of 2 days notice to Council of the intention to commence work.
3. The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) The name, address and telephone number of the principal certifying authority for the work, and
 - b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

4. A Traffic Management Plan detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network (this is inclusive of pedestrian management plan and the Traffic Management Plan) shall be submitted to Council (as the Roads Authority) for approval.
5. Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a standard flushing toilet, and must be connected to;

- i) A public sewer;
- ii) If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council; and
- iii) If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

6. Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained:
 - a) Carry out water supply work;
 - b) Carry out sewer work; and
 - c) Carry out stormwater work.
7. The contractors engaged on the development where works are carried out on Council's land and assets must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to the commencement of work and upon request, during the progress of the work

8. Where retaining walls are to be constructed as part of this development, certification of the design of the retaining wall(s) on affected lots by a suitably qualified Structural Engineer holding Chartered Professional Engineering.

General

9. Development shall take place in accordance with the attached endorsed plans:
- Architectural Plans prepared by Billard Leece Partnership, Project No. 17090;
 - a) Site Demolition Plan, Drawing No A002-001, Revision 2, dated 15 October 2018;
 - b) Proposed Site Plan Overall, Drawing No A003-001, Revision 1, dated 15 October 2018;
 - c) Site Context Plan – Proposed Level 1, Drawing No A003-002, Revision 1, dated 15 October 2018;
 - d) Site Context Plan – Proposed Level 2, Drawing No A003-003, Revision 1, dated 15 October 2018;
 - e) Site GA Plan – Teaching Block Level 1, Drawing No A010-001, Revision 1, dated 15 October 2018;
 - f) Site GA Plan – Teaching Block Level 2, Drawing No A010-002, Revision 1, dated 15 October 2018;
 - g) Site GA Plan – Communal Hall Level 1, Drawing No A010-003, Revision 1, dated 15 October 2018;
 - h) Elevations – Teaching Block Level 1, Drawing No A020-001, Revision 1, dated 15 October 2018;
 - i) Elevations – Teaching Block Level 2, Drawing No A020-002, Revision 1, dated 15 October 2018;
 - j) Elevations – Communal Hall, Drawing No A020-003, Revision 1, dated 15 October 2018; and
 - k) Elevations – Communal Hall, Drawing No A020-004, Revision 1, dated 15 October 2018.
 - Landscape Master Plan prepared by Arcadia Landscape Architecture, Issue A, dated September 2018; and
 - Stormwater Plan, prepared by Cardno, Drawing No. 80818098-04-CI-1002, Revision 3, dated October 2018.
10. The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council
11. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
12. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
13. To ensure the safety, all demolition work shall be carried out in accordance with Workcover Authority requirements and Australian Standard 2601 - The Demolition of Structures.
14. It is the responsibility of the developer to meet all the expenses incurred in undertaking the development, including expense incurred complying with conditions imposed under this approval.
15. To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.

During Construction or Works

General

16. Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.

17. The approved Traffic Management Plan shall be maintained at all times.
18. Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-
- Monday to Friday 7.00am to 5.00pm;*
- Saturday 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;*
- No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.*
19. The Developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
20. Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
21. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Transport and Assets Division.
22. Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
23. Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made good.
24. If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Strategy & Development Division is required.
25. All demolition and removal of asbestos and asbestos containing material (ACM) must be done in accordance with the *Work Health and Safety Act 2011*.
26. In the event that any contamination (or potential contamination) is discovered, work must immediately cease and the Council's Senior Environmental Health Officer must be contacted to arrange an inspection.
27. The applicant must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless;
- a) An approval has been issued by Council to place the waste storage container in a public place;
- b) Where located on the road, it is located only in a position where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the Road Transport (Safety and Traffic Management)(Road Rules) Regulation 1999.

Stormwater

28. All roof water and concentrated surface stormwater discharging from the development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
29. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-

- (i) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3-2015 (as amended) Plumbing and Drainage – Stormwater Drainage;
- (ii) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
- (iii) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development;
- (iv) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted;
- (v) All overflow from rainwater tanks shall be collected and piped to the approved point of discharge.
- (vi) All discharge points into the approved point of discharge shall have erosion protection and have a rodent proof cover over the outlet.

30. Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of the Engineering Design Guidelines for Subdivisions and Developments.

31. The approved point of discharge for the development site is defined as the existing stormwater pit located on the north side of Brisbane Street adjacent to the development site.

Prior to Occupation

32. All works as required by these conditions of consent shall be complete.

33. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

34. For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.

35. Prior to Occupation the developer shall arrange an inspection to be attended by a representative from Council's Strategy and Development division and a representative of the developer to confirm the connection to Council stormwater infrastructure is satisfactory. Any rectification works identified shall be rectified to the satisfaction of Council at full cost to the developer.

Ongoing Requirements

36. The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.

37. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.