

Panel Reference	2019SSH0006
DA Number	DA2018/0478 (Crown Development Application)
LGA	Georges River Council
Proposed Development	Construction of a new two storey home base building and COLA (Covered Outdoor Learning Area) along the western side of the Site and alterations and additions to the Hurstville Public School including, a new canteen extension, hall refurbishment, library extension and relocation of some demountable classrooms including some drainage works and associated landscaping and site works the site is also listed as a Local Heritage Item..
Street Address	1 Kenwyn Street, Hurstville (the site is also identified as 80 Forest Road, Hurstville)
Applicant/Owner	Department of Education (Crown Land).
Date of DA lodgement	12 November 2018.
Number of Submissions	Three (3) written submissions received.
Recommendation	Approval subject to the conditions.
Regional Development Criteria (Schedule 7)	<p>Regional development is defined in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.</p> <p>Development with a capital investment value (CIV) over \$5 million for “<i>community facilities</i>” is classified as “Regional” development. Educational establishments fall within the category of “community facilities” and are therefore captured as Regional development dependent on the CIV.</p> <p>The CIV of this development as outlined in the application is \$7,951,810.24.</p>
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979. • Environmental Planning and Assessment Regulation 2000. • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Educational

	Establishments and Child Care Facilities) 2017 <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Regional Environmental Plan No 2 – Georges River Catchment. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • Draft Environment State Environmental Planning Policy • Hurstville Local Environmental Plan 2012. • Hurstville Development Control Plan 2013. • Georges River Council – S94A Contributions Plan 2017
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects. • Heritage Impact Statement • Registered survey. • Architectural plans. • Landscape Plan. • Traffic Impact Assessment report. • Stormwater Details and Plans • Geotechnical Report • Waste Management Plan • Acoustic Report • Arborist Report
Report prepared by	Larissa Ozog Senior Development Assessment Officer
Report date	28 May 2019

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 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	Yes

Summary of the assessment report?	
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?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	<p>Yes Draft Conditions were issued to the Department of Education as they are a Crown Authority on 15 May 2019 for their comment and concurrence to the acceptance of the conditions recommended.</p> <p>On 24 May the Department provided formal comment, various conditions were not supported, further negotiation has been undertaken and the conditions included in this report have been agreed to, with the acceptance of conditions relating to drainage infrastructure upgrade works.</p>

Executive Summary

Proposal

Council is in receipt of a Crown Development Application (DA2018/0478) seeking planning permission for alterations and additions within the Hurstville Public School grounds which include the construction of a new two storey home-base building along the western side of the school, catering for four (4) new classrooms, a new COLA (Covered Outdoor Learning Area), toilets and amenities, and an extension to the canteen, hall and library and associated landscaping and site works.

The development originally included relocating demountables located along the western side to the eastern side of the site, however these structures have already been relocated in accordance with the exempt and complying provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017.

Although the proposed physical building works satisfy the requirements for “complying” development in accordance with the provisions of Clause 39 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017) (Education SEPP) the site is classified as a Heritage Item pursuant to Schedule 5 of the Hurstville Local Environment Plan, 2012 and therefore requires the lodgement of a Development Application for the proposed works.

This application does not seek to increase student numbers or staff numbers but aims to improve existing facilities and modernise the school.

In accordance with Clause 4.33(1) of the Environmental Planning and Assessment Act (The Act) draft conditions of consent were sent to the Applicant on 15 May 2019 for consideration. The Applicant provided a formal response on 24 May 2019 and suggested that a number of conditions be reworded and/or deleted. The Applicant objects to the imposition of a series of Engineering conditions which Council's Engineers have reviewed and maintain that they need to be imposed. The specific conditions that are a point of contention are highlighted in the General Conditions section. In summary the conditions that Council's Engineers insist on imposing are;

Condition 31 (Extension of Council's Drainage System). This condition requires Council's public infrastructure to be upgraded and a new stormwater pipe of some 80m along Orange Lane to be constructed to cater for the additional stormwater generated by the development. Council's Engineers have stated that “*On Site Detention was being employed and that the post-development discharge rate to the street gutter would be 82 Litres/sec. Hurstville DCP 1 Section 3.7, Design Solution DS1.12 it is written to state that ‘The point discharge to the gutter must not exceed 25 litres per second (a total for the site)’*”. On this basis, and given the amount of discharge that is being proposed which exceeds Council's controls this facilitates an upgrade in the drainage services provided along Orange Lane. **Condition 32** (Stormwater Design) which is associated with

Condition 31 and relates to the proposed public infrastructure works. Other Engineering conditions which are currently a point of contention between Council and the Department of Education are **Condition 34** (On site Detention) and **Condition 63** (Completion of Major Works) which Council considers to be standard Engineering conditions and should not affect the project in any way and simply ensure that the proposed drainage and stormwater system is compliant.

The Department of Education objects to the requirement to upgrade the drain and stormwater pipe along Orange lane as the Department believes these are unnecessary, substantial infrastructure works which will be costly and haven't been factored into the CIV of the project and if required will put the project at risk.

At the time of finalising this report no further information was provided by the Department or Council so it will be up to the Panel to make a decision in respect to imposing, amending or removing the conditions. If the Panel opts to retain the conditions then the application will need to be referred to the Minister for determination in accordance Section 4.33(1)(a) of the Act.

This assessment is based on the plans and documentation originally lodged with the application, with the exception of the relocation of the demountable buildings.

Site and locality

Hurstville Public School is located at 1 Kenwyn Street, Hurstville (also known as 80 Forest Road, Hurstville) legally identified as Lot 32 in DP 824051. The site has a total area of 2.46ha.

The Site is an irregular shaped allotment with its main frontage to Forest Road (south-eastern side) of 213.8m, secondary access is also provided from the north-western side off Orange Street and Orange Lane and from the north-eastern side off Kenwyn Street.

Existing on site is a series of purpose built and adapted school buildings and demountables. The site as a whole is designated as a Local Heritage Item in accordance with Schedule 5 of the Hurstville LEP 2012.

The key historic significance is attached to the old main Federation building which faces Forest Road and includes a Bell Tower which dates back to 1875. The works do not affect the old buildings in any way.

The school is located within a mixed use area which includes a variety of land uses and is within close proximity to the Hurstville Commercial Centre. Figure 1 below is an aerial view of the school and its grounds.



Figure 1: Aerial view of the development site outlined in red showing the site boundaries (courtesy of Statement of Environmental Effects, 2018).

Zoning and HLEP (2012) Compliance

The site is zoned SP2 Infrastructure and Educational Establishments are a permitted use in the zone.

Educational Establishments are defined as *“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”*

The proposed works are permissible in accordance with the Environmental Planning Instrument and does not rely on permissibility in accordance with Clause 33 of the Educational SEPP.

State Environmental Planning Policy

The proposal has been considered to be satisfactory in regards to the following policies which have been considered in respect to the application:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.

- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (State and Regional Development) 2011
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Deemed State Environmental Planning Policy – Georges River Catchment.
- Draft Environment State Environmental Planning Policy.

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The development will impact on two existing trees on site. The trees are located in the centre of the site, adjoining the library. The existing trees will be affected by the proposed library extension works. The two trees are categorised as Tree 1 which is a Jacaranda (*Jacaranda mimosifolia*) and Tree 2 is a Butterfly Tree (*Bauhinia purpurea*). The proposal will require the removal of these trees and replacement with a similar suitable species. The location of the two trees (numbered 1 and 2 on the plan) is shown in Figure 2 below.

An Arborist report accompanies the application and has been prepared by McArdle Arborist Consultancy. The arborist has classified both trees as moderate in their retention value. The Jacarada tree exemplifies poor form and an unbalanced canopy and the Butterfly Tree is constrained due to its location and the fact it is located within a heavily concreted, hard surfaced area. The proposal seeks to replace both trees with “*Indigenous trees like Callistemon viminalis (Bottlebrush) Eucalyptus ficifolia (Western Red Flowering Gum) which are of a suitable size and colour attracting small birds and have great form and tolerance for a low maintenance garden amongst children. These*

trees grow to five metres and are low risk". A condition will ensure the recommendations of the arborists report are implemented if consent is granted.

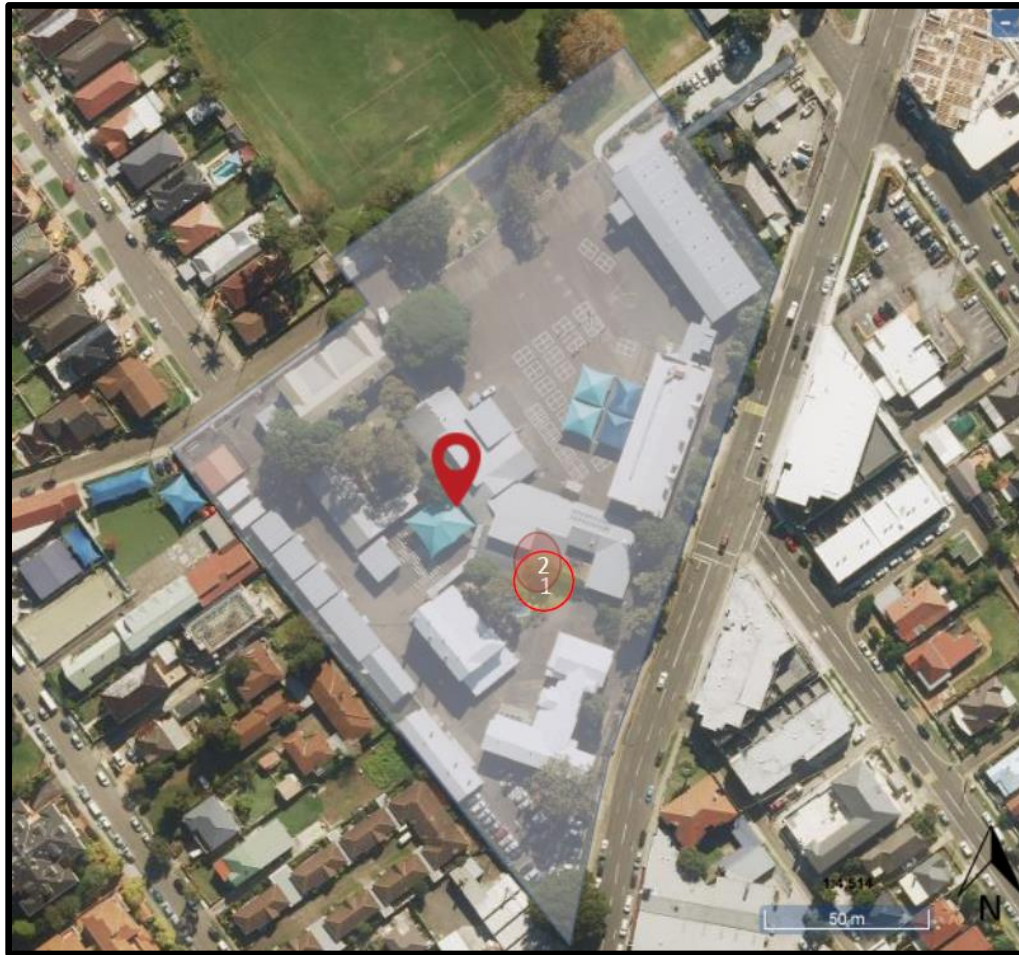


Figure 2: Aerial view of the two trees to be removed noted as Tree 1 and 2 on the plan (courtesy Arborist report, 2018)

It should also be noted that along the southern side of the site there exist a row of demountable buildings and classrooms and there is minimal landscaping along this boundary. The proposal sought to relocate these structures (which have already been undertaken in accordance with the provisions of the Exempt and Complying Development SEPP) and replace them with a new two storey home-base building and a COLA. The new works will open up this area and create more space which will be softly landscaped. Along the boundary will be five (5) new Water Gums (*Tristaniaopsis Laurina*) which grow to some 8m at maturity and this area will include lawn and a series of mass planting that achieve varying heights from 400mm to 3m to provide additional greenery and screening along the common boundary. This will substantially improve the current built and visual environment along this side of the school. A resident has raised concerns regarding the placement of the water gums and associated proposed Lilly Pilly's on the boundary. It is suggested that the water gums be relocated further away

from the common boundary (by way of a condition). This issue is discussed in more detail in the assessment of the application.

The proposal is considered to be consistent with the provisions of this Draft Instrument.



Photo 1: Two existing trees to be removed to cater for the library extension works.

Hurstville Development Control Plan No.1 (HDCP)

The HDCP does not include any specific controls relating to educational establishments however Section 3 (General Planning Considerations) are relevant to all developments within the LGA and need to be considered. General provisions relate to matters such as car parking, access and mobility, waste disposal, landscaping and stormwater.

A detailed assessment against the provisions of the HDCP is included later in this report.

Submissions

The application was originally advertised and notified. A total of three (3) submissions have been received during this period and to date.

The issues raised in the submissions include, overshadowing, privacy impacts and potential traffic and parking implications. These issues are discussed in greater detail

later in this report and it is felt that issues can be appropriately addressed through the implementation of conditions.

Level of Determination

The development proposes a cost of work or total CIV (Cumulative Investment Value) of \$7,951,810.24. The determining authority is the Sydney South Planning Panel (SSPP) due to the Capital Investment Value (CIV) exceeding \$5 million for community facilities pursuant to the definition of regional development contained within Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies this application.

Conclusion

Having regards to the matters for consideration Section 4.15 and Section 4.16(1)(a) of the Environmental Planning and Assessment Act and following a detailed assessment of the proposed application DA2018/478 is recommended for approval subject to conditions.

This is a Crown Development Application and in accordance with Clause 4.33 (1) of the Environmental Planning and Assessment Act (The Act) a consent authority must not;

(a) refuse its consent to a Crown development application, except with the approval of the Minister, or

(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

In accordance with the provisions of the Act, draft conditions have been referred to the Department of Education (DOE) for their consideration. As previously mentioned the DOE raised issues with some conditions relating to stormwater and drainage in particular the need to upgrade public infrastructure along Orange Lane to accommodate the works. At the time of finalising this report Council's Drainage Engineers were not satisfied with the removal of the conditions in question (31, 32, 34 and 63).

All other issues have been reasonable addressed and considered and the application is considered to be a positive planning and design outcome for this site and will not adversely affect adjoining residences or detrimentally affect the heritage items on site and the works will not be visible from the main street frontages and will not have a negative impact on the public domain.

Full Report

Site and Locality

The subject site is known as the Hurstville Public School. The site comprises of lots which are legally identified as Lot 30 and Lot 32 DP 842051 and is located at 1 Kenwyn Street, Hurstville with the address also known as 80 Forest Road, Hurstville.

The site has three (3) road frontages with the main frontage width of 213.8m to Forest Road, secondary frontage and access from Orange Lane and access from Kenwyn Street. The site has a total site area of 2.46ha.

Pedestrian and vehicular access to the site can be obtained from Forest Road, Kenwyn Street and Orange Lane at the rear. There are 21 car parking spaces provided at grade with access off Forest Road, 10 car parking spaces catered for on-site with access off Kenwyn Street and an additional 29 basement car parking spaces below Block N which adjoins the Kenwyn Street carpark.



Photo 1: The front of the school when viewed from Forest Road



Photo 2: The continued frontage of the school site as viewed from Forest Road showing the main heritage building which includes the Bell Tower.

The Site is relatively flat and contains a series of single and two-storey attached and detached buildings utilised for school and ancillary purposes. Although the whole site is classified as a local heritage item (I28) the existing original Federation building is the key historically significant building.



Photo 2: The existing heritage building with the Bell Tower (internal view from inside the school) which will be unaffected by the proposed development works.



Photo 3: The existing COLA looking towards the southern boundary of the site where the two storey homebase building will be located. The single storey demountables which once occupied this space have already been relocated towards the northern boundary of the site.



Photo 4: Entry to the school off Orange Lane

East and South

- Immediately to the south and east of the Site on the other side of Forest Road, are a series of mixed use developments with ground floor commercial/retail uses and upper level residential uses.
- Further to the south and east are lower scale residential properties comprising of largely one and two storey dwelling houses and dual occupancy developments.

To the west

- Immediately to the west of the subject site are the rear of residential properties that front Wrights Street. These properties comprise of townhouses and villas and some single and two-storey dwelling houses.
- On the corner of Wright Street and Orange Lane is the Hurstville Adventist School.



Photo 5: Villas/townhouses located to the south of the school site at No.18 Wright Street the roof of the main old school building can be seen in the background.



Photo 6: Properties at No.20 and 22 Wright Street to the south of the school site



Photo 7: Right of way between No.20 and 22 Wright Street providing access to dwelling houses located at the rear, 20A and 22A Wrights Street whose rear yards adjoin the school.

To the north

- To the north of the Site is the Hurstville Boys High School, with the buildings separated by the provision of open space and playing fields.

The site is also located within close proximity to the Hurstville Commercial Centre and is generally well located and accessible.

Proposal

The proposed development involves alterations and additions to the school buildings and includes the following works in more detail;

- A single storey extension to the canteen which includes a new kitchen, servery and associated office.
- A single storey addition to the hall which extends the area within the hall and provides for a new storage area (accessed from inside the hall) and a new sports storage area and two (2) new accessible toilets.
- A new two storey home-base building which comprises of the following features;

Ground Floor – New toilet block and bubblers, cleaner’s cupboard, large open undercroft which includes tiered seating and stairs together with a lift providing access to the upper level associated landscaping.

First Floor - Covered Outdoor Learning Area (COLA), open plan area, two (2) meeting rooms, shared presentation space and ancillary plant rooms for services and a wet room/studio.

- The existing seven (7) demountable buildings located along the western side of the Site have already been relocated towards the north-eastern side of the Site.
- The provision of a new service and emergency driveway and associated entry gates off Orange Lane.

Student numbers

There is no proposed increase in student or staff numbers, with the works aimed to consolidate spaces, providing new, modern and functional learning spaces and facilities for students and staff.

Figure 3 below shows the location and siting of the existing buildings and the proposed building works and Figure 4 shows the new works proposed (highlighted in yellow).

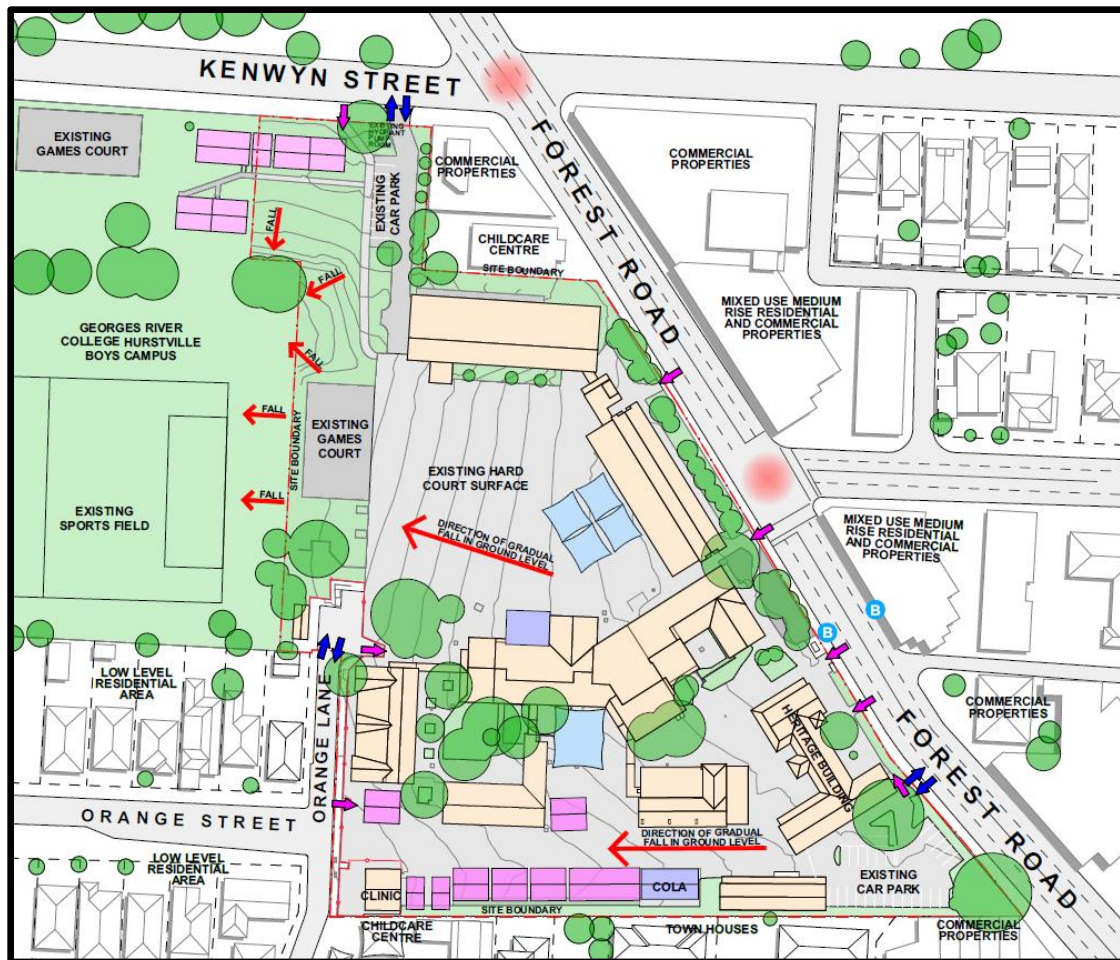


Figure 3: Site analysis showing the siting and location of existing buildings.

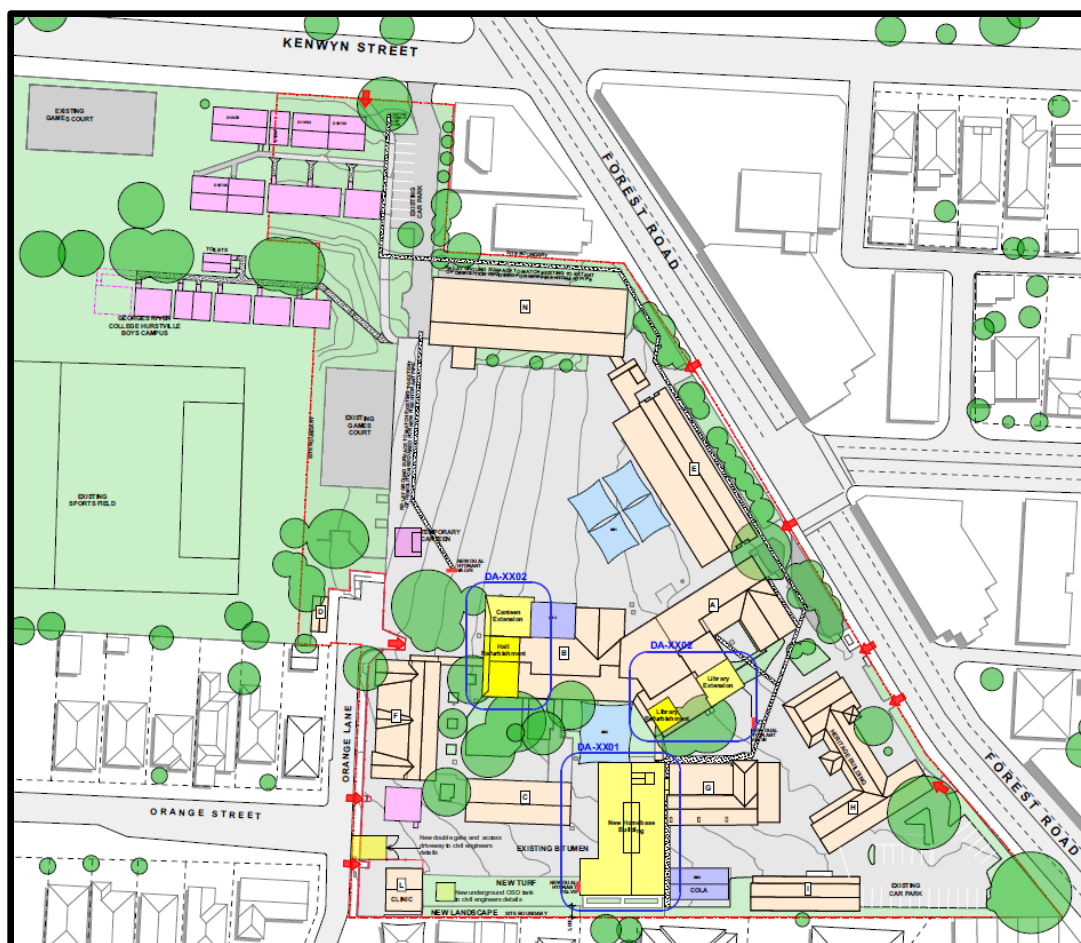


Figure 4: Site analysis showing the siting and location of the new building works (highlighted in yellow)

Background

There is limited development history attached to the site. The following are the most recent applications relating to the Site;

CDC2012/0146 A Complying Development Certificate (CDC) was issued on 31 August 2012. The CDC approved alterations and additions to the Hurstville Public School including the construction of a two storey building, new carpark and vehicular access, landscaping works and building refurbishment works.

PL2012/002 Council provided formal Pre-lodgement advice in relation to the proposed alterations and additions to the school. Most of the works fell within the requirements of Complying Development as defined within the ISEPP (State Environmental Planning Policy Infrastructure 2007). The Applicant was advised that if the proposed works were amended to satisfy the Complying provisions Council raised no objection “in principle”. The development was

amended to satisfy the complying provisions and lodged a CDC which was approved in August 2012.

Statutory framework

Environmental Planning and Assessment Act 1979 (EP&A) Act 1979

The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the objects of the EP&A Act, and the principles of ecologically sustainable development as follows:

Objects of the EP&A Act

Consent authority is required to consider the objects in Section 1.3 of the EP&A Act when making decisions under the Act. Council has considered the object of the EP&A Act in the Table below and is satisfied that the proposal complies with all objects.

Objects of the EP&A Act	Proposal	Compliance
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposed alterations and additions to the school are considered to improve the facilities, services and learning spaces and aim to improve and provide better facilities for this school, its students and staff.	Yes
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment</i>	The design considers the principles of ESD. The development has been designed to be environmentally sustainable.	Yes
<i>(c) to promote the orderly and economic use and development of land</i>	The development aims to update and improve the existing facilities at the school and provide for modern and more functional spaces and areas.	Yes
<i>(d) to promote the delivery and maintenance of affordable housing</i>	Not applicable to this land use and proposal.	Not applicable
<i>(e) to protect the environment, including the conservation of threatened and other</i>	The proposal is not considered to result in adverse impacts to any threatened and other	Yes

<i>species of native animals and plants, ecological communities and their habitats</i>	species of native animals and plants, ecological communities and their habitats. There are none of these species mapped within the Site or its immediate vicinity.	
<i>(f) to promote the sustainable management of built and cultural heritage</i>	<p>The Site is classified as a Heritage Item of Local significance in accordance with Schedule 5 of the KLEP and is identified as I28. The main Federation style Building facing Forest Road exemplifies historic and architectural significance. The proposed works do not affect the integrity and significance of this building.</p> <p>The application is accompanied by a Heritage Assessment prepared by Heritage 21 and was referred to Council's Heritage Advisor for comment.</p> <p>No objection was raised in respect to the proposed works and a detailed discussion is provided as part of this assessment later in the report.</p>	Yes
<i>(g) to promote good design and amenity of the built environment</i>	The amended design is considered to satisfactorily address the key development and design controls.	Yes
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal will achieve this object by complying with Council's recommended consent conditions relating to construction phase of the development.	Yes
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the</i>	The proposal is a regionally significant development and therefore the Sydney South Planning Panel is the consent	Yes

<i>different levels of government in the State</i>	authority.	
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	<p>The submissions section of this report outlines Council's public exhibition of the proposal, including public submissions.</p> <p>The submission section also sets out details of Council's consideration of the key issues raised in public submissions.</p>	Yes

Section 4.15 Assessment

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

The proposal has been considered under the relevant statutory provisions as per below:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017
- SEPP Regional Development
- State Environmental Planning Policy (Infrastructure) 2007.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Draft Environment State Environmental Planning Policy.
- Georges River S94 Contributions Plan
- Hurstville Local Environmental Plan 2012

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent

(iii) any development control plan, and

The applicable Development Control Plans to the proposed development are:

- Hurstville Development Control Plan No.1.

(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and,

Comment: there are no planning agreements proposed

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Comment: There are no further prescribed matters under the Regulations apart from compliance with the National Building Code of Australia (BCA) and meeting the Australian Standards for parts of the design.

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

Comment: The proposal is not considered to have any adverse impacts upon the natural and built environment. The alterations and additions have been considered in context with the surrounding development and the amended design has improved the relationship of the proposed built form to its surrounds and reduced potential amenity impacts.

Additionally, the proposal is considered to contribute positively to the social and economic outcomes that are sought to be achieved for this community facility.

(c) the suitability of the site for the development,

Comment: The site has been used as an educational establishment since about 1891 and has been an ongoing use since that time.

(d) any submissions made in accordance with this Act or the regulations,

Comment: The proposal has been notified and all submissions received have been considered in detail under the submissions and referral section of this report.

(e) the public interest.

Comment: The proposal satisfies the applicable EPI's and objects of the Act and accordingly is considered to be within the Public interest. The development will not adversely affect the amenity of immediately adjoining properties and will not negatively affect the character and nature of the neighbourhood.

Environmental Planning and Assessment Regulations 2000 (EP&A) Regs 2000

The proposed development satisfies the relevant matters for consideration for development under the Regulations.

Compliance and Assessment

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment. The proposal, including the disposal of stormwater, is considered to be consistent with the Council's requirements for the disposal of stormwater in the catchment.

All stormwater from the proposed development will be managed by the proposed stormwater system and will be treated in accordance with Council's Water Management Policy and would therefore satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment. Council's Development Engineers have not raised any issues with the proposed method of stormwater disposal.

State Environmental Planning Policy no. 55 – Contamination of Land (SEPP 55)

SEPP 55 applies to the land and Clause 7 stipulates that a consent authority must not consent to the carrying out of any development on land unless it has considered matters for consideration contained in Clause 7. Clause 7 specifically states;

(1) 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.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

Table 1 of the Contamination Management Guidelines lists a number of land uses that are likely to create contamination. The proposed school use does not fall into this category.

According to Council's records and a desktop review the site has been used for school/community purposes for many years. The Table in Figure 5 below provides a summary of uses across the Site over time.

Year of Photograph	Site Land Uses	Surrounding Land Uses
1930	The site has been established as a school with a few school buildings and patches of trees.	There was an open field in the adjacent north and northwest. Forest Road to the east and southeast. There were buildings of residential and commercial use observed beyond Forest Road. Residential structures were also observed in the adjacent and far west of the site.
1943	The school buildings increased in number, particularly in the central and southwest portion. Likewise, there was an increase in patches of trees within the school. The rest of the site remained unchanged.	Essentially remained unchanged
1965	The buildings along the southwest boundary which were observed in the 1930's and 1943's images appeared to have been removed/demolished. However, additional buildings were observed to be erected in the western and central portions. Patches of trees and vegetation were also observed to have increased in density.	There was an increase in the number of commercial and residential buildings in the north, northeast, south and southwest. The remaining parts essentially remained unchanged.
1975	Essentially remained unchanged.	There was an increase in the number of structures of commercial use in the north and south. The remaining parts essentially remained unchanged.
1986	There was an increase in the number of buildings in the central portion of the school as well as along the southern boundary.	Essentially remained unchanged.
1998	Essentially remained unchanged.	Essentially remained unchanged.
2014	Essentially remained unchanged.	Essentially remained unchanged.
2018	Essentially remained unchanged.	Essentially remained unchanged.

Figure 5: Summary of the land uses and general nature of development at the Site over time (courtesy Gardner Wetherill Associates, 2018)

A Stage 1 Preliminary Site Investigation was prepared by Gardner Wetherill Associates and dated August 2018. The objectives of the report were;

- *Assess the potential for the site to contain unacceptable levels of contamination due to the past and current land uses;*
- *Assess the suitability of the site for the proposed redevelopment; and*
- *Provide recommendations for any additional assessment or management of any identified contamination (if warranted).*

The report included conducting five (5) soil samples across the Site. Based on the assessment the report made the following conclusions;

“Based on the information gathered during the desktop review, the observations made during the site walkover and the results of the limited soil investigation, SLR concludes the following:

- The potential for significant, widespread contamination to be present at the site (proposed redevelopment area) is considered to be low;*
- Given that the soil investigation undertaken was surficial and limited in nature, any unidentified minor, isolated contamination that may be encountered during the future development works cannot be ascertained at this stage; and*
- The site is likely suitable for the proposed development.”*

Given the findings and conclusions it is recommended that standard conditions be included regarding any unexpected finds whilst the work is occurring and standard conditions regarding asbestos removal will also be included.

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

The proposal is a regionally significant development pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is development is defined as “community development” that has a Capital Investment Value (CIV) of more than \$5 million in accordance with the SEPP.

In this case the Sydney South Planning Panel is the consent authority for the subject development application.

State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017 (Vegetation SEPP)

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces Clause 5.9 of KLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is “to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation”.

In this instance, the development is consistent with the provisions of the SEPP and the proposal is not affecting any vegetation of any botanical significance. The Library extension and refurbishment will require the removal of two (2) existing trees which are not considered to be of any high level significance and replacement planting is proposed. This issue was discussed in more detail earlier in the report.

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

The purpose of the policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The main aims of the Policy include;

- (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,*

The Education SEPP has a major focus on delivering new services and upgrading existing facilities at schools in an efficient manner by simplifying the planning requirements for educational activities and provision of services across the state. The provisions will make it much easier for schools to implement a wide range of improvements and expansions to schools such as upgrading sports fields, replacing portable classrooms with permanent buildings, building a new library, and offering new or additional before and after school care in existing school buildings.

One of the main aims of the Policy is;

- (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.*

Also Clause 35 (60)(b) of the Education SEPP states that “*Before determining a development application for development of a kind referred to in subclause (1), (3) or (5) the consent authority must take into consideration;*

- (b) whether the development enables the use of the school facilities (including recreational facilities) to be shared with the community”*

An advisory condition has been included as part of the consent to encourage the school to be able to use the new building and associated updated and modernised facilities for other community groups and other educational or sporting/recreational/social associations for out of school hours use. Currently the school is being utilised by a number of community activities including the following;

- External education providers of S.T.E.A.M
- Before school care
- After school care
- Vacation care

- Art Academy
- Dance studios (two different kinds)
- Greek School
- Harlow School of Dance
- Martial Arts
- Music/band practice
- Chinese Australian Services Society

Given that the school currently makes its facilities available for other community, social and sporting groups the school raises no objection if these uses are expanded or new uses introduced in the future at the school ground if the new services can facilitate and cater for any additional demand and need.

The provisions of Part 4 (Schools – specific development controls) of the Policy are applicable to this proposal. The proposed development does not rely on permissibility in accordance with the provisions of Clause 33 of the policy as the development is permissible in the SP2 zone.

The physical works that are proposed have been generally designed to satisfy the complying development provisions however are not complying development in accordance with the Education SEPP as the works affect a local heritage item and a State item.

Clause 39 of the Education SEPP relates to complying development and refers to Schedule 2 of the Policy which establishes more specific numerical controls (refer to Table 1 below) and is assessed against the requirements within Schedule 4 (refer to Table 2 below) which establishes seven (7) design quality principles that need to be satisfied and assist in guiding new development.

As a guide the proposal has been assessed against these provisions to indicate that the proposal would generally comply with the complying development standards within the Education SEPP.

Table 1: Complying development standards in Schedule 2 of the Educational and Child Care SEPP

Control	Standard	Proposal	Complies
Height	Maximum 4 storey's and 22m	The new two storey homebase building achieves a maximum overall height of between 10m to 11.38m to the topmost of the roof (including the central raised roof area which provides for some additional ventilation and light into the spaces). The top of the pop up roof	Yes

		<p>achieves an RL73.580 and to the lower ridgeline the building achieves RL72.200 The existing ground floor RL is about 62.2.</p> <p>The hall, library and canteen extension are single storey in scale and are well below the 4 storey limit and 22m height limit.</p>	Yes
Front Setback	<p>A new building must have a front setback:</p> <p>(a) that is not less than the average distance of the front setbacks of all existing development that is located within 70m of the building, or</p> <p>(b) if there is no development located within 70m of the building—of at least 5m.</p> <p>Alterations or additions to an existing building must not result in the building having a front setback:</p> <p>(a) that is less than the average distance of the front setbacks of all existing development that is located within 70m of the building, or</p> <p>(b) if there is no</p>	<p>There is no building work proposed near a road or street frontage.</p> <p>There is no change proposed to the existing front setback when read from Forest Road.</p>	N/A

	development located within 70m of the building—of less than 5m.		
Side and Rear Setbacks	At least 5m from any side or rear boundary of the land where it adjoins residential zoned land, 1m where it adjoins all other land use zones for buildings with a height up to 12m	<p>The extension to the school hall, canteen and library are centrally located and situated well over 5m from the adjoining residential boundary.</p> <p>The two storey Homebase building adjoins residential properties to east and is setback 5.9m from this western side boundary.</p> <p>The maximum height of this building is less than 12m and therefore the proposal complies.</p>	Yes
Noise	A new building or (if the development is an alteration or addition to an existing building for the purpose of changing its use) an existing building that is to be used for the purpose of a school or school-based child care must be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary.	<p>The application is accompanied by an Acoustic Report which has been prepared by Acoustic Logic and dated 1 May 2019.</p> <p>The purpose of the report was to consider the existing noise emissions from the school and the additional acoustic impacts which may be generated by all the proposed new works within the school grounds.</p> <p>Most of the smaller scale works are internalised within the school grounds and situated a substantial distance from adjoining residential boundaries.</p> <p>The new Homebase building is a new structure located within close proximity to</p>	

		<p>residential properties located to the west and the potential noise impacts of this building have been considered.</p> <p>Currently the space where the building is to be located is used for outdoor activities and associated sports and these uses emit a large amount of noise given the open nature of the space and it is large in size and can cater for many children. The acoustic report concluded that <i>“the acoustic review indicates that the proposed amenity (toilets) located on the ground floor is providing an acoustic screen for the proposed outdoor under-croft area. The noise emissions to residential buildings adjacent to the western boundary shall be less than the existing and satisfactory”</i>.</p> <p>The report recognises the solid wall to the toilets with no openings proposed along the western side. This structure will act as an acoustic buffer and temper a large amount of noise that will emanate from the open style under-croft which should benefit adjoining properties in terms of attenuating noise. The upper level has limited windows which are only included for the need to provide additional solar access and light into these spaces. Most of the upper level is well insulated and will not be excessively noisy. The</p>	
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		<p>report suggests that upper level classrooms will have their windows and associated openings closed during teaching.</p> <p>The acoustic report includes a number of recommendations in terms of implementing construction materials that will reduce noise and acoustic impacts from the spaces such as minimum glazing thicknesses for windows and their seals, acoustic sealing of window and door frames, insulation and roof ceiling treatment, minimum acoustic rated façade walls, partition walls to have minimum sound insulation rating. These measures will mitigate and reduce the acoustic impacts and the determination includes a condition to ensure the recommendations are incorporated into the final detailed design and construction of the Buildings.</p>	
Materials	External walls must be constructed of non-reflective materials	<p>The external finishes of the new building and proposed extensions include light coloured materials in the form of cladding, concrete blockwork, corrugated iron roof etc.</p> <p>The type of finishes and colours are considered satisfactory and comply with the intention of the Policy but will also be conditioned appropriately.</p>	Yes

<p>Over-shadowing</p>	<p>Proposed school buildings must not reduce the solar access to habitable rooms and private open space of adjoining residential properties to less than 3 hours between 9am and 3pm in the winter solstice.</p>	<p>The new internal changes and extensions (hall, canteen and library) are single storey in scale and minor in their nature. Shadowing caused by these structures is all contained internally within the school grounds and will not affect any adjoining residential property. Given the large and expansive school grounds which provide for generous areas of open space the shadowing is considered to be minimal and will not adversely affect the usability of the key outdoor/indoor areas.</p> <p>The new two storey Homebase building is setback over 5m from the boundary of residential dwellings, fronting Wright Street. The adjoining residences are single and two storeys in nature and are sited to the west of the new building.</p> <p>The shadow diagrams submitted with the application indicate that at 9am there are some shadows cast to the west affecting the rear of No's 18, 20A, 22 and 24 Wright Street. The existing dividing fence between properties and the school also contributes to some overshadowing.</p> <p>By 12noon the shadows have retreated and only affect a small proportion of the rear of No.18 Wright Street. Given this adjoining building is</p>	<p>Yes</p>
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		setback only 1-2m from the boundary which doesn't provide enough area to be a highly useable area of open space. The northern and north-western elevation of No.18 is unaffected from 12noon. The proposed development complies with the requirements of the Policy as the key areas of open space and principle habitable areas of all adjoining residential properties to the west are not affected by the proposal.	
Privacy	<p>Windows must be designed or treated to preserve the privacy of adjoining residential dwellings.</p> <p><i>A window in a new building, or a new window in any alteration or addition to an existing building, must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if:</i></p> <ul style="list-style-type: none"> <i>(a) the finished floor level is more than 1.5m above ground level (mean), and</i> <i>(b) the window faces a building used for residential accommodation on an adjoining lot, and</i> <i>(c) the wall in which the window is located has a</i> 	<p>The small scale internal extensions and refurbishments do not create any opportunity for overlooking to adjoining residences.</p> <p>The new Homebase building includes some windows and openings at the first floor level including windows along the western elevation to the staircase, and three windows to the entry and one window to each meeting room at the upper level.</p> <p>The design has included the first pane of glass along the staircase (western and northern side) to include frosted glass to reduce the potential for overlooking.</p> <p>Along the western side the windows to the staircase will allow for the potential for overlooking to the rear of properties to the west and as a result all the windows to the</p>	<p>Yes – subject to the imposition of additional conditions there should be no overlooking created by the proposed homebase building to properties to the west.</p>

	<p><i>setback of less than 5m from the boundary of that adjoining lot.</i></p>	<p>staircase along this side should be designed to include frosted, obscure or translucent glazing. This will reduce the potential for overlooking. Although the western elevation plans seem to indicate that the windows to the staircase are fixed and frosted but a condition will ensure this detail is constructed.</p> <p>It is also suggested that the bottom panes of glass to the entry and to both meeting rooms along the western elevation shall be constructed of frosted glass. This will be conditioned and will require agreement by the Crown prior to a determination being issued.</p> <p>The northern elevation proposes one pane of glass to be frosted along the western side of the staircase. To ensure there is no potential for overlooking from the staircase landing to the west it is suggested by way of a condition that 2 panes of glass be frosted as opposed to one to minimise any potential for overlooking to the rear properties to the west.</p>	
Land-scaping	<p><i>Landscaping must be provided for a new building constructed adjacent to the boundary of land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3</i></p>	<p>As previously mentioned, the seven (7) demountable buildings located on the western boundary of the site have been relocated to the eastern side of the site (a negotiated outcome between the School and the Hurstville</p>	<p>Yes subject to conditions</p>

	<p><i>Medium Density Residential or Zone R4 High Density Residential, as follows:</i></p> <p><i>(a) the landscaped area must be 3m wide and along the common boundary,</i></p> <p><i>(b) the landscaped area must contain trees or shrubs (that grow to a mature height of 3m or more) that are:</i></p> <p><i>(i) suitable for screening, and</i></p> <p><i>(ii) not likely to pose a safety or health risk, and</i></p> <p><i>(iii) listed on the council's preferred tree species list (if one exists).</i></p>	<p>Boys Senior School) this has opened up a large area along the western side of the Site and provides for the opportunity for an area of some 5m wide for deep soil planting and landscaping. New planting and landscaping has been proposed for this area in conjunction with the construction of the new Homebase building.</p> <p>The Landscape Plan proposes 5 x Water Gums (<i>Tristaniopsis laurina</i>) located along the western boundary. These trees achieve a mature height of 8m. Additional planting along the boundary includes Dwarf Lilli Pilli (<i>Acmena smithii</i> var. <i>minor</i>) which will achieve a mature height of 3m as well as other buffer planting that includes ground covers achieving heights of between 400mm to 2m.</p> <p>The neighbour to the west at No.22 Wright Street raised concern regarding the height, type and proximity of the proposed Lilli Pillis and in particular the larger Water Gums which are proposed directly on the boundary. The neighbour is concerned about the height of the trees and their close proximity to the boundary which may in time affect the structural integrity of the neighbour's retaining wall and also the potential for the tree to overshadow the</p>	
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		<p>property and also shed leaves etc.</p> <p>The purpose and intention of additional greenery and more significant landscaping along this side of the site is important as the site is exposed and a large proportion of the school site comprises of concreted areas. The larger trees will soften the development, partially screen the new Homebase building and significantly improve the visual quality of the outdoor spaces along this side by providing natural shading.</p> <p>Given the concerns raised by the objector to the rear the following landscaping changes are proposed;</p> <ol style="list-style-type: none"> 1. The three (3) water gums proposed along the north-western boundary shall be relocated a further 2m to be located within the area designated as "lawn" on the Landscape Plans. These trees will then be setback a minimum of 4m from the common boundary. The two (2) water gums located immediately to the west of the new building can not be located further from the boundary and their siting can not be 	
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		<p>adjusted. It is important for the trees to be planted in this location as they will provide valuable screening especially at the lower levels and until their reach maturity of approximately 8m. The water gum closest to Orange lane may need to be relocated within the school grounds if it is affected by the location of the OSD tank.</p> <p>This should reduce the potential for any damage to the adjoining neighbouring properties (retaining walls, boundary fences and associated structures). The Lilli Pilli's are considered suitable screen planting along the boundary and at maturity will only be some 1-1.2m higher than the boundary fence however given the neighbour to the west would prefer an evergreen species then a condition is included to replace the Lilli Pillis with alternative evergreen natives.</p> <p>Either way the proposed plants along the boundary that are unlikely to create any damage or impact onto the boundary and adjoining properties. As a screen they should also assist in becoming an acoustic barrier and screen any noise and activity from the school.</p>	
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Waste	<p>A garbage and waste storage area for recyclable and non-recyclable waste materials and receptacles for those materials must: be provided as part of the development, and</p> <p>be located entirely within the lot on which the development is being carried out and not on a road or road reserve, and comply with the following appendices in the document titled <i>Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities</i> (ISBN 978 1 74293 944 5), published by the NSW Environment Protection Authority in December 2012:</p> <p>Despite subclause (1) (a), the waste storage area may be part of an existing facility on the site that has capacity.</p>	<p>No change to the existing arrangement is proposed and Council's Waste Management Officer is satisfied with this arrangement.</p>	Yes
Earthworks	<p>Earthworks for the purposes of the development must: be structurally supported in accordance with subclause (2), and</p> <p>if the land is not identified as Class 3 or Class 4 on an Acid Sulfate Soils Map—not be more than 3m below ground level (existing), and</p> <p>if the land is identified as</p>	<p>No earthworks are proposed as part of this application with the exception of the footings and slabs to support the development.</p> <p>The Site is not located within an area affected by ASS.</p>	Yes

	<p>Class 3 or Class 4 on an Acid Sulfate Soils Map—not be more than 1m below ground level (existing), and</p> <p>be carried out at least 40m from any waterbody (natural), and</p> <p>if the works are on a lot adjacent to a rail corridor—have a setback at least 3m from the corridor.</p>		
Drainage	<p>All stormwater drainage collecting as a result of the development must be conveyed by a gravity fed or charged system to: a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.</p> <p>All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must: if an approval is required under section 68 of the Local Government Act 1993, be approved under that Act, or</p> <p>if an approval is not required under section 68 of the Local Government Act 1993, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.</p>	<p>Stormwater drainage has been designed to be connected into the existing system and the new Homebase building will be connected back to Building G and the existing stormwater system.</p> <p>The application is accompanied by a Stormwater Management Plan prepared by Knox Advanced Engineering which has been reviewed by Council's Engineers and considered to be satisfactory.</p>	Yes

Flood Control Lots	This clause applies: to all development that is to be carried out on a flood control lot, and in addition to all other development standards specified for complying development under this Policy.	The subject site is not flood affected.	Yes
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In addition to the provisions in Schedule 2 within the Education SEPP, there are seven design quality principles that should be considered and form Schedule 4. Their assessment is triggered by Clause 35 (6) of the Policy.

Assessment against the principles is provided below;

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.

Comment: The scale and form of the proposed development is considered to be sympathetic with the existing buildings on site and has been designed to respect the siting and location of immediately adjoining residential properties. The new two storey Homebase building will improve facilities in the school and provide a modern ground floor covered outdoor area. The form of the new building is consistent with the type constructed for education purposes. The design is simple and aims to be in keeping with the existing buildings.

The building is orientated east/west so that the body of the building will obtain northern light. This is a better siting as most of the building is away from the residential boundary and more centralised. The alternative could be to site the building north-south and this would have a much more detrimental impact to adjoining properties as the bulk and scale will be exacerbated and more visually dominating.

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.

Comment: The proposal has been designed to be sustainable and robust due to needs of the existing use on site. The materials, colours and finishes chosen intend on being sustainable in perpetuity requiring minimal maintenance as the building is institutional in its design and intent.

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.

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

Comment: Hurstville Public School is a large school with well-maintained grounds and buildings. Access around the school is well designed and buildings are signposted and easily recognisable. The school is open for its facilities to be utilised by the public and community at large after hours. The extension of the Hall would make this space able to be used by theatre groups or for similar activities on weekends or after hours. Likewise, the new home-base building could also be used after hours by TAFE or adult courses etc. There is scope through the design of the facilities to make them available and accessible to the wider general public.

Lift access is provided to the new home-base building to facilitate access for all.

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.

Comment: The development will further ensure the school is safe and easy to access. The new service vehicular access and entry off Orange Lane will significantly improve secondary access through to the school especially given that Forest Road is busy and access is limited off this arterial road. This new point of entry/access will improve security and safety in and around the school providing for a point of emergency access or access for larger trucks and delivery vehicles.

Council's Health and Building Officer has reviewed the application and included a series of conditions regarding the construction, management and operation of the new canteen

to ensure it complies with standard provisions for food handling, safety and health provisions in accordance with the BCA.

A condition is included in respect to potential asbestos removal and any unexpected finds whilst construction occurs.

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.

Comment: Amenity is improved by the provision of a new home-base building and the refurbishment and enlargement of key facilities within the school (Hall, Library and Canteen). The amenity for students and staff will be substantially improved and modernised by the provision of these upgraded facilities. Connections through to buildings and around the school will be retained and strengthened with more covered accessways for protection against the elements and poor weather conditions.

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.

Comment: The new home-base building has a flexible design incorporating elements of lightweight internal partitions, operable walls and shared central spaces for future adaptation to changing pedagogy and teaching styles. This space is easily adaptable for a variety of purposes and uses. It is not static. The refurbishment and extension of the hall also has the capacity to be utilised for a number of uses. This allows for adaptability and allow for ever-changing environmental needs.

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.

Comment: The other internal alterations and additions to the existing buildings are considered small scale and single storey in nature. The new two storey Homebase building is a new element and structure within the schools landscape. This building is two storey's in scale and seeks to be sympathetic to the general nature and character of the existing school buildings and aims to be empathetic to the adjoining residential zone to the west.

Immediately to the west of the site is a small scale residential precinct which comprises of a variety of single and two-storey dwelling houses, dual occupancy developments and villa and townhouse developments. The school also abuts the Adventist School along the north-west and to the north, the Hurstville Boys School. The two storey scale of the proposed development is considered to be consistent with the character and nature of the adjoining locality. Although the building will be slightly higher than a standard two-storey residential property (9m max height limit) the building achieves a height of 10m (11.4m maximum where there is a pop up roof feature to allow for additional light and ventilation). The scale and height is generally consistent with the desired future character for development within the immediate vicinity of the site.

The two first objectives of the R2 zone in the HLEP are

"To provide for the housing needs of the community within a low density residential environment and to enable other land uses that provide facilities or services to meet the day to day needs of residents"

Although the development is not residential in nature it satisfies the key objectives of the zone and will not adversely affect the amenity of immediately adjoining developments. It should also be noted that the new works will not be visible from the primary roadways (Forest Road, Wrights Road or Kenwyn Street).

Hurstville Local Environmental Plan 2012 (HLEP 2012)

The provisions of the Hurstville Local Environmental Plan (HLEP) apply to the proposed development which complies with the relevant provisions as follows.

Clause	Standard	Proposal	Complies
2.3 Zone objectives and land use table	SP2 – "Educational Establishments" Educational Establishments are permissible in the zone.	The proposal is consistent with the zone objectives which include; <i>To provide for infrastructure and related uses.</i> <i>To prevent development that is not compatible with or that may detract</i>	Yes

		<i>from the provision of infrastructure.</i>	
4.3 Height of Buildings	No maximum building height has been designated for this Site	<p>Despite the Site having no statutory height limit, the proposal has considered the objectives of the height control which are;</p> <p><i>To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</i></p> <p><i>To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,</i></p> <p><i>To minimise the adverse impact of development on heritage items,</i></p> <p><i>To nominate heights that will provide a transition in built form and land use intensity,</i></p> <p><i>To establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,</i></p> <p><i>To facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,</i></p> <p><i>To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.</i></p>	Yes – satisfies the objectives of the control
4.4 Floor Space Ratio	No maximum FSR is specified for development within the SP2 zone.	<p>The site has a total site area of over 2.46ha in area which is considered to be substantial in its size and area.</p> <p>The new works are small scale in nature and contribute to a minimal</p>	

		increase in additional gross floor area when considered across the site.	
4.6 Exceptions to Development Standards	This provision is not applicable to the proposal as there is no non-compliance with a statutory control.	N/A in this case.	N/A
5.10 Heritage Conservation	The Site is designated as a Heritage Item and defined as "Hurstville Public School" in accordance with Schedule 5 of the LEP.	<p>Pursuant to Schedule 5 of the KLEP 2012 the Site is designated as a Heritage Item Local and State.</p> <p>The subject site contains a building (main school building) which is identified as a Local Heritage Item (I28) although the whole school is classified as an Item.</p> <p>The site is not contained within a conservation area but adjoins a local heritage item to the north (Hurstville Boys Campus – I30) and is in the vicinity of the Allawah Reservoir (I27).</p>	<p>Yes</p> <p>Council's Heritage Advisor assessed the proposal and supports the proposal given its context and design. More discussion on this issue is provided below.</p>
6.1 Acid Sulphate Soils	Not applicable to the Site	The subject site does not contain any acid sulphate soils.	N/A
6.2 Earthworks	<p>Before granting development consent for earthworks the consent authority must consider:</p> <p>Impact on drainage patterns and soil stability</p>	The proposed development does not involve any cut or fill and the existing ground floor levels will remain as existing.	Yes

	<p>The effect on likely future use or redevelopment of the land</p> <p>The quality of the fill or the excavated soil.</p> <p>The effect on existing and likely amenity of adjoining properties.</p> <p>The source of fill material and the destination of excavated material.</p> <p>The likelihood of disturbing relics.</p> <p>The potential impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>		
6.3 – Flood Planning	Mapping does not indicate that the Site is flood prone	The site is not identified as a Flood affected land.	Yes

Clause 5.10 – Environmental Heritage

The subject site is classified as a Local Heritage Item pursuant to Schedule 5 of the HLEP 2012 and is identified as I28 – Hurstville Public School. Figure 6 below shows the extent of the heritage listing across the site as depicted in the HLEP.

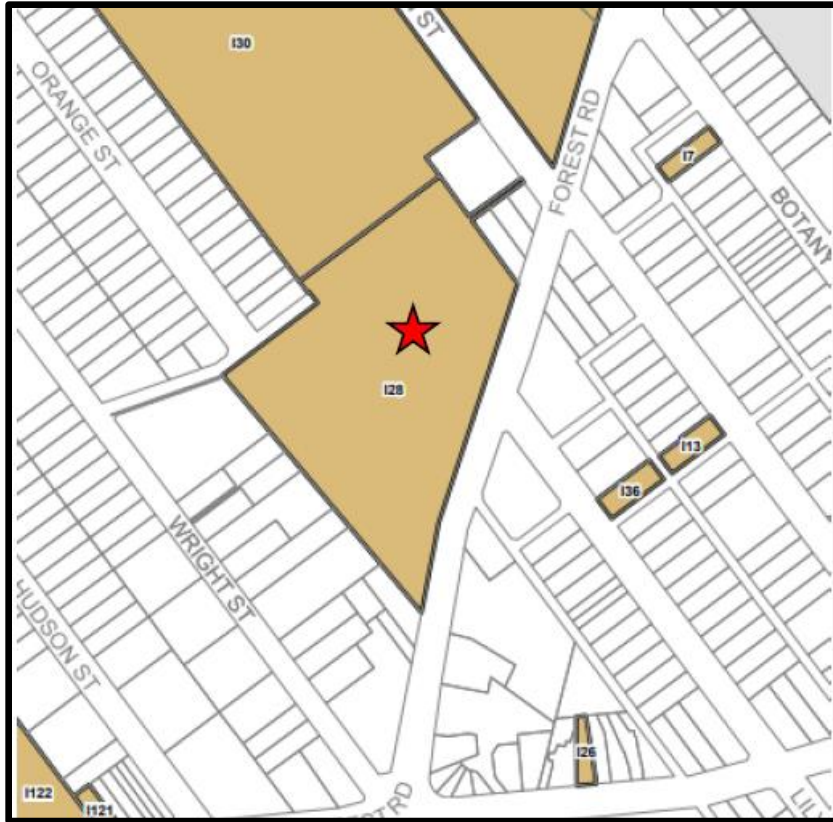


Figure 6: The subject site, its heritage listing in accordance with Schedule 5 of the HLEP and adjoining items (extract from the HELP Heritage Conservation mapping)

Although the whole of the school site is classified as a Heritage Item there are only a few buildings across the site exemplifying some form of heritage or historic significance.

The Statement of Significance in the State Heritage Inventory report states “*Hurstville Public School is a good example of a Federation education building. It has historical associations with Hurstville since commencing its operation in 1891*”. Council’s Heritage Advisor states that “*the heritage listing only applies to the 1891 building and that the heritage item also makes a positive contribution to the streetscape*”.

Figure 7 below highlights the main building which is the most historically significant building on site.

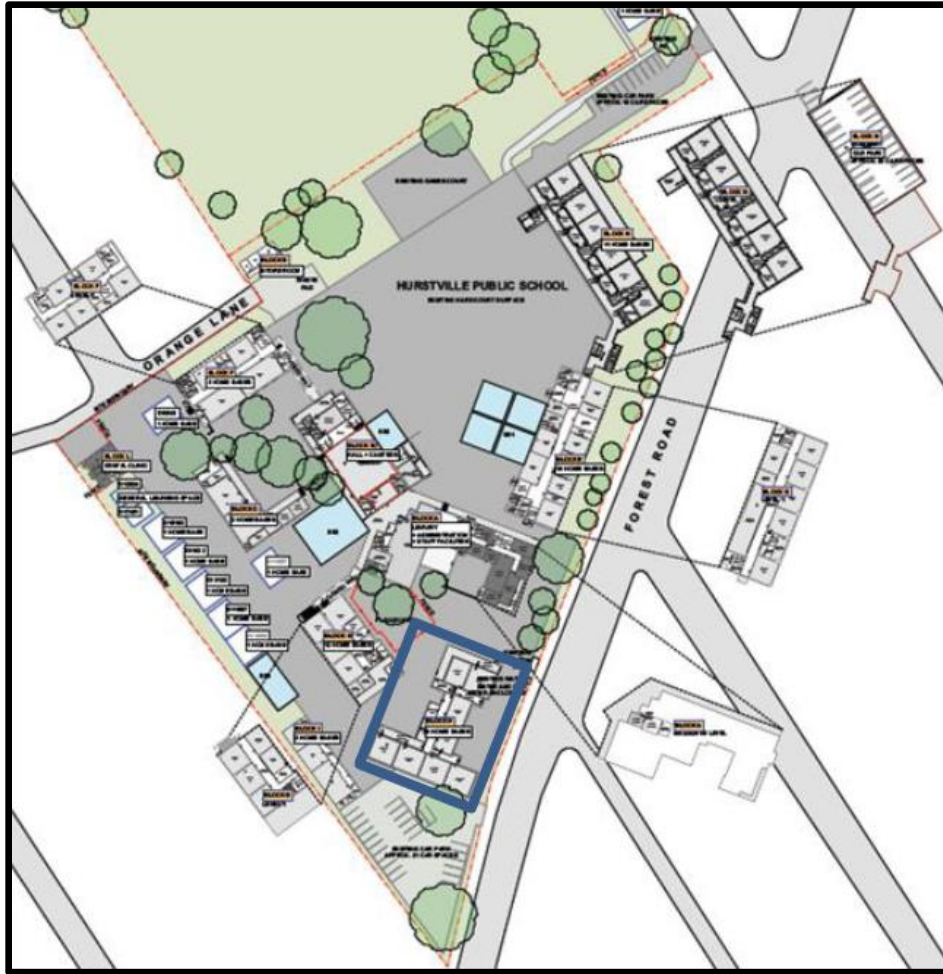


Figure 7: The main heritage listed building at the site outlined in dark blue

A Statement of Heritage Impact was submitted with the application, prepared by Heritage 21 which considers the impact of the development onto the item and the items in the vicinity of the Site.

Sections 5.10(4) and 5.10(5) of the HLEP 2012 require Council to assess the potential heritage impact of non-exempt development such as the proposed works on the heritage significance of the items and also to assess the extent, whether negative, positive or neutral to which the proposal would impact the heritage significance of those heritage items. The heritage item is a Federation Building comprising of two wings to the building with a recessed section which includes the Bell Tower. Photo 1 below shows the front façade of the building. There are no works proposed to the building.



Photo 8: The old main heritage building (known as Building H) on site as viewed from Forest Road, Hurstville

There are a number of other buildings within the site that are particularly attractive Federation style buildings that are well maintained, generally intact and in an original condition however they are not identified independently. Photo 9 below shows the adjoining building which is one a prominent and attractive building. There are other buildings on site which are weatherboard structures and are considered to be attractive and significant in their own right even though they are not classified as having any heritage significance.

The proposal was referred to Council's Heritage Advisor for comment. No objection was raised in respect to the proposed works as the new works not not affect the integrity of the heritage item and do not affect the general curtilage of the item. Council's Heritage Advisor made the following comments;

"The proposed works include: demolition of toilets and covered walkway of Block C and steel stair to Block G. Proposed construction includes four new home bases; new toilets; new canteen; new lift; extensions to the existing library and hall; and new COLA. The proposed works noted above do not physically impact the heritage item, and are not within the visual catchment of same in primary views from Forest Road. The proposed works will have no adverse impact on the heritage item and the proposed works will have no adverse impact on heritage items in the vicinity including Georges River College – Hurstville Boys Campus". In conclusion the Heritage Advisor stated that "The development proposal will have no adverse impact on the heritage item - Hurstville Public School or heritage items in the vicinity. DA2018/0478 is considered is considered acceptable from a heritage point of view and there are no heritage-related heritage conditions".



Photo 10: Building E original old Federation building fronting Forest Road, Hurstville

Hurstville Development Control Plan No.1 (HDCP)

The HDCP is applicable to the Site however the Policy does not include any specific provisions or planning controls in relation to Educational Establishments (schools) however Part 3 of the DCP is relevant as it relates to all development within Hurstville.

Part 3.1 – Vehicular access, Parking and Manoeuvrability

The extent to which the proposed development complies with the car parking provisions is outlined in the table below.

3.1	Relevant Requirements	Proposed	Complies
PC1 General	<p>Car parking and service vehicle areas are:</p> <p>a. sufficient, safe and convenient and meets user requirements including pedestrians, cyclists and vehicles</p> <p>b. safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, impact pedestrians or</p>	<p>The proposal does not alter the existing car parking arrangements on site as there is no change proposed to the existing student and staff numbers.</p> <p>The new access from Orange Lane is for emergency services and will improve safety and accessibility through to the site as</p>	No change to existing arrangement

	<p>cyclists and does not result in detrimental effects to adjoining or nearby properties</p> <p>c. provided according to projected needs and provide pleasant areas in which to park</p> <p>Design Solution 1.2 states that <i>“Table 1 and Table 2 provide on-site parking requirements for each specific land use. Where parking calculations produce a fraction, the requirement is rounded up e.g. 3.2 spaces = 4 spaces.” Table 1 provides minimum car parking rates for a variety of uses.</i></p> <p>For Educational Establishments the DCP requires 1 space per 2 employees.</p>	<p>Forest Road (primary access point) is a very busy roadway.</p> <p>There is no proposed increase in on-site parking and there are no new parking spaces to be provided. Given that the development proposed does not increase student and staff numbers then it does not generate the need for additional parking in accordance with the DCP requirement.</p>	<p>No increase required - acceptable</p>
PC2 Environmental Design	<p>Parking areas:</p> <p>a. promote pleasant, safe car parking areas and protect the natural environment</p> <p>b. are designed to reflect the environmental conditions of the land</p> <p>c. incorporate measures to protect the natural environment</p>	<p>There is no change proposed to the existing parking facilities on site.</p>	<p>No change to existing</p>

Part 3.3 Access and Mobility

The proposed development aims to satisfy the provisions for disabled access and create appropriate levels of access and mobility across the site for all the new works

proposed. An accessible lift is proposed to provide access to the new Homebase building.

Part 3.4 Crime Prevention through Design

The school adopts a series of security measures to ensure students, staff and buildings and associated property is safe and secure at all times. The buildings and new works have been designed to minimise the potential for graffiti and they are located within the centre of the school site so accessibility is restricted.

Part 3.5 Landscaping

The objectives of this section are;

- *to contribute to the creation of a distinct landscape character for Hurstville*
- *to protect existing significant trees and vegetation*
- *to reduce the visual and environmental impact of buildings, structures and hardstand*
- *to create attractive, comfortable, functional and safe streets, public domain and private domain*
- *to complement and enhance the function of communal open space, private open space and setback areas*
- *to provide potential habitat for desirable local wildlife species*
- *to encourage on site stormwater infiltration*
- *to reduce the urban heat island effect*

The proposed landscaping arrangement will improve the amount of deep soil and landscaped area within the school site which is largely concreted and does not include any grassed areas. The new landscape strip to the north of the home base building will incorporate lawn, trees and shrubs which will create an attractive green buffer and screening mechanism. The works will improve the landscape and visual environment along the western side of the site.

Part 3.7 Stormwater

The objectives of this part of the DCP are;

- *to provide for the efficient and functional management of stormwater*
- *to achieve acceptable discharge rates for stormwater discharge off site, including minimising the risk of flooding*
- *to ensure the quality of stormwater discharged off site does not cause significant adverse impacts on the ecological values of receiving waters such as creeks, rivers or estuaries*
- *to ensure development does not exacerbate overland flow issues for other properties*
- *to minimise change to existing ground levels*

- *to ensure stormwater management does not adversely affect the visual quality of streetscapes*
- *to achieve development outcomes that are suited to the level of flooding risk identified by Council's Hurstville Flood Study*

The proposed stormwater and drainage design has been designed to satisfy Council's specifications. Council's Engineers reviewed the plan and did not raise any objections subject to the imposition of conditions. However several of Council's conditions are not to the satisfaction of the Department of Education.

The specific conditions that are a point of contention are highlighted in the General Conditions section. In summary the conditions that Council's Engineers insist on imposing are;

Condition 31 (Extension of Council's Drainage System). This condition requires Council's public infrastructure to be upgraded and a new stormwater pipe of some 80m along Orange Lane to be constructed to cater for the additional stormwater generated by the development. Council's Engineers have stated that *"On Site Detention was being employed and that the post-development discharge rate to the street gutter would be 82 Litres/sec. Hurstville DCP 1 Section 3.7, Design Solution DS1.12 it is written to state that 'The point discharge to the gutter must not exceed 25 litres per second (a total for the site)'*. On this basis, and given the amount of discharge that is being proposed which exceeds Council's controls this facilitates an upgrade in the drainage services provided along Orange Lane. **Condition 32** (Stormwater Design) which is associated with Condition 31 and relates to the proposed public infrastructure works. Other Engineering conditions which are currently a point of contention between Council and the Department of Education are **Condition 34** (On site Detention) and **Condition 63** (Completion of Major Works) which Council considers to be standard Engineering conditions and should not affect the project in any way and simply ensure that the proposed drainage and stormwater system is compliant.

The Department of Education objects to the requirement to upgrade the drain and stormwater pipe along Orange lane as the Department believes these are unnecessary, substantial infrastructure works which will be costly and haven't been factored into the CIV of the project and if required will put the project at risk.

At the time of finalising this report no further information was provided by the Department or Council so it will be up to the Panel to make a decision in respect to imposing, amending or removing the conditions. If the Panel opts to retain the conditions then the application will need to be referred to the Minister for determination in accordance Section 4.33(1)(a) of the Act.

Georges River Section 94A Contributions Plan

The proposed development requires the payment of Section 7.12 (previously Section 94A) contributions under the provisions of Council's document titled "Section 94A

Contributions Plan 2017". Contributions under Section 7.12 of the Environmental Planning and Assessment Act 1979 are applicable based on the estimated cost of development which in this instance is 1% for \$200,001 or more. Section 7.12 contributions for this development equate to \$79,518.10 based on the estimated cost of development of \$7,951,181 as indicated on the applicant's DA form.

Section 4.7.2 of the Plan specifies that educational establishments could be exempt from providing a levy if they provide a comprehensive argument justifying why they should not be charged. In considering the exemption Council will take into account the following;

- (i) *The extent to which the proposed development comprises or includes the provision, extension or augmentation of public facilities that provide a public benefit, and/or*
- (ii) *Whether the applicant is affected by any adverse financial circumstances which will impact on its ability to fund the payment of any levy which is imposed in accordance with this Plan.*

On 14 May 2019, the school provided a formal written justification seeking exemption from paying Section 94A Contributions. The school also provided legal advice to support this request. The schools submission stated that;

"The Department of Planning's Circular D6 represents the consistently held view that the Department of Education, as a Crown Authority, provides critical community infrastructure and that to levy any developer contribution on provisions of public education facilities increases the cost of such infrastructure for all taxpayers in the State.

Hurstville Public School has been providing public education services on the site since inception in 1892. The growth of the School is in direct response to new residential growth approved within the School's catchment".

The legal advice that supports the submission relies on the understanding, interpretation and consistent application of the Department of Planning's Circular D6 which accepts that the Crowns role in providing vital public education services to the wider community provides enough justification in its own right to be exempt from providing the contribution. It maintains that although the use and redevelopment is not injecting direct funds to enhance the public domain its function is to provide public education to the wider community and the product of the development will enhance the provision of these educational resources and provide a modern and better range of services for students.

Also, as previously mentioned aligned with the schools objective of providing efficient, effective and high level of public education aligned with this the school assists in

facilitating a number of community uses within the school ground. The school caters for the following community activities;

- External education providers of S.T.E.A.M.
- Before school care
- After school care
- Vacation care
- Art academy
- Dance Studios (2 different kinds)
- Greek School
- Harlow School of Dance
- Martial Arts
- Music/band practice
- Chinese Australian Services Society.

This argument is generally accepted by Council given it's a public resource. If Council or the Panel decided to impose the condition the application would have to be referred to the Minister for his/her determination.

IMPACTS

Natural Environment

The proposed development will not result in adverse impacts to the natural environment. The site contains no significant vegetation it is predominantly made up of concreted and hardstand areas. There are two smaller trees adjoining the library which will require removal to cater for the new library extension however replacement planting is recommended as part of the Arborists assessment. This solution is acceptable and is covered by a condition if consent is issued.

The proposed construction of the two storey home-base building will consolidate the existing 7 demountable buildings that occupy the length of the western boundary. The new building and relocation of the demountables will allow for a larger amount of open space along the western boundary and the landscape plan provides for 5 larger trees and a lawn area. This is a substantial environmental improvement to the existing natural environment and will provide a soft green space.

Built Environment

There are no perceived negative or adverse amenity impacts generated by the development. Most of the works are located centrally within the school site and will not be seen from the public domain. They are also sited a substantial distance from common boundaries and the road frontages.

The new Homebase building has been sensitively designed to minimise amenity impacts such as noise, overshadowing and overlooking. It will be seen and larger than the existing single storey demountables that occupied this part of the site (and have

subsequently been moved) but will allow for some deep soil planting and the provision of trees and landscaping which will assist in screening the development and softening its visual appearance when viewed from the western side.

The works will not affect the existing heritage items on site and will retain the integrity, fabric and setting of these old main buildings.

Social Impact

The proposed development is considered to provide a positive social outcome by providing some additional educational facilities and upgrade existing facilities i.e. a new canteen and library and hall extension which will benefit the students and wider school community.

Economic Impact

The proposed development will not create an adverse economic impact in fact it will contribute to maintaining jobs in the construction industry as this is an integrated project that requires the co-ordination of many trades.

Suitability of the site

It is considered that the proposed development is of a scale and design that is suitable for the site. It is a permissible use in the zone and maintains the ongoing use of the site as a school.

Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed.

SUBMISSIONS AND THE PUBLIC INTEREST

The original application was notified and advertised to immediately adjoining properties for an extended period of over two months in accordance with Council's notification/advertising requirements as the notification fell within the Christmas and New Year public holiday period. Notification began in November 2018 and finished on 13 February 2019.

During this period three (3) submissions were received in reply. The following issues were raised as issues resulting from the proposed development.

- **Windows along the first floor western and eastern side of the home-base building be constructed of frosted glass**

Officer Comment:

The design of the new home-base building includes the provision of frosted glazing to a number of first floor windows to ensure there is no undue overlooking to the residential properties to the west.

Given the almost 6m side boundary setback and the provision of Water Gums to be planted to the west which will provide some additional screening to the first floor this is considered to be generally satisfactory however it is recommended that some additional conditions be imposed so that the windows at the first floor western side to the entry and along the two (2) meeting rooms have their bottom window panes fixed and obscure glazed to reduce any potential for overlooking.

Along the northern side it is also suggested that a few more windows adjoining the staircase and associated landing are constructed of obscure glazing to reduce the potential for overlooking to the west.

The Department of Education has consented to the inclusion of these additional conditions.

- **The ground floor uses of the new Homebase building including the new toilet/amenities area create undue noise.**

Officer Comment:

The proposed new ground floor toilet and amenities block located along the western side of the new Homebase building is unlikely to generate any unnecessary noise impacts. These spaces will largely be used during recess and lunch so very limited in their utilisation and intensity. The spaces are orientated centrally to face the school rather than adjoining properties.

In fact, the location and design of this element which is constructed of brick with no openings proposed along the western side will act as a screen and buffer noise that will be largely generated by the open style ground floor COLA adjoining the toilet block.

- **There should be no airways or openings along the amenities/toilet block**

Officer Comment:

The design of the toilet block is such that there are no openings along the western, northern and southern side of this part of the building. The design is considered to be satisfactory and addresses the submitters concerns.

- **No use of the ground floor area within the home-base building to be used for after school activities due to the potential noise impacts**

Officers comment:

One of the key objectives of the Education SEPP is for school buildings and facilities to be adaptable to cater for out of school uses for the wider community. This objective aims to make facilities available to other educational, community, social or sporting associations after hours and this is an important initiative. The Homebase building could be used for other activities but it would be unlikely that they will have any adverse noise impacts as it could be for arts classes, adult education, extra-curricular classes etc.

Even if the space was used for before or after school care (which is unlikely and does not form part of this application) the hours are from 7am to 6pm which are not considered unreasonable.

- **Traffic congestion currently exists during drop off and pick up. An on-site drop off pick up point should be established.**

Officer comment:

There is no change proposed to the existing car parking arrangement and drop of and pick up. There will be no increase in student or staff numbers generated by the development. The proposal is catering for a new access point for emergency vehicles off Orange Lane however this cannot become an onsite drop off pick up zone as the school does not have the space to cater for this facility on site and if not appropriately managed could be unsafe.

- **Increased noise from the new building**

Officer comment

The application was accompanied by an Acoustic Report which confirmed that the noise generated by the development, in particular the new home-base building was not unreasonable. The report recommended specific construction methods which would reduce impacts and the recommendations of the report will be implemented. A condition is included to ensure this occurs.

- **Overlooking from the new windows at the first floor**

Officer comment:

The issue of privacy and overlooking has been addressed in detail earlier in this report. Conditions are included if consent is to be issued that require several more windows along the western and northern side of the development to be fixed and obscure glazed. The Department of Education did not object to the implementation of these conditions.

Subject to these conditions being implemented there will be no potential for overlooking created by the development.

- **Odours from the toilet/amenities block**

Officer comment:

The toilet block has been designed to have minimal openings and there will be none along the western, northern and southern side. The main openings to obtain cross ventilation to the amenities block are along the eastern side which is internal and centrally within the school. It is unlikely due to the physical separation of the structure (some 6m from the common boundary to the west to residential properties) and the orientation and also the intensity of utilisation of these spaces is considered to be limited to recess and lunch etc. so it is unlikely that there will be any undue odours. The

school is cleaned every day and there are also many ways in which odours can be minimised as well during the cleaning process with the use of diffusers and scents which can reduce the presence of odours.

- **Overshadowing by the building and trees to No.22A Wright Street**

Officer Comment:

The issue of overshadowing has been addressed earlier in this report in detail. The rear yard of 22A Wright Street is located to the west of the school and will not be obstructed in any way by the new building. Shadow diagrams show that there will be some but minimal shadows cast to the rear of No.22A at 9am in midwinter with shadows not affecting this property from 12noon in midwinter. As such the property will receive the minimum 3hours of solar access during midwinter which is considered to be acceptable and compliant.

In respect to the Water Gums they will achieve a height of 8m at maturity and like with any trees will allow for filtered light so they will not substantially overshadow properties but provide important shade and greenery for the school children. A condition has required the gums directly adjoining No.22A to be relocated further from the western boundary and sited a minimum 5m from the boundary rather than 3m. This will provide greater physical separation and should reduce any associated impacts from the trees (i.e. damage to retaining walls, fencing and will minimise leaves dropping onto the adjoining properties as the canopy may not even reach the boundary).

- **Potential damage caused by the proposed water gums located immediately adjoin the boundary**

Officer comment:

See comment above. Associated conditions are imposed to improve this situation by relocating the water gums further from the common boundary.

- **Noise by the birds, mess from leaves and the shading caused by the trees**

Officer comment:

It is understood that some people find trees to be a nuisance and prefer low maintenance shrubs and plants. It is acknowledged that trees can require more maintenance however in terms of school sites trees are important in providing greenery softening spaces and providing greenery. In this case the importance and benefit of the trees and associated lawn area outweighs the costs of maintaining these landscaping features. It is suggested that the trees need to be retained however relocating them further from the common boundary to the west should reduce impacts. Trees provide important habitat for birds and wildlife and provide an important environmental and visual and amenity benefits.

- **Landscaping along the boundary should have a maximum height of 2.5m at maturity and be evergreen**

Officer comment:

The proposal includes a row of Lilli Pillis along the common western boundary. These plants are evergreen and will provide a green screen to the development. They achieve a maximum height of some 3m which will be some 1.2m higher than the common boundary fence which is considered to be acceptable. It is unlikely that they will create any adverse impacts to adjoining residences.

REFERRALS

Council Internal Referrals

Development Engineer

Council's Development Engineer has raised no objection to the proposed stormwater and drainage arrangement subject to conditions of consent being attached to any consent granted. The Department of Education did question a series of stormwater and drainage conditions that were imposed especially in relation to the requirement for the Applicant to provide for new public infrastructure along Orange Lane to cater for the additional stormwater generated by the new works (especially the new home-base building).

As previously discussed, Council's Engineers maintain the imposition of conditions 31, 32, 34, 61 and 63 as they believe there will be serious issues with flooding as the discharge from the new development on site will exceed Council's minimum requirements and will put undue pressure on the existing stormwater system along Orange Lane. As such the stormwater system will require upgrading. Council's Engineers have maintained and justified this position for the following reasons;

"It would appear that approximately 50% of the school site drains towards Orange Lane with the underground system intending to direct the majority of roof and a portion of the pavement runoff towards two rectangular hollow section conduits (approx. dimensions 300x100, and 600 x150 resp.) for discharge to the Orange Lane street gutter at the intersection with Orange Street. Outlet pipes and rectangular hollow section conduits across the footpath that are meant to convey stormwater from the school are either blocked or of doubtful functionality considering the blockages observed in the school drainage system.

One could comfortably conclude that the entrance steps to the school from Orange Lane would be awash with stormwater runoff during storm events of a relatively frequent nature.

Knox Advanced Engineering in their drawing titled Siteworks, Stormwater Drainage & Pavement Plan - Sheet 1, Revision 4 of 7/11/'18 indicate a discharge rate from the site of 82 Litres /second. This contrasts significantly with Council's limit of 25 litres /second (Hurstville DCP1 Section 3.7).

- It needs to be demonstrated to Council's satisfaction, as the Floodplain Manager appointed by the New South Wales Government, that the runoff from the school is not only detained, via an On Site Detention system, but that the existing system is maintained to a fully functional state, so that roof and pavement runoff is controlled via an underground system to be disposed of underground to Council's drainage system.*
- Both Council's Hurstville DCP1, and the NSW State Government's Zoning and Development Controls in Section 5.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 requirement is conveyance by gravity to 'a public drainage system'."*

The Department of Education on the other hand objects to the imposition of the conditions as they believe the system they have designed is compliant and the cost of the proposed public infrastructure works will be substantial in nature and will place the project at risk.

Given the proposed development generally fulfils the "complying development" standards within the Education SEPP the Development Application is only lodged by the fact the works affect a Heritage Item. In any other case and if the site wasn't a heritage item the works would be complying and would have to satisfy the development standards outlined in Schedule 2 of the Education SEPP. In relation to drainage the development would need to satisfy the following provisions;

(1) All stormwater drainage collecting as a result of the development must be conveyed by a gravity fed or charged system to:

- (a) a public drainage system, or*
- (b) an inter-allotment drainage system, or*
- (c) an on-site disposal system.*

(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:

- (a) if an approval is required under section 68 of the [Local Government Act 1993](#), be approved under that Act, or*
- (b) if an approval is not required under section 68 of the [Local Government Act 1993](#), comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.*

Traffic Engineer

Council's Traffic Engineer has reviewed the application and proposed development. Given there is no intended increase in student numbers and no change to the existing parking arrangement at the school no objections are raised.

Environmental Health Officer

Council's Environmental Health Officer has raised no objection subject to conditions of consent being attached to any consent granted.

Coordinator of Environment Sustainability and Waste

Council's Coordinator of Environment Sustainability and Waste has raised no objection to the proposal as there is no proposed increase in student numbers.

Council's Landscape Management Officer

Council's Consultant Landscape Officer has reviewed the application and raised no objection subject to conditions of consent being attached to any consent granted.

External Referrals

Roads and Maritime Services

The application was referred to RMS for comment in accordance with the provisions of Clause 13 (3) of the Education SEPP which requires consultation with RMS if

"the development will result in a new vehicular access point to the school, or a change in location of an existing vehicular access point to the school".

The proposal does not involve any changes to the existing parking and access arrangements at the school off Kenwyn Street or Forest Road (which is an arterial road) apart from the provision of a new service and emergency entry off Orange Lane at the rear of the Site. This new access will take a little bit of pressure off Forest Road and Kenwyn Street as these are the two key roadways that provide access and parking to the Site. This new accessway will only be for emergency purposes.

RMS has reviewed the application and raised no objections to the proposed parking and access arrangements.

CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Clause 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.

The application seeks approval for the construction of a new two storey home-base building with a ground floor COLA, amenities block, new lift and first floor learning

spaces along the western side of the school and single storey extensions to the library, hall and construct a new canteen, which will be centrally located within the school. These additions are single storey in nature. The proposal includes site works and associated landscaping.

The proposed development application was lodged on the 25 October 2018 with a Capital Investment Value (CIV) of \$7,951,810.24 which classifies the proposal as Regional Development. Therefore, the Sydney South Regional Planning Panel is the consent authority.

The development has been assessed against the requirements of the relevant planning instruments and development control plans and is consistent with those requirements and generally in compliance with the complying development provisions of the Education SEPP. Submissions received in response to the application being notified have been addressed and suitable conditions have been imposed to minimise impacts.

Following detailed assessment it is considered that Development Application No DA2018/0478 should be approved subject to conditions.

DETERMINATION AND STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposal satisfies the objectives and “complying development” provisions of the Education SEPP.
- The proposal will not adversely affect the amenity of immediately adjoining residential properties in relation to overshadowing, overlooking or noise impacts. The implementation of conditions will further improve and minimise potential impacts and generally address the concerns raised by submitters.
- The proposed landscaped area adjacent to the home-base building will improve and increase the amount of deep soil and soft landscaped area at the school. It will improve the visual appearance of the new works and soften the appearance of buildings and structures on site. The design of the development should have a positive contribution for the school.

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the South Sydney Planning Panel, grants approval to Development Application DA2018/0478 for alterations and additions at Hurstville Public School including the construction of a new two storey Homebase building along the western side of the site, extension to the library, hall and the construction of a new canteen, associated landscaping and site works on Lot 32 DP 824051 known as 80 Forest Road, Hurstville subject to the following conditions of consent:

Section A Development Details

1. **Approved Plans** - The development will be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Cover page and drawing register	DA-0000	9/11/2018	B	Gardner Wetherill Associates
Site Analysis Plan	DA-0401	9/11/2018	B	Gardner Wetherill Associates
Site Plan	DA-0402	9/11/2018	B	Gardner Wetherill Associates
Ground Floor Plan – Hall and Library	DA-1202	9/11/2018	B	Gardner Wetherill Associates
Ground Floor – New Homebase	DA-1201	9/11/2018	B	Gardner Wetherill Associates
First Floor Plan – New Homebase	DA-1301	9/11/2018	B	Gardner Wetherill Associates
Roof Plan – Hall and Library	DA-1402	9/11//2018	B	Gardner Wetherill Associates
Roof Plan – New Homebase	DA-1401	9/11/2018	B	Gardner Wetherill Associates
Views of new buildings	DA-9001	9/11/2018	B	Gardner Wetherill Associates
Sections – New Homebase	DA-1601	9/11/2018	B	Gardner Wetherill

				Associates
Sections – Hall, Canteen and Library Extensions	DA-1602	9/11/2018	B	Gardner Wetherill Associates
Elevations – New Homebase	DA-1501	9/11/2018	B	Gardner Wetherill Associates
Elevations – Hall, Canteen and Library	DA-1502	9/11/2018	B	Gardner Wetherill Associates
Shadow Diagrams	DA-9101	9/11/2018	B	Gardner Wetherill Associates
Materials finishes and selections	N/A	18/10/2018	A	Gardner Wetherill Associates
Landscape Plans	152.18/405'A'	November 2018	N/A	Iscape Landscape Architects
Stormwater Plans	RD01(Sheet 1)	October 2018	4	Knox Advanced Engineering
	RD02 (Sheet 2)	October 2018	4	Knox Advanced Engineering
	RD03 (Sheet 3)	October 2018	2	Knox Advanced Engineering
Sediment and Erosion Control Plan	CS01 CS02 SD02	October 2018	4	Knox Advanced Engineering
Survey Plan	60643001A Sheet 1-6	17/7/2018	N/A	Hill and Blume Consulting Engineers
Statement of Environmental Effects	N/A	October 2018	N/A	Ian Glendinning Planning

PRIOR TO THE CERTIFICATION OF THE WORKS

2. **Contamination** – The recommendations of the Hazardous Materials Survey report prepared by Airsafe and dated 1/11/2018 are to be implemented prior to and during construction.
3. **Trees** – the recommendations within the Arborist Impact Assessment prepared by McArdle Arborist Consultancy shall be complied with during and after construction. Any tree protection measures are to be implemented in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.
4. **Heritage** – the recommendations outlined in the Statement of Heritage Impact prepared by Heritage 21 and dated October 2018 shall be complied with during and after construction work.
5. **Waste** – The recommendations of the Waste Management Plan prepared by Gardner Wetherill Associates and dated 18/10/2018 shall be implemented during and after construction works.
6. **Site Investigation** – the findings and recommendations in the Stage 1 Preliminary Site Investigation report prepared by SLR and dated August 2018 shall be complied with before, during and after construction occurs at the site.
7. **Geotechnical** – the recommendations in the Geotechnical report prepared by JK Geotechnics and dated 27 July 2018 shall be implemented before and during construction activity commencing.
8. **Acoustic** – The recommendations proposed in the Acoustic Report prepared by Acoustic Logic and dated 29 April 2019 shall be implemented before, during and after construction works.
9. **Tree removal and replacement** – the following measures are to be adopted and adhered to before, during and after construction;

Tree removal

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Jacaranda mimosifolia</i>	X1	<i>Within small courtyard, adjacent to enclosed playground, behind Administration</i>
<i>Bauhinia Spp</i>	X1	<i>Within small courtyard, adjacent to</i>

		<i>enclosed playground, behind Administration</i>
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General Tree Removal Requirements

- (a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - *Pruning of Amenity Trees* and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

Tree Replacement within subject site

The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

A minimum of 2 x 45 litre size additional trees shall be planted within the property. The trees are to conform to AS2303 – 2015, *Tree stock for landscape use* and shall be protected using tree guards and mulched.

Replacement tree species selected shall be in accordance with trees recommended within the arborist report, page 10 –

1 x *Callistemon viminalis*

1 x *Eucalyptus ficifolia*

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

10. **Landscaping** – The following changes are to be made to the landscape plan and shall be implemented during construction;

- (a) The three (3) Water Gums (*Tristaniaopsis laurina*) located along the north-western boundary closest to Orange Lane shall be relocated to be sited within the designated "lawn" area and located a minimum of 5m from the western boundary and will be centrally located within the lawn area. The water gum closest to the OSD Tank may need to be relocated and if it can not be catered in this location will be resituated in another more suitable part of the school

site. The two (2) water gums located to the west of the new Homebase building shall be retained to assist in screening the building and greening this space.

- (b) The proposed Dwarf Lilli Pilli (*Acmena smithii* var. *minor*) that are proposed along the western boundary shall be replaced with a similar evergreen tree that achieves a maximum height of 2m at maturity which is preferably a native species.

An amended Landscape Plan shall be provided to the satisfaction of the Certifier.

- 11. **Design** – The following design changes are to be implemented into the final detailed construction design to ensure the privacy and amenity of adjoining properties is maintained;

- (a) There shall be no openings along the northern side and western side on the ground floor to the new toilet amenities block of the Homebase building.
- (b) The lower window panes to the entry and two (2) meeting rooms along the western elevation of the new Homebase window shall be fixed and obscure or frosted glazed to reduce the potential for overlooking.
- (c) The windows to the staircase at the first floor level along the western elevation shall be constructed of frosted glass.
- (d) The two windows along the northern elevation to the staircase of the new Homebase building adjacent to the staircase landing shall be constructed of obscure or frosted glazing to reduce the potential for overlooking to the north-west.
- (e) Materials and finishes for the new Homebase building and alterations and additions shall be non-reflective.
- (f) The proposed new access point from Orange Lane shall only be utilised for Emergency vehicles and is not to act as an access/entry point for students, staff and/or visitors to the school. The area shall be line-marked and appropriate signage included to ensure minimum conflict between persons and vehicles and that safety is maintained at all times.
- (g) The new access gates along Orange Lane shall be consistent in design with the existing boundary fencing.

Amended architectural plans showing the changes shall be provided to the satisfaction of the Certifier.

12. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
13. **Disabled access** – The development must be designed and constructed to comply with: AS 1428.1 – 1993 Design for Access and Mobility Part 1 and AS 1428 – 1993 Design for Access and Mobility Part 2 Enhanced and Additional Requirements – Buildings and Facilities.
14. **Fire safety** – The proposed works shall be designed to satisfy the Fires Safety requirements of the Building Code of Australia.
15. **Building** – In accordance with Clause 144 of the Environmental Planning & Assessment Regulation, 2000 written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions may be required.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels (if required).

REQUIREMENTS OF OTHER GOVERNMENT AGENCIES

16. **Sydney Water** – the following requirements need to be satisfied prior to construction occurring;
 - (a) The approved plans must be submitted to the Sydney Water <<http://www.sydneywater.com.au/tapin/index.htm>> Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water <<http://www.sydneywater.com.au/tapin/index.htm>> Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015. The <<http://www.sydneywater.com.au/tapin/index.htm>> Tap in™ service provides 24/7 access to a range of services, including:

- * building plan approvals
- * connection and disconnection approvals
- * diagrams
- * trade waste approvals
- * pressure information

- * water meter installations
- * pressure boosting and pump approvals
- * changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's <<http://www.sydneywater.com.au/tapin/index.htm>> Tap in™ online service is available at: <<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>>
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

17. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements for a Section 73 Compliance Certificate under the *Sydney Water Act 1994* that relates specifically to this development consent must be obtained from Sydney Water Corporation. Application will be made through an authorised Water Servicing Co-ordinator. The Notice of Requirements will be submitted prior to the commencement of work and to the satisfaction of the Certifier.
18. **Roads and Maritime** – RMS have requested that the following conditions are complied with;
 - (a) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Forest Road.
 - (b) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
19. **Section 138 Roads Act 1993 and Section 68 Local Government Act** unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure. If separate activity approvals are required under other legislation, these approvals will be obtained and evidence of the approval(s) provided to the Certifier prior to the issue of the Construction Certificate.

Separate approval is required under the *Roads Act 1993* and/or the *Local Government Act 1993* for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;

- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals will be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au

For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

20. **Vehicular Crossing** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a footpath (if required) new driveway cross over and any relevant kerb and guttering along Orange Lane to facilitate the new access in accordance with Council’s requirements. Concrete kerbs are 150mm high with a 450mm wide gutter.
- (b) All associated road pavement restorations.
- (c) The thickness and design of the driveway will be in accordance with Council’s Specifications applying at the time construction approval is sought.

- (d) Any existing vehicular crossing and/or laybacks which are redundant will be removed. The kerb and gutter, any other footpath and turf areas will be restored at the expense of the applicant. The work will be carried out in accordance with Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under the *Roads Act 1993*, prior to the commencement of those works.

21. **Building - Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, will be erected along that portion of the footway/road reserve, where the building is within 3 metres of the street boundary.

An application for this work (Hoarding Application) under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* will be submitted for approval to Council.

22. **Electricity Supply** - An application shall be made to Ausgrid for a network connection prior to construction commencing. This may require the network to be extended or its capacity augmented.
23. **Structural Certificate** - The proposed building shall be constructed in accordance with details designed and certified by a practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building will be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer.

In addition a Compliance or Structural Certificate, to the effect that the building works have been carried out in accordance with the structural design, will be prepared prior to the occupation of the buildings to the satisfaction of the Certifier.

24. **Traffic** – The development shall comply with the following requirements;
- (a) The layout and design of the proposed new access and associated driveway off Orange Lane shall be designed and constructed to ensure that the proposed grade, turn paths, sight distance requirements shall comply with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002.
25. **Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans prior to construction commencing. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be made available.

26. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
27. **Erosion & Sedimentation Control** - Erosion and sediment controls must be in place prior to commencement of any work on the site. These measures include:
- (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and construction) and will remain until works are completed and all exposed surfaces are landscaped and/or sealed.

28. **Fire Safety Measures** - Prior to construction commencing a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must be prepared to ensure the new works comply with Fire Safety provisions of the BCA.

Prior to the occupation of any building and associated uses a certificate shall be prepared by a fully accredited Fire Engineer or relevant specialist to ensure measures have been implemented to satisfy all the minimum fire requirements in accordance with the BCA and Australian Standards and shall be to the satisfaction of the Certifier.

Annual Fire safety audits shall occur to ensure all fires safety mechanisms are in working order and updated in accordance with the fire safety requirements of the BCA.

29. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details and structural specifications are to be prepared prior to the commencement of any construction work on site to the satisfaction of the Certifier.

30. **Damage Deposit** - In order to insure against damage to Council property the following is required:

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development and to ensure the construction of the civil works to be complete at the applicant's expense: **\$803.40**

(b) Pay Council, before the commencement of Construction work, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$116.50**

(c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

31. **Extension of Council's Drainage System** - Council's stormwater drainage system shall be extended along Orange Lane, approximately eighty metres with a 375mm (min.) diameter pipeline, to the proposed stormwater pit directly outside the subject site with all costs borne by the developer. This system is to provide an underground outlet for stormwater from the site.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND CONSTRUCTION)

32. **Stormwater required design changes** -The following design changes are required and are to be incorporated into the detailed plans to be lodged **with the**

Construction Certificate application.

The submitted concept hydraulic plan shall be amended to indicate:

- the underground discharge of stormwater to a proposed kerb inlet pit (KIP) directly in front of the subject development site in Orange Lane;
- the construction of a pipeline (375mm (min.) diameter) between the proposed KIP and the exiting kerb inlet pit at the intersection of Orange Lane and Wright Street.

These design changes are to be incorporated into the Detailed Hydraulic Plans submitted for approval.

33. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval prior to Certification.

(a) All stormwater shall drain by gravity to the upper level of the proposed Council kerb inlet pit to be located in Orange Lane directly in front of the subject development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

(b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall be prepared to the satisfaction of the Certifier.

34. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval to the Certifier.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

(a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,

(b) at Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall be provided prior to Certification.

35. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted to the satisfaction of the Certifier.
36. **Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted prior to Certification.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Hurstville Development Control Plan 1, Appendix 2.

37. **Food Premises** - The following information shall be provided and shown on the detailed construction Plans;

(a) Plans and Specifications

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- i. [Food Act 2003](#) (as amended)
- ii. [Food Regulation 2015](#) (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)
- v. Sydney Water – trade Waste Section.

Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the Certification of the works.

(b) Waste Facility

Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Waste Services Team for approval. Such details must demonstrate compliance with the [Food Act 2003](#) (as amended), [Food Regulation 20105](#) (as amended); the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises (as amended.)* and must be:

- i. provided with a hose tap connected to the water supply;
- ii. paved with impervious floor materials;
- iii. coved at the intersection of the floor and the walls;
- iv. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- v. adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the [Protection of the Environment Operations Act 1997](#);
- vi. Must be large enough to accommodate the bins required.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the Certification of the proposed works.

(a) Above Ground Grease Trap Bunding

The above ground grease trap must be located in a bunded area. The 'size of the area' is to be bunded to contain a minimum of 110% of the volume of the above ground grease trap tank.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All pipework from the enclosed tanks and/or pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund shall be placed in such a position that leaks or spillages are contained within the bund. The bunded area shall be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters. Details of the above ground grease trap and bunding details must be included with the detailed construction plans and to the satisfaction of the Certifier.

38. **Health** - All walls, floor and ceiling in all food preparation, food storage and waste storage areas shall be finished with a light colour. No black or dark colour surface finish is permitted in these areas.

Details of colour of finishes in the mentioned area must be submitted with the

plans for satisfactory approval prior to Certification.

39. **Commonwealth Disability (Access to Premises) Standard** - The *Commonwealth Disability (Access to Premises - Buildings) Standards 2010* (the Premises Standards) applies to all applications. This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
40. **Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in the new areas the subject of this application will have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, will comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and will be detailed on the plans prior to construction commencing on site.

41. **Site Management Plan - Minor Development**

A Site Management Plan must be prepared prior to construction occurring and will address and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan will be kept on site and is to be made available upon request.

42. **Construction Traffic Management Plan** - A Construction Traffic Management Plan shall be prepared prior to the commencement of any work on site detailing:

- (a) construction vehicle routes;

- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers.

- 43. **Landscape Plans** - All landscape works will be carried out in accordance with the approved landscape plans. The landscaping will be maintained in accordance with the approved plans in perpetuity.
- 44. **Council Property Shoring** - Prior to construction work commencing, plans and specifications prepared by a professional engineer specialising in practising structural engineering will detail how Council's property will be supported at all times.
- 45. **Demolition & Asbestos** - The demolition work will comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 will be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be made available on site at all times.

For demolition work which involves the removal of asbestos, the asbestos removal work will be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011* and the *Demolition Code of Practice (NSW Work Cover July 2015)*.

- 46. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier at each of the following applicable stages of construction:
 - (a) Set out before commencing excavation.
 - (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
 - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries

and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey will be provided at each subsequent storey.

(e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

(f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

47. **Demolition Notification Requirements** - The following notification requirements apply to this consent:

(a) The developer/builder will notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

(b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

DURING CONSTRUCTION

48. **Site Sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and construction), a durable site sign, issued by Council in conjunction with this consent, will be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign will remain in a prominent location on site up until the completion of all site and building works.
49. **Cost of work to be borne by the applicant** - The applicant will bear the cost of all works associated with the construction of the development that occurs on

Council property. Care will be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway will be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction must be maintained in a state of good repair and condition throughout the course of construction.

50. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's proposed kerb inlet pit in Orange Lane directly in front of the subject development site.
51. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under the *Roads Act 1993* and/or the *Local Government Act 1993*.
52. **Hours of Construction for Demolition and Building Work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery must not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.
53. **Hazardous or Intractable Waste – Removal and Disposal.** Hazardous or intractable waste arising from the demolition or construction process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and all applicable legislation.
54. **Structural Certificate During Construction** - The proposed building will be constructed in accordance with details designed and certified by a practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed new Homebase building will be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer prior to the occupation of the building. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, will be prepared.
55. **Stormwater to Kerb** - Any stormwater connections to the kerb and gutter are to be in accordance with Council's '*Specification for Construction by Private Contractors*'.

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed

pipeline constructed in accordance with AS/NZS 3500.3:2015. The line will pass through a silt arrestor pit.

56. **Hazardous Waste** - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
- Work Health and Safety Act 2011 (NSW) (as amended);
 - Work Health and Safety Regulation 2011 (as amended);
 - Protection Of the Environment Operations Act 1997 (NSW) (as amended);
 - Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
57. **Public Utility & Telecommunication Assets** - The owner will bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
58. **Site contamination – Additional information** - Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately.
59. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation will be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like will be ignited or burnt.

PRIOR TO THE USE AND OCCUPATION OF THE BUILDINGS

60. **Maintenance Schedule – On-site Stormwater Management.** A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule will outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
61. **Restriction to User and Positive Covenant for On-Site Detention Facility**
A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. The registered proprietor of the lot(s) hereby burdened will in respect of the system:

- a) keep the system clean and free from silt, rubbish and debris*
- b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
- c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
- d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

- a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
- b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:
 - i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs,**

reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

62. **Works as Executed and Certification of Stormwater works.** Prior to using and occupying the building/s, the Certifier will ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification will be forwarded to the Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification will confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifier.

The works-as-executed drainage plan will be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and will include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable);
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

63. **Completion of Major Works** - Prior to the occupation and use of the new buildings, the following works will be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within

the road related area;

(b) Driveways and vehicular crossings within the road related area;

(c) Removal of redundant driveways and vehicular crossings;

(d) New footpaths within the road related area;

(e) Relocation of existing power/light pole where required;

(f) Relocation/provision of street signs where required;

(g) New or replacement street trees where required;

(h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development will be turfed. The grass verge will be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.

(i) New or reinstated kerb and guttering within the road related area; and

(j) New or reinstated road surface pavement within the road.

Council's Engineering Services Section will advise in writing that the works have been completed to their satisfaction prior to occupying and using the new facilities.

64. **Stormwater Drainage Works - Works As Executed** - Prior to the use and occupation of the new buildings, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

(a) Compliance with conditions of development consent relating to stormwater;

(b) The structural adequacy of the On-Site Detention system (OSD);

(c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;

(d) Pipe invert levels and surface levels to Australian Height Datum;

(e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design

limits.

Council's Engineering Services section will advise in writing that they are satisfied with the Works-As-Executed.

A Works As Executed plan of Council's Stormwater system extension as constructed including all levels will be submitted and approved by Council.

65. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the use and occupation of the new buildings and facilities a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation shall be prepared by a suitably qualified professional. The Fire Safety Certificate will be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building/s or on the land on which the building is situated, such a Certificate is to state:

(a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

(b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

66. **Acoustic Certification** - Prior to occupation and use of the new building and associated facilities, a suitably qualified acoustic consultant will certify that the operation of the premises and plant equipment will not give rise to a sound pressure level at any affected premises that exceeds the relevant acoustic criteria. The development will at all times comply with these noise levels post occupation.
67. **Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - Certification by a suitably qualified person engineer '2012 must be prepared prior to the occupation and use of the buildings. The certificate shall verify that the air handling system has been installed in accordance with:

(a) Public Health Act 2010 (as amended)

(b) Public Health Regulation 2012 (as amended)

(c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial

control -Design, installation and commissioning

ONGOING CONDITIONS

68. **Noise Control** - The use of the premises will not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the *Protection of the Environment Operations Act 1997 (as amended)*.
69. **Final Acoustic Report – Verification of Noise report** - Within three months from the use and occupation of the proposed new building and associated facilities, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report.
70. **Lighting - General Nuisance** - Any lighting on the site will be designed so as not to cause a 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 or glare. Flashing, moving or intermittent lights or signs are prohibited.
71. **Amenity of the Neighbourhood** - The implementation of this development will not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
72. **Food premises (Garbage Odour)** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).
73. **Food premises – Storage of waste** (used cooking oil) - Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.
74. **Activities and Storage of Goods Outside Buildings** - There will be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
75. **Maintenance of Landscaping** - All trees and plants forming part of the

landscaping shall be maintained in perpetuity. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

76. **Annual Fire Safety Statement** - The owner of the premises will ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement will be given:

(a) Within 12 months after the date on which the fire safety certificate was received.

(b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.

(c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the *Environmental Planning and Assessment Regulation 2000*.

(d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

77. **Site Safety Fencing** - Site fencing will be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing will be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

78. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the *Building and Construction Industry Long Service Payments Act 1986*.

Payment of the required Long Service Levy payment must be made and proof of payment provided prior to the commencement of work on site.

79. **Disability Discrimination Act** – The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.

Schedule C – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the *Environmental Planning and Assessment Act 1979*.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

- 80. **Clause 98 – Building Code of Australia** - Requires all building work to be carried out in accordance with the Building Code of Australia.
- 81. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
- 82. **Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at www.legislation.nsw.gov.au. It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

- 83. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier.
- 84. **Appointment of a Principal Certifier** - The erection of a building must not commence until the beneficiary of the development consent has appointed a Certifier for the building work.
- 85. **Notification of Critical Stage Inspections** - No later than two (2) days before

the building work commences, the Principal Certifier must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

86. **Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.
87. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
88. **Occupation** - A person must not commence occupation or use of the whole or any part of a new building/s unless a Certificate has been issued in relation to the building and the works satisfy the above conditions to the satisfaction of the Certifier.

END CONDITIONS

NOTES/ADVICES

89. **Review of Determination** - Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

90. **Appeal Rights** - Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

91. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.
92. **Energy Efficiency Provisions** – The building works shall comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Certifying Authority.
93. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

94. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

95. **Use of new facilities and Homebase building** – the school shall make available (when possible) for the new building and associated upgraded amenities to be able to be used by social, recreational, educational, non-for profit organisations and community associations in accordance with the aims of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
96. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under

Section 138 of the Roads Act 1993:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2017/0491) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.