

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-400 - DA 730/2023/JP
PROPOSAL	Educational Establishment for 80 Students and 30 Staff and Associated Works.
ADDRESS	Lot 10 DP 1286147, 95 Fontana Drive Gables
APPLICANT	Autism Spectrum Australia (Aspect)
OWNER	Minister For Early Education and Early Learning and AW Bidco 4 Pty Ltd
DA LODGEMENT DATE	20 October 2022
APPLICATION TYPE	Development Application – Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of the Planning Systems SEPP: Private Infrastructure and Community Facilities with a CIV of more than \$5 million
CIV	\$5,208,209.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	Transport and Infrastructure SEPP Resilience and Hazards SEPP Industry and Employment SEPP Biodiversity and Conservation SEPP The Hills LEP 2019 The Hills DCP 2012
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architect: EJE Architecture Town Planner: DFP Planning Consultants Landscape Architect: Terras Landscape Architects Bushfire: Peterson Bushfire Expert Consulting Services Engineering: Adams Engineering Quantity Surveyor: Mitchell Brandtman Traffic: McLaren Traffic Engineering & Road Safety Consultants

	Accessibility: Lindsay Perry Access Acoustic Engineer: Pulse White Noise Acoustics Waste: Elephants Foot Consulting
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	The proposal is not subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic
PLAN VERSION	N/A
PREPARED BY	Kate Clinton – Development Assessment Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	30 August 2023

EXECUTIVE SUMMARY

The subject Development Application seeks approval for the construction of an educational establishment development (school) for Autism Spectrum Australia (Aspect), pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021, and comprises:

- Construction of a two-storey school building containing 12 classrooms, multi-purpose hall, administration areas, covered outdoor learning area and amenities;
- Parking (at grade) for 33 vehicles;
- One way traffic flow and vehicular access from Cataract Road (entry) to Fontana Drive (exit);
- On-site pick-up and drop-off area;
- Three signs including a wall sign and two pylon signs (one digital); and
- Associated landscaping and civil works including earthworks, drainage and services.

The application was notified for a period of 14 days. No submissions were received.

The proposal is defined as 'Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 as the proposal requires approval from the Rural Fire Service under Section 100B of the Rural Fires Act 1997. A Bushfire Safety Authority has been provided.

The application is referred to the Sydney Central City Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is a private infrastructure and community facility with a Capital Investment Value of more than \$5 million.

The development application is recommended for approval.

1. THE SITE AND LOCALITY

The subject site is Lot 10 DP 1286147, No. 95 Fontana Drive, Gables. The site is an irregular shaped allotment with road frontages to Fontana Drive to the west (60.8 metres) and Cataract Road to the east (18 metres), with a total area of 3,048m².

Land to the west consists of low-density residential development, land to the east is a riparian corridor zoned RE1 Public Recreation, land to the north is earmarked for a future public school, and land to the south is the site of an approved child care centre.

The development site is zoned part R3 Medium Density Residential and part R4 High Density Residential and is subject to Height of Building (HOB) maximum heights of 10m (R3) and 16m (R4) under The Hills Local Environmental Plan 2019.

2. THE PROPOSAL

2.1 The Proposal

The proposed development includes the construction of an educational establishment comprising:

- Construction of a two-storey school building containing 12 classrooms, multi-purpose hall, administration areas, library, kitchen, store rooms, offices, computer room, covered outdoor learning area and amenities;
- 3 designated outdoor active play areas;
- Parking (at grade) for 33 vehicles (30 for staff, 3 for visitors);
- One way traffic flow and vehicular access from Cataract Road (entry) to Fontana Drive (exit);
- On-site pick-up and drop-off area catering for mini buses;
- Three signs including a building identification wall sign on the upper level facing Fontana Drive, and a pylon sign on both street frontages;
 - Wall sign - 1300mm (H) x 3600mm (W)
 - Digital Pylon sign (Fontana Drive frontage) - 4350mm (H) x 1680mm (W) x 300mm (D)
 - Pylon sign (Cataract Road Frontage) – 3800mm (H) x 750mm (W) x 300mm (D)
- Associated landscaping and civil works including earthworks (up to 1 metre of fill and 0.5m cut), drainage and services;
- A 2.1 metre high boundary fence (black palisade) is proposed to all boundaries / street frontages except to that of Play Area 3 which is required to be of gap-free construction for acoustic reasons; and
- Waste collection will occur on the site outside of peak hours but between 7am and 6pm.

An Operational Traffic Management Plan details the traffic and parking arrangements for the school. Approximately 60% of students attending the school will arrive and depart the site via minibus, utilising the dedicated drop-off / pick-up area. This is also available to parents wishing to drive their children to the school. A total of 11 vehicles can be accommodated, queuing on site. Parents are also able to park on the street, or circle the block until they are able to enter the site in their vehicle.

2.2 Background

A pre-lodgement meeting (146/2022/PRE) was held on 8 April 2022 for a 72-place educational establishment and parking for 36 vehicles. Advice was provided to the applicant for the

lodgement of the application in relation to planning, engineering, landscaping and resource recovery matters.

The development application was lodged on 20 October 2022 with a Panel 'kick-off' briefing on 2 March 2023.

Additional information was requested on 10 March 2023 in relation to environmental health (acoustic report and kitchen fit out), landscaping (increased details on plans and landscaping to car park), waste (swept paths and storage area), traffic (clarification of parking and drop-off zone, Operational Traffic Management Plan and Green Travel Plan) and TfNSW matters (clarification of traffic signals not approved by TfNSW shown on the plans in the vicinity of the site).

The NSW Rural Fire Service issued a Bushfire Safety Authority under s100b of the Rural Fires Act 1997, and General Terms of Approval on 1 December 2022.

A two-week extension for the provision of requested information was requested and granted.

A response was provided on 28 April 2023, including amended Architectural and Landscape Plans, an Acoustic report, Operational Traffic Management Plan and Green Travel Plan and further information with respect to the kitchen fit out and waste management.

Additional information was requested of the applicant on 16 May 2023 relating to acoustic, waste storage and collection matters. To protect the acoustic amenity of nearby residences on Fontana Drive, a solid (no-gap) fence is required in place of open style security fencing, to the street frontage boundary of Play Area 3 only. The applicant has agreed to the marking up of the plans to reflect this amendment. Additional waste and traffic information was submitted to the satisfaction of Council staff.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be Integrated Development (s4.46).

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Industry and Employment) 2021; and*
- *The Hills Local Environmental Plan 2019.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 1** and considered in more detail below.

Table 1: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	<ul style="list-style-type: none"> • Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 6. 	Y
Resilience and Hazards SEPP	<ul style="list-style-type: none"> • Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
Transport and Infrastructure SEPP	<ul style="list-style-type: none"> • Section 3.36 – Schools-development permitted with consent • Section 3.58 – Traffic-generating development 	Y
Industry and Employment SEPP	<ul style="list-style-type: none"> • Chapter 3 – Advertising and signage • Schedule 5 – Assessment Criteria 	Y
LEP	<ul style="list-style-type: none"> • Clause 4.3 - Height of Buildings • Clause 6.3 – Public Utility Infrastructure • Clause 7.2 - Earthworks 	Y

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 5(b) of Schedule 6 of the SEPP as the proposal is development for *an educational establishment* with a CIV of more than \$5 million. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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.

A Preliminary Site Investigation (PSI), prepared by Douglas Partners, dated March 2022, was prepared for the site to consider the provisions of the SEPP.

The PSI report made the following concluding comments and recommendations:

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“• From an aesthetic perspective appropriate removal and disposal of the observed surficial construction and demolition materials should be undertaken as part of general site preparation works;

• Any soils requiring off-site disposal are to be subject to a waste classification assessment prior to removal from site. Reference should be made to the NSW EPA Waste Classification Guidelines 2014 for waste classification assessments; and

• As a matter of due diligence an Unexpected Finds Protocol (UFP) should be prepared and implemented as part of a Construction Environmental Management Plan (CEMP) for the proposed development works, which should clearly set out the required protocols should further construction demolition waste including PACM, or other suspect contaminated material(s) be encountered during construction.

It is, therefore, considered that subject to the implementation of the above recommendations, that the site is suitable with the proposed development, from a contaminated land perspective.”

Council’s Environmental Health Team have raised no objections to the recommendations of the report, subject to conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

i. s3.36 Schools – development permitted with consent

The proposed development is to be assessed against the relevant provisions of section 3.36 Schools – development permitted with consent, of State Environmental Planning Policy (Transport and Infrastructure) 2021 as outlined below:

(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

The proposed development is permitted in the R3 Medium Density Residential and R4 High Density Residential zones since they are identified as prescribed zones.

(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and

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

A Design Verification Statement was submitted, addressing the principles set out in Schedule 8 of the SEPP:

	Principle	Comment
1.	Context, Built Form and Landscape	The design of the school has taken into consideration the future character of the area as identified in the Gables Design Guidelines and is located between the site of an approved child care facility and future primary school. The scale and setback of the building is

		<p>compatible with the approved child care facility on the and has been sited to allow for cross site connections with the school site. Elements such as simple modern roof forms, feature elements, & muted colour palette have been incorporated into the design.</p> <p>The school has been designed as an L-shaped building wrapping around a central play space with a northerly aspect & good solar access. All general learning spaces open out onto this central space. The covered outdoor learning area (COLA) has been included in a central location to provide an outdoor space with protection from the elements.</p> <p>A landscape plan demonstrates the provision of adequate landscaping throughout the site and on the boundaries to screen and compliment the development.</p>
2.	Sustainable, Efficient and Durable	<p>The proposed building will have general learning spaces with a northerly or easterly aspect as well as a single loaded corridor design that allows cross ventilation. Solar access has been optimised with the inclusion of windows to at least two sides of each classroom. Western windows are protected by external louvres.</p> <p>Robust cladding materials in neutral and earthy colours are proposed. Coloured feature elements on the façade (louvres) have been designed to be easily removed or replaced in future to update the building with minimal material waste.</p>
3.	Accessible and Inclusive	<p>Signage is proposed at the road frontages for wayfinding to the building. Other signage within the site will be included at the detailed design stage. The site has been designed to comply with AS1428.1.</p> <p>The Multi-Purpose Hall and adjoining courtyard has been designed to provide separate and secure access from Fontana Drive. This stand-alone design principle enables possible after hours use by community groups in future.</p>
4.	Health and Safety	<p>The proposal will have secure fencing, parking safety measures and appropriate barriers to the upper level of the building.</p>
5.	Amenity	<p>The two storey scale of the proposal sits well beside the proposed neighbouring childcare to the south which is also two storeys, and within the surrounding context of low density residential dwellings.</p>

		<p>Acoustic insulation will be included in external walls, to be documented during detail design, guided by acoustic engineering advice.</p> <p>The school has been designed with a Junior & Senior wing in mind. Learning spaces and play spaces have been designed to meet the needs of students in each age group.</p> <p>The main play space has a northerly aspect and good solar access. Storage areas are provided on both levels.</p>
6.	Whole of Life, Flexible and Adaptive	<p>The proposed building incorporates the following:</p> <ul style="list-style-type: none"> • use of robust, prefinished cladding materials; • Good environmental performance with orientation of learning spaces; • Cross ventilation of learning spaces; • Integrated architectural and landscape design link indoor and outdoor spaces; • Use of acoustic and thermal insulation; • Design of Multipurpose Hall to facilitate community access; • Possible links to future primary school; • Flexible learning spaces; and • Double storey footprint to maximise open space.
7.	Aesthetics	<p>The design responds to the future neighbourhood character. The bulk of the proposed building has been broken into three main forms; one for each wing of learning spaces, and one for the central area which comprises administration spaces and the hall. The skillion roof over the central form creates a feature element which addresses Fontana Drive. Colourful louvres along the front façade add visual variation and interest. The proposal is of the same scale as the neighbouring approved child care and the relationship between the two buildings will contribute to a cohesive streetscape.</p>

(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

The proposed development (school) is development referred to in subsection (1). Accordingly, a provision of a development control plan that specifies a requirement, standard or control is of no effect. Notwithstanding, the DCP controls are briefly addressed in Section 3.3 of this report.

ii. s3.58 Traffic-generating development

The proposal is for a new educational establishment to accommodate more than 50 students.

(2) Before determining a development application for development to which this section applies, the consent authority must—

- (a) give written notice of the application to Transport for NSW (**TfNSW**) within 7 days after the application is made, and
 - (b) take into consideration the matters referred to in subsection (3).
- (3) The consent authority must take into consideration—
- (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and
 - (b) the accessibility of the site concerned, including—
 - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (ii) the potential to minimise the need for travel by car, and
 - (c) any potential traffic safety, road congestion or parking implications of the development.

TfNSW was consulted and provided the following comments:

- i. Council is to ensure that the vegetation and landscaping does not impact on vehicle sight distances and visibility at entrance and exit driveways for the school.
- ii. Council is to ensure that tree north of the Fontana Dr driveway does not impact vehicles or safety of pedestrians utilising the shared path.
- iii. TfNSW notes that the architectural plans and Operational Traffic Management Plan (OTMP) indicate that pedestrian access is not supported via Cataract Road. Council is to be satisfied that pedestrians accessing the school from the west will be required to circle around to the south to use the Fontana Drive access (some 150m).
- iv. Signage controls are to be provided to support the left-out only movement to Fontana Dr.
- v. As live documents the OTMP and Green Travel Plan (GTP) shall be maintained to reflect specific operational details for the school, such as start and finish times, open and closure times.

In response to these comments, Council's Landscape Assessment Officer has conditioned the removal of an existing street tree (Condition 23) and is satisfied that the proposed landscaping will not obstruct views. A pedestrian access point is to be provided on the Cataract Road frontage of the site to allow for possible pedestrian access to occur safely and separately to the driveway. Conditions are proposed for the provision of signage to support the left-out traffic movements from the site on to Fontana Drive, and the OTMP and GTP are also to be implemented and periodically reviewed (Conditions 10, 11 and 60).

Accordingly, the proposal development is satisfactory with respect to s3.36 and 3.58 of the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021 applies to the proposal since signage is proposed in the form of two pylons signs and one flush wall sign.

- Wall sign (Fontana Road frontage) - 1300mm (H) x 3600mm (W)
- Digital Pylon sign (Fontana Drive frontage) - 4350mm (H) x 1680mm (W) x 300mm (D)
- Pylon sign (Cataract Road Frontage) – 3800mm (H) x 750mm (W) x 300mm (D)

Section 3.1 Aims and Objectives of Chapter 3 states:

- (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage has been assessed against the Assessment Criteria outlined in Schedule 5 of the SEPP.

	Provision	Comment
1.	Character of the Area	The future character of the area comprises open space and educational uses to the east of Fontana Drive. The site is a proposed educational use and associated business identification signage is compatible with the surrounding land uses.
2.	Special Areas	The proposed signage is not in the vicinity of any special areas.
3.	Views and Vistas	The proposed signage does not obstruct views, allows for sightlines to adjoining school/ child care sites and does not dominate the skyline with a maximum height of the pylon signs of 3.8m.
4.	Streetscape, Setting or Landscape	The proposed signage is rationalised (one pylon per street frontage and a single flush wall sign) and will not impact landscaping opportunities or detract from the streetscape.
5.	Site and Building	The proposed pylon signage is compatible with the scale of the two storey building. The flush wall sign is in balance with the western façade and contributes to the visual quality of the development.
6.	Associated devices and logos with advertisements and advertising	Not proposed.
7.	Illumination	The proposed digital sign board will be turned-off at 8.00pm which is appropriate in a residential context.
8.	Safety	The proposal will promote wayfinding, does not obstruct required pedestrian or traffic sightlines, lanes or signs.

The signage is compliant with the Assessment Criteria in Schedule 5 and is satisfactory with respect to the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The site is located within the R3 Medium Density Residential Zone and R4 High Density Residential Zone LEP with the proposed building contained within the R4 zone. The proposed use is permissible within both zones under the LEP.

The R3 zone objectives include the following:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density residential development in locations that are close to population centres and public transport routes.*

The R4 zone objectives include the following:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposal is consistent with these zone objectives since it proposes to provide an educational facility which is compatible with residential development.

The LEP also contains the following relevant controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 2** below.

Table 2: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Clause 4.3 Height of Buildings	10 metres (R3) 16 metres (R4)	10.129m	Yes*

*The proposed building is located on the R4 zoned portion of the site only.

The proposal is considered to be generally consistent with the LEP.

i) Compliance with Clause 6.3 Public Utility Infrastructure

Clause 6.3(1) states the following:

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Clause 6.1 of the LEP defines public utility infrastructure as any of the following:

- a) the supply of water,
- b) the supply of electricity,
- c) the disposal and management of sewage.

The applicant has obtained advice that the provision of these services is available to the development. The proposal is satisfactory with respect to Clause 6.3 of the LEP.

Endeavour Energy and Sydney Water were consulted and no objections were raised. Condition No. 9 requires compliance with the requirements of Endeavour Energy dated 26 October 2022.

The proposal is satisfactory with respect to Clause 6.3 of the LEP.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

As stated in Section 3.1 of this report with reference to State Environmental Planning Policy (Transport and Infrastructure) 2021 (s.3.36(9)), the provisions of a development control plan that specifies a requirement, standard or control is of no effect. Notwithstanding this, and noting that no section of the DCP specifically applies to general building design associated with educational establishments, the application was assessed having regard to the provisions of the following Sections of the Hills DCP 2012 and is considered to be generally consistent:

- Part D Section 17 – Box Hill North
- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping

Of particular note, the development provides 33 parking spaces as required by Part C Section 1 – Parking for educational establishments. Overall, the proposed school is compatible with the surrounding residential and emerging educational context of the site. It is consistent with the overall vision of the Gables as articulated in Part D Section 17 of the DCP:

“To create a high quality, integrated and ecologically sustainable urban environment integrated with good public transport accessibility, open space, community facilities and employment opportunities”.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

The subject site is covered by the Box Hill North Voluntary Planning Agreement (04/2018/VPA). In accordance with Section 29 of the VPA, the operation of Section 94 and 94A of the Act are excluded (now referred to as Section 7.11 and 7.12). Therefore, development contributions are not applicable for the proposed development, which is defined in the VPA as the '*Establishment and erection of a school site*'.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The proposed development is not considered to likely result in any adverse impacts. The development will provide for a specialist educational facility for students with autism at Aspect School.

3.7 Section 4.15(1)(c) - Suitability of the site

The site has been zoned for urban purposes and forms part of the Box Hill North Urban Release Area. The proposed development is consistent with the Box Hill North Masterplan approval and is suitable development of the site consistent with the zone objectives.

The proposal is complementary to the approved and future use of the adjoining land for a child care centre and public school, and will fulfill a demand in the community for specialised education for children with autism.

A Bushfire Safety Authority has been issued by the NSW Rural Fire Service pursuant to s100B of the Rural Fires Act 1997 and there are no other environmental concerns.

3.8 Section 4.15(1)(d) - Public Submissions

No submissions were provided for this application.

3.9 Section 4.15(1)(e) - Public interest

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest because it provides important social and community infrastructure in a growing residential area. The development is able to be carried out in a manner which is unlikely to impact on the amenity of nearby residential development and will not result in adverse impacts on the natural and built environments.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was referred to the following agencies for comment/concurrence/referral as required by the EP&A Act:

Authority	Comment
NSW Rural Fire Service	General Terms of Approval provided (refer Condition No. 4) and a Bushfire Safety Authority issued.
Endeavour Energy	Conditions provided and no objections raised (Refer Condition No. 9).
Sydney Water	No objections raised. A Notice of Requirements and Section 73 Certificate are required to be obtained in relation to potable water supply prior to the issue of a Construction Certificate and Occupation Certificate respectively. Sewer and recycled water connections are to be obtained via 'Altogether', a separate network operator under the Water Industry Competition Act 2006.
Transport for NSW	<p>Comments sought in accordance with Clause 3.58 of SEPP (Transport and Infrastructure) 2021:</p> <ul style="list-style-type: none"> <i>i. Council is to ensure that the vegetation and landscaping does not impact on vehicle sight distances and visibility at entrance and exit driveways for the school.</i> <i>ii. Council is to ensure that tree north of the Fontana Dr driveway does not impact vehicles or safety of pedestrians utilising the shared path.</i> <i>iii. TfNSW notes that the architectural plans and OTMP indicate that pedestrian access is not supported via Cataract Road. Council is to be satisfied that pedestrians accessing the school from the west will be required to circle around to the south to use the Fontana Drive access (some 150m).</i> <i>iv. Signage controls are to be provided to support the left-out only movement to Fontana Dr.</i> <i>v. As live documents the OTMP and GTP shall be maintained to reflect specific operational details for the school, such as start and finish times, open and closure times, etc.</i> <p>Council's Landscape Assessment Officer is satisfied that proposed landscaping is appropriate in terms of visibility and safety. A street tree is approved for removal. Signage will be provided to support left-only turn movements on to Fontana Drive, and the Operational and Green Traffic Plans will be maintained and updated as required (Condition Nos. 10, 11, 23, 60). Council's Traffic Staff advised that there is no traffic reason that prevents the addition of a secondary pedestrian entry on the Cataract Road frontage of the</p>

	site. This is conditioned (No. 56) and is marked on the plans. The applicant has agreed to this.
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4.2 Community Consultation

The proposal was notified in accordance with the DCP for 14 days. No submissions were received with this application.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

Approval is recommended subject to conditions, refer to Attachment A.

6. RECOMMENDATION

That the Development Application DA No 730/2023/JP for an Educational Establishment accommodating 80 students and 30 staff – 95 Fontana Drive, Gables be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: Site Plan
- Attachment E: Elevations
- Attachment F: Floor Plans
- Attachment G: Landscape Plans
- Attachment H: Signage Plans
- Attachment I: Perspectives and Colours and Materials
- Attachment J: Bushfire Safety Authority
- Attachment K: Endeavour Energy Requirements

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

The boundary fence of Play Area 3 adjacent to Fontana Drive is to be made solid and gap free so as to act as an acoustic barrier. It must be set back 600mm from the property boundary. Screen planting to be provided as per Condition 5.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
DA-0101	Site Plan	-	R	25/05/2023
DA-100	Ground Floor Plan	-	K	20/04/2023
DA-101	Level 1 Plan	-	K	20/04/2023
DA-102	Roof Plan	-	H	20/04/2023
DA-200	Elevations and Sections	1	L	05/11/2022
DA-201	Elevations and Sections	2	H	20/04/2023
DA-203	Elevations and Sections	3	H	20/04/2023
DA-206	Driveway Section	-	C	20/04/2023
DA-207	Signage Elevations	-	E	20/04/2023
DA-300	Perspectives	-	N	20/04/2023
DA-320	Materials Board	-	G	20/04/2023
L01	Landscape Plan	-	I	27/04/2023
L02	Landscape Plan	-	I	27/04/2023
L03	Landscape Plan	-	I	27/04/2023
L04	Landscape Plan	-	I	27/04/2023
L05	Landscape Plan	-	I	27/04/2023
L06	Landscape Plan	-	I	27/04/2023
L07	Landscape Plan	-	I	27/04/2023
L08	Landscape Plan	-	I	27/04/2023
L09	Landscape Plan	-	I	27/04/2023
L10	Landscape Plan	-	I	27/04/2023
L11	Landscape Plan	-	I	27/04/2023
L12	Landscape Plan	-	I	27/04/2023
L13	Landscape Plan	-	I	27/04/2023
C011	Bulk Excavation Plan		2	07/10/2022
C010	Sediment and Erosion Control Plan		3	07/10/2022

C002	Sediment and Erosion Control Details		2	20/09/2022
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No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or a Registered Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

4. Compliance with NSW Rural Fire Service Requirements

Compliance with the General Terms of Approval and requirements of the NSW Rural Fire Service as outlined below:

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

1. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

2. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- a minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre),

- suitable for pedestrian traffic, must be provided around the immediate curtilage of the building; planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- avoid climbing species to walls and pergolas;
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- low flammability vegetation species are used.

Construction Standards

The intent of measure is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

3. New construction must comply with section 3 and section 5 (BAL 12.5) of the Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

4. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3 of Planning for Bush Fire Protection 2019; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

5. The provision of water, electricity and gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.

6. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- include planning for the early relocation of occupants.
- an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) in developing and implementing an Emergency Procedures Manual; and

- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

5. Front boundary landscaping to Play Area 3

The fence to Play Area 3 must be set back 600mm from the property boundary to Fontana Drive. Screen planting shall be provided in front of the fence consisting of Callistemon 'Slim' and/or Syzygium 'Pinnacle' / 'Straight and Narrow'.

6. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

7. Provision of Parking Spaces

The development is required to be provided with 33 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

8. Student and Staff Numbers

A maximum of 80 enrolled children and 30 staff are permitted to be at the school. Any change to the number of children or staff will require an application to Council to modify this condition.

9. Endeavour Energy Requirements

The development is to comply with the requirements of Endeavour Energy as detailed in the advice dated 26 October 2022 and attached to this consent as Appendix 1.

10. Operational Traffic Management Plan

The Operational Traffic Management Plan (OTMP), dated 27 April 2023, prepared by McLaren, shall be implemented and maintained prior to/from the date of school commencement. The OTMP shall be reviewed periodically, at least on an annual basis, by the school management to ensure the school car park including the minibus and parent drop-off and pick-up bays will operate in a safe and efficient manner.

11. Green Travel Plan

The submitted Green Travel Plan (GTP), dated 26 April 2023, prepared by McLaren, shall be implemented and maintained prior to/from the date of school commencement. The GTP shall be reviewed periodically, at least on an annual basis, by the school management to ensure the effective implementation of the initiatives and actions proposed in achieving the mode share targets.

12. Illumination

Illuminated signage is to be turned off no later than 8.00pm to protect residential amenity.

13. Planting Requirements

All trees planted as part of the approved landscape plan pursuant to Condition 1 of this consent are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

14. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate or Subdivision Certificate is issued. Any damage must be

made good in accordance with the requirements of Council and to the satisfaction of Council.

15. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- The proposed gate fronting CATARACT ROAD shall be relocated within the site to allow for a standard 5.4m long vehicle to stop within the site boundary without occupying the vehicular crossing. This requirement shall be shown on the plans.

16. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

17. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

Both driveways must be built to Council's medium duty standard.

Driveway fronting Cataract Road must be widened from 5.8m to 6m for the first 6m extending into the site.

Driveway fronting Cataract Road must be 6m wide at the boundary splayed to 7m wide at the kerb.

The 8.5% and 12% slope within the verge for either driveway shown on the long-sections included with the concept engineering plan Revision 3 dated 07/10/2022 by Adams must be amended so the slope is between 2% and 4% falling from the boundary to the top of kerb; consistent with the existing verge formation along Fontana Drive and the verge formation under construction along Cataract Road linked to DA 1099/2019/ZB.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

c) Driveway/ Kerb Inlet Pit Conversion

The driveway on Fontana Drive conflicts with the existing on-grade kerb inlet pit. This kerb inlet pit must be replaced with a grated/ butterfly lid pit integrated into the new driveway.

Refer to Council's Standard Drawing SD.5A available from Council's website for more detail showing this arrangement.

All these works must be carried out by a civil contractor with the appropriate civil liability insurances for works in the footpath/ public area.

Detailed design and construction approval for these works must be obtained from Council before a Construction Certificate can be issued for the building works.

d) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

The new kerb inlet pit/ stormwater connection in Cataract Road shown on the concept engineering plan Revision 3 dated 07/10/2022 by Adams is not needed. The subdivision work associated with DA 1099/2019/ZB includes a 450mm diameter pipe connection/ stub for this lot that must be used.

e) Gate fronting Cataract Road

The proposed gate fronting Cataract Road shall be relocated within the site to allow for a standard 5.4m long vehicle to stop within the site boundary without occupying the vehicular crossing. This requirements shall be shown on the plans.

18. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

19. Road Opening Permit

Should the development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site

and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

20. Recycled Water – Box Hill/ Private

The subject site must be connected to the privately operated reticulated recycled water scheme; to offset the lack of rainwater or stormwater reuse in the development.

21. Air Conditioner Location

The air-conditioning unit location is to be as shown on the approved plans or is to comply with the criteria of exempt development as outlined in the SEPP - Exempt & Complying Development Codes 2008.

You are reminded that the air conditioning must be designed so as not to operate:

- (i) Between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

22. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the AS4970- 2009 Protection of Trees on Development Sites.

23. Tree Removal on Public Land

Approval is granted for the removal of one (1) street trees on Fontana Drive that is located as shown on landscape plans prepared by Terras Landscape Architects Rev I dated 27/04/23 and one (1) street tree north of the Fontana Drive driveway located on the Council nature strip that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

24. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

25. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2 for the standard 6.4m long Small Rigid Vehicle (minimum 3.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of small rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.

26. Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

27. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be

achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

28. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

29. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins with the development.
- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 820mm wide.
- The walls of the waste storage area(s) must be constructed of brickwork.
- The floor of the waste storage area(s) must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 7%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.

- The waste storage area(s) must have appropriate signage (EPA approved designs can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

30. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation and Altogether as a network operator under the Water Industry Competition Act 2006, confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

31. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$51,775.20 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site multiplied by the width of the road.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

32. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

33. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

A SWMP is required for this development.

PRIOR TO WORK COMMENCING ON THE SITE

34. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

35. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

36. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

37. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

38. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

39. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

40. Details and Signage - Principal Contractor and Principal Certifier

Details

Prior to work commencing, submit to the Principal Certifier notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

The sign must state that unauthorised entry to the work site is prohibited.

DURING CONSTRUCTION

41. Location of Works

The total extent of the development shall be contained wholly within the confines of the allotment boundaries including the footings and any associated drainage lines. A survey report from a registered land surveyor may be required for confirmation of the same.

42. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

43. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

44. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must

give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the Principal Certifier is not carried out. Inspections can only be carried out by the Principal Certifier unless agreed to by the Principal Certifier beforehand and subject to that person being a registered certifier.

45. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

46. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

47. Crash Barrier Installation

A crash barrier / bollards are to be installed within the landscaped strip to Play Area 3. The barrier must be appropriately designed and installed and be suitable to prevent a vehicle from entering the playground.

48. Play Area 3 Acoustic Barrier Construction

The boundary fence of play area 3 that is adjacent to Fontana Drive is to be made solid and gap free so as to act as an acoustic barrier. This fence is to be made solid and gap free by any of the following means.

- Double lapped 15mm thick timber fence palings offset so that there are no air gaps. This equates to a total barrier thickness of 30 mm or
- 15mm compressed fibre cement panels with no air gaps at the joins or
- 6mm compressed fibre cement panels on either side of a 50mm steel frame with fibreglass insulation batts (14kg/m²) to the cavity or
- Colourbond material with no air gaps at the joins.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

49. Section 73 Certificate must be submitted to the Principal Certifier before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.

The only exception to this is for services other than potable water supply, in which case the requirements of Altogether as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

50. Landscaping Prior to Issue of any Occupation Certificate

The landscaping of the site shall be carried out in accordance with the relevant "Planting Requirements" Condition of the subject Development Consent prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plans by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

51. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

52. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

53. External Work – Submission Requirements

Once the external work is complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Public Asset Creation Summary
- Concrete Core Test Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website and must be used.

54. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

55. Certification of Crash Barrier

Prior to the issue of the Occupation Certificate documentation is required to be submitted to Council's Manager Health and Environment certifying that the barrier required to protect the children within Play Area 3, has been appropriately designed and installed and will prevent a vehicle going into the child play area.

56. Pedestrian Entry – Cataract Road

Pedestrian access to the site is to occur primarily from the Fontana Road frontage as shown on the plans. Provision is to be made for a secondary pedestrian entry point into the development from the Cataract Road frontage of the site which will enable pedestrians to safely enter the site if necessary, separately to the driveway.

57. Acoustic review of public address and school bell

Prior to the issue of an occupation certificate the installed public address and school bell system is to be reviewed by an acoustic consultant to confirm that the use of these systems does not cause offensive noise to the residential receivers. The acoustic consultant shall prepare an acoustic report to be submitted to the Manager – Environment & Health at The Hills Shire Council, for review and acceptance.

The acoustic report must confirm:

- that the speakers are directed inwards towards the school and not directed towards residential receivers.
- that the speaker placement ensures that the noise from the use of the speakers does not have hard surfaces reflecting sound towards residential receivers.
- the noise level that the speakers must be set to ensure that the surrounding residential properties are not affected by offensive noise.
- that all maintenance requirements have been implemented to ensure that the public address speakers and school bell are operated at a noise level that is not in excess of 5 dB(A) above the background noise level at the property boundary.

58. Noise Management Plan

Prior to the issue of an occupation certificate including an interim occupation certificate, a noise management plan shall be submitted to the Manager – Environment & Health at the Hills Shire Council. The noise management plan is to incorporate the following items;

- A clear commitment by the school to minimising noise from the school.
- A description of each type of event, activity and/or use to be undertaken.
- Identification of noise sensitive receivers, existing and proposed, likely to be adversely affected by activities undertaken.
- Clearly defined noise management objective that incorporates all recommended mitigation measures contained in the DA Acoustic Report.
- Provision of information for neighbours including the issuing of the noise management plan to any potentially impacted neighbour and contact details of the person responsible for investigating offensive noise complaints.
- Actions to be taken in the event of excessive noise from people within the car park area or noise break out from within the school.
- Any other item or action deemed relevant to minimising noise within the school; and
- Details of noise complaints handling procedures and actions to be taken at the time of each complaint to monitor and minimise noise impacts. The procedures must include:
 - i. the time and date each complaint was received.
 - ii, how the complaint was received.
 - iii, the contact details of the person lodging the complaint.
 - iv, the proposed actions to prevent a reoccurrence of the noise impact.

59. Certification stormwater drainage

Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works within the subject site have been constructed in accordance with the approved Construction Certificate plans, the conditions included within this consent, the requirements of AS/NZS 3500.3:2018, and Council's Design Guidelines Subdivision/Developments dated September 2011

60. Signage to support left-out traffic movement

Prior to the issue of any Occupation Certificate, traffic signage controls shall be provided within the site boundary to support the left-out only movement to Fontana Drive.

THE USE OF THE SITE

61. Hours of Operation

The hours of operation being restricted to the following: -

8.00am to 6.00pm Monday to Friday, with core school hours between 9.00am and 3.00pm.

No activity, events or use of the site is permitted on weekends without prior approval from Council.

Any alteration to the above hours of operation will require the further approval of Council.

62. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

63. Lighting

Any lighting on the site shall 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. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

64. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*. The report must also confirm that noise associated with the operation of the school public address system, school bell, air conditioning units and any other equipment on the subject site, does not exceed 5 db(A) above the ambient background noise level when measured at the property boundary.

65. Hours of operation for waste collection, delivery / dispatch of goods

Delivery of goods and collection of waste shall be restricted to the following times.

Monday to Friday – 7.00am to 6.00pm

66. Offensive Noise - Acoustic Report

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic

report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

67. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

68. Waste and Recycling Collection

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

69. Gate fronting Cataract Road

The proposed driveway gate fronting Cataract Road shall be kept open during peak hours.

70. Crash Barrier Maintenance

The crash barrier is to be maintained in a manner that ensures it is fit for its intended purpose at all times. Annual inspections of the barrier are to be undertaken by a suitably qualified person to ensure that the barrier maintains its structural integrity for the life of the development. If damage to the barrier is noted at any time then the barrier is to be checked by a suitably qualified person. If the checks reveal that the barrier is damaged and that the damage could compromise the performance of the crash barrier then the play area is to be closed and is not to be used until such time as a suitably qualified person can confirm that the barrier is fit for its intended purpose. If the crash barrier is removed then the play area is not to be used until it is reinstated.

71. Noise control

Noise associated with the operation of the school public address system, school bell or other equipment on the subject site, must not exceed 5 db(A) above the ambient background noise level when measured at the property boundary.

72. Ground Maintenance

Grounds maintenance involving the use of power equipment must be restricted to between:

- 7.30am and 6.00pm Monday to Fridays.

73. Amplified device use

All amplified devices including amplified bells, speakers and sound systems normally in use at the school must be switched off and not used on days that the school is not operational, including all school holidays and pupil free days.

74. Noise Management Signage

Noise management signage is to be installed in prominent locations within the school and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises.

75. Noise Management Plan to be kept on site

The approved noise management plan is to be complied with at all times when the school is in operation. The Plan is to be kept on site at all times when the school is in operation and is to be made available to Council Officers upon request.

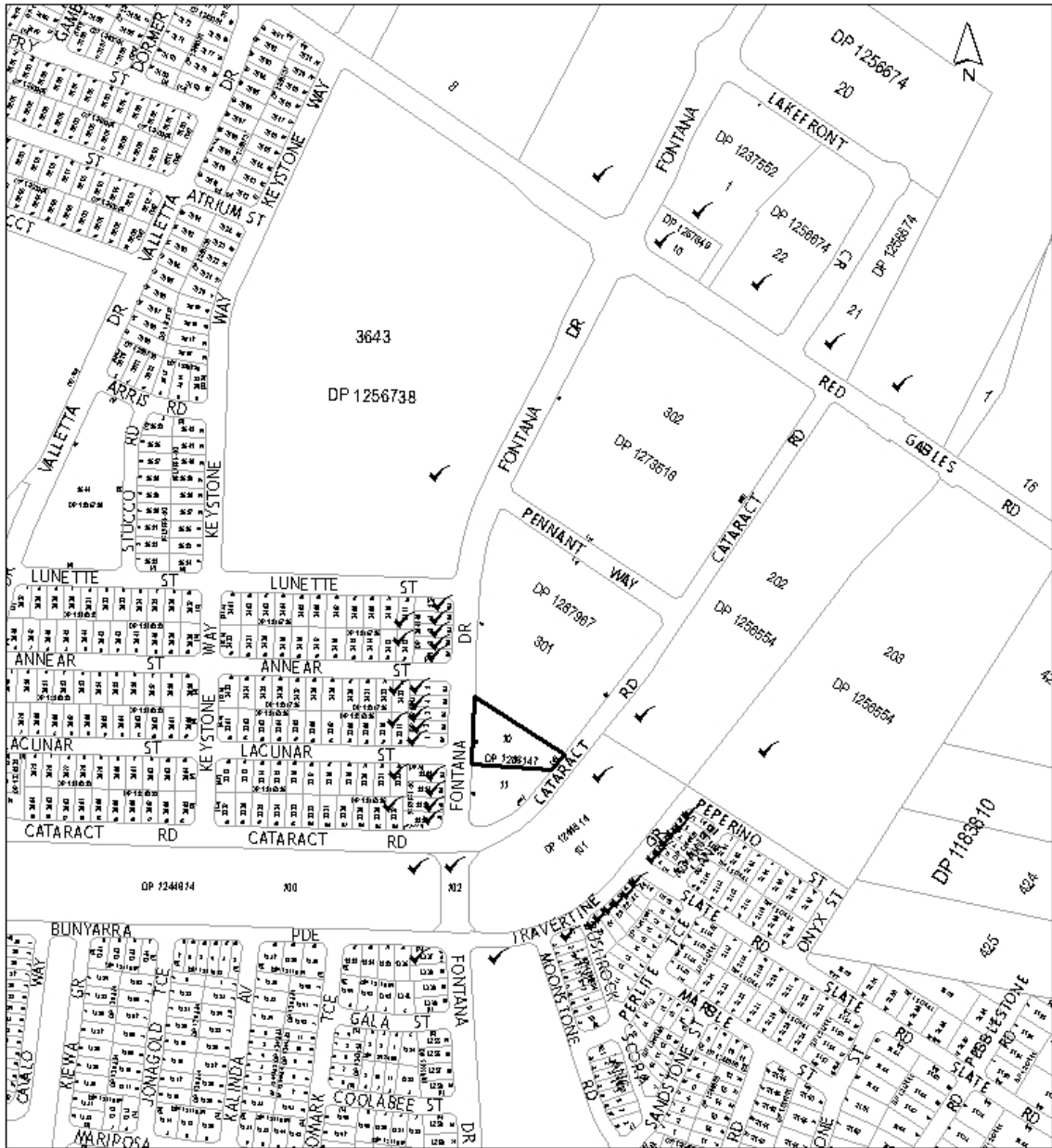
76. Play Area 3 Acoustic Barrier

The boundary fence of play area 3, in the area adjacent to Fontana Drive, is to act as an acoustic barrier to reduce noise to the neighbouring residential properties and is to remain solid and gap free for the life of the development.

77. Use of Play Area 3

Play area 3 is not to be used at any time outside of standard school hours (9am – 3pm) for functions or before and after school care.

ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLSHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASICA CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP). CADASTRE UPDATE INCLUDING CO UNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT C – AERIAL MAP



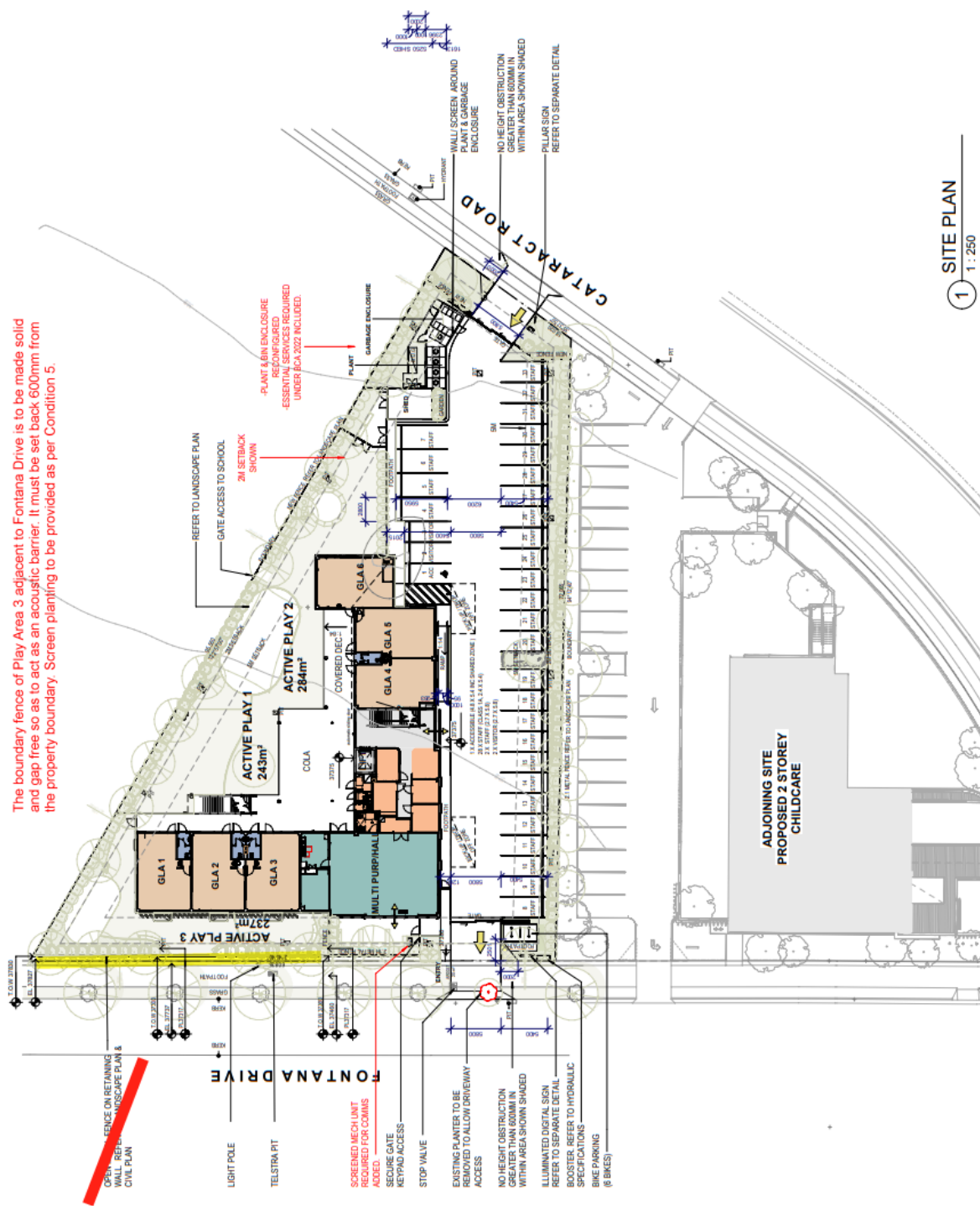
SUBJECT SITE

THE HILLS
Sydney's Garden Shire

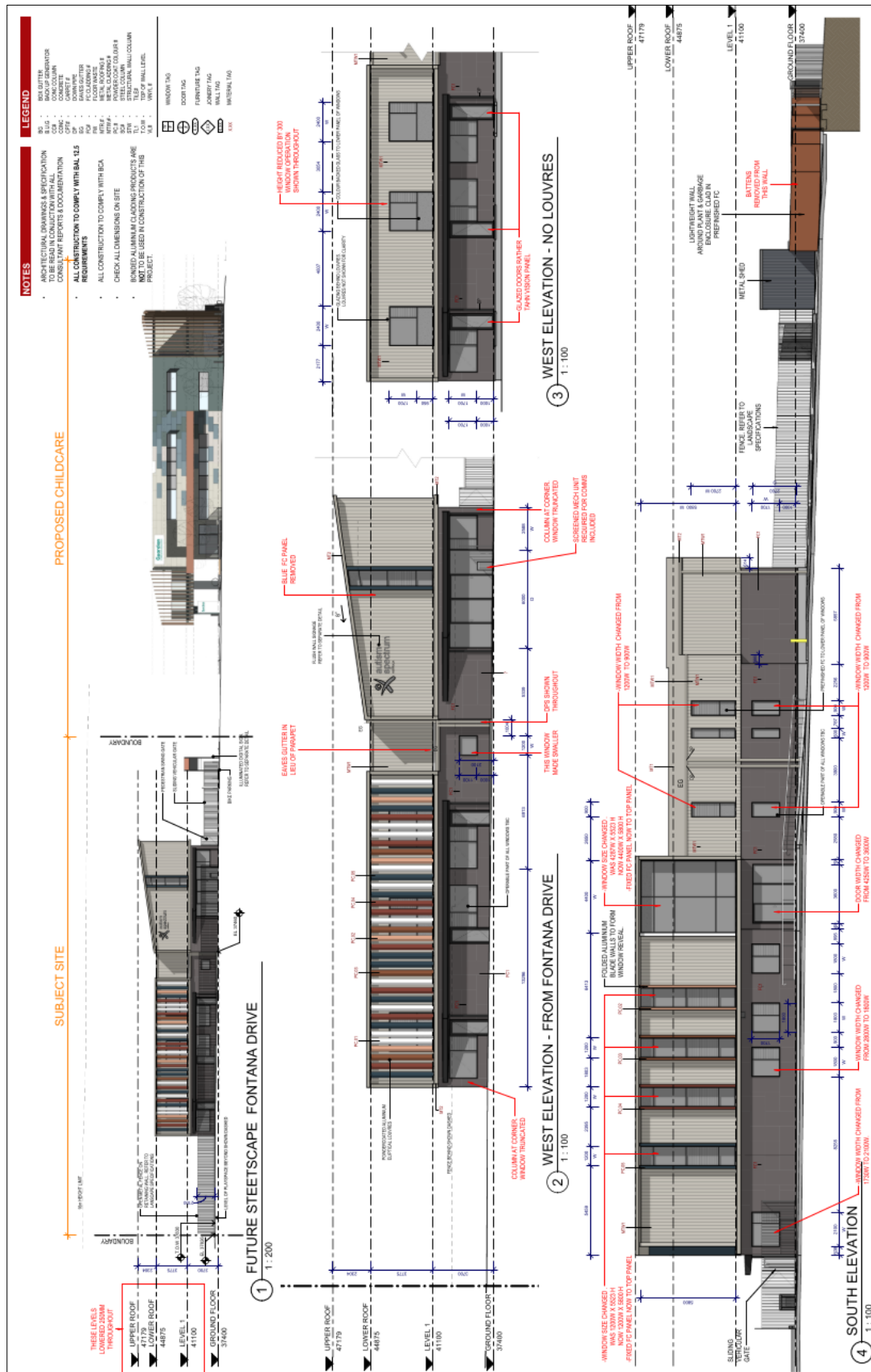
THE HILLS SHIRE COUNCIL

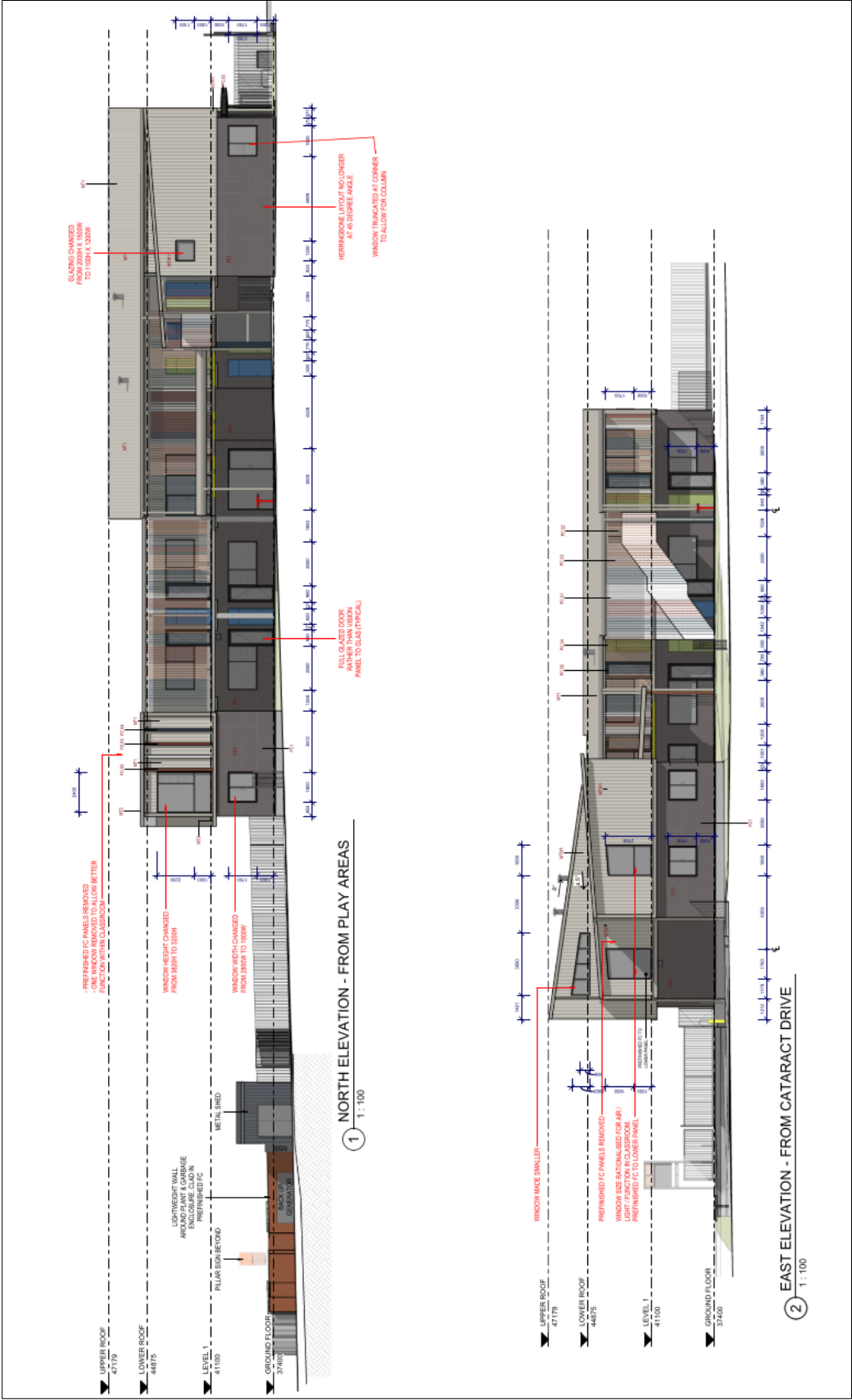
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.
BASECADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT D – SITE PLAN

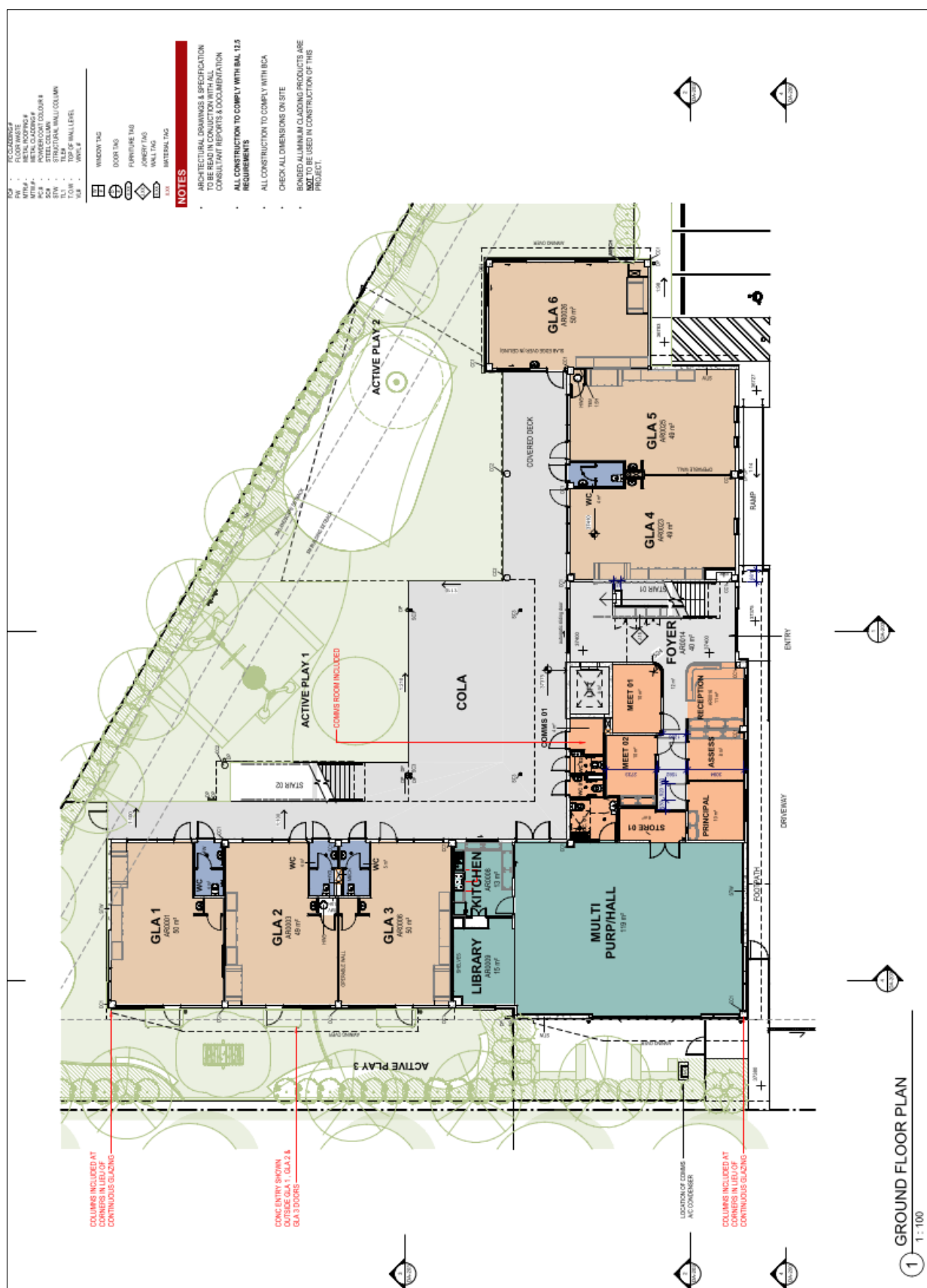


ATTACHMENT E – ELEVATIONS





ATTACHMENT F – FLOOR PLANS



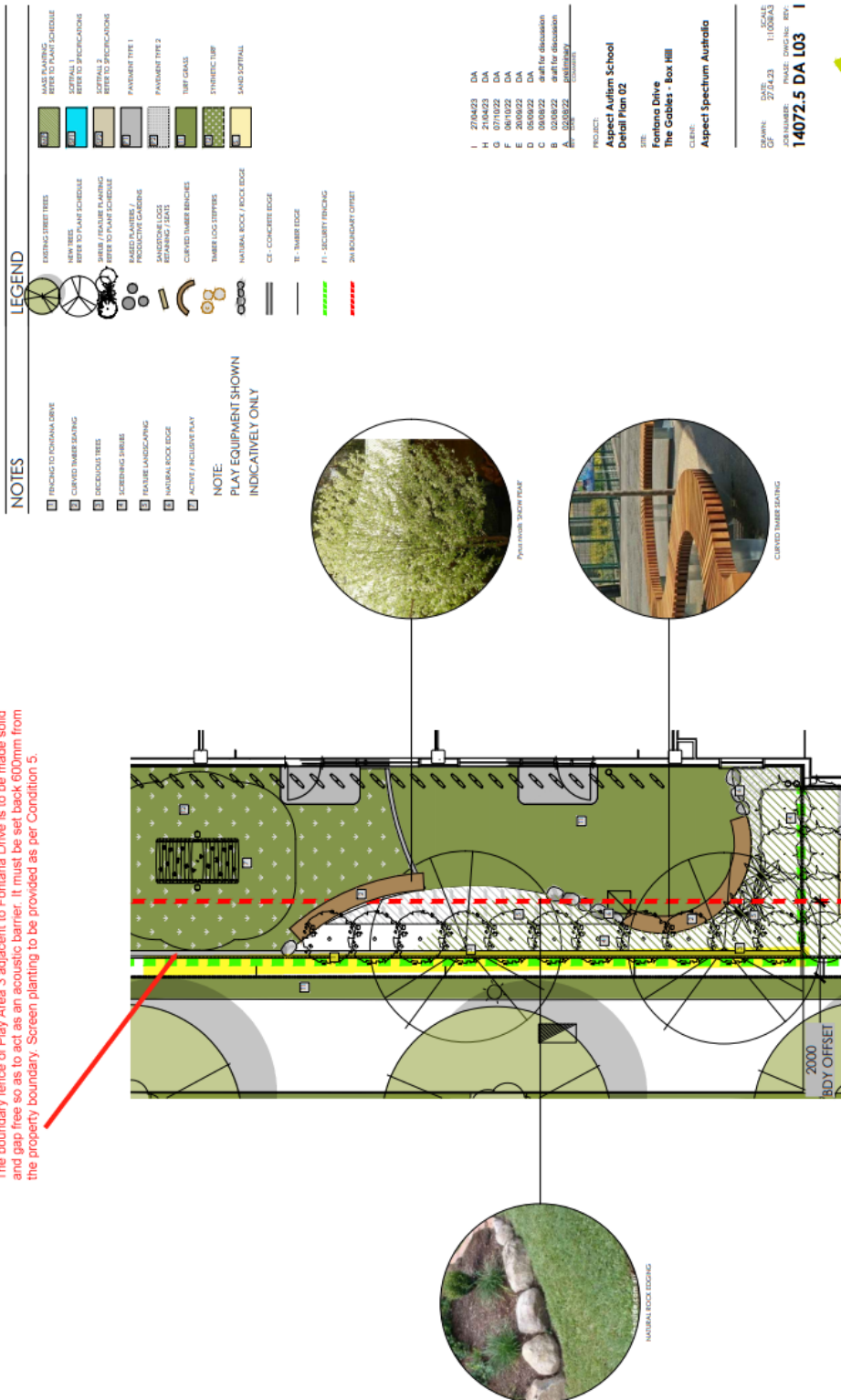
The boundary fence of Play Area 3 adjacent to Fontana Drive is to be made solid and gap free so as to act as an acoustic barrier. It must be set back 600mm from the property boundary. Screen planting to be provided as per Condition 5.





autism spectrum australia - the gables box hill

The boundary fence of Play Area 3 adjacent to Fontana Drive is to be made solid and gap free so as to act as an acoustic barrier. It must be set back 600mm from the property boundary. Screen planting to be provided as per Condition 5.

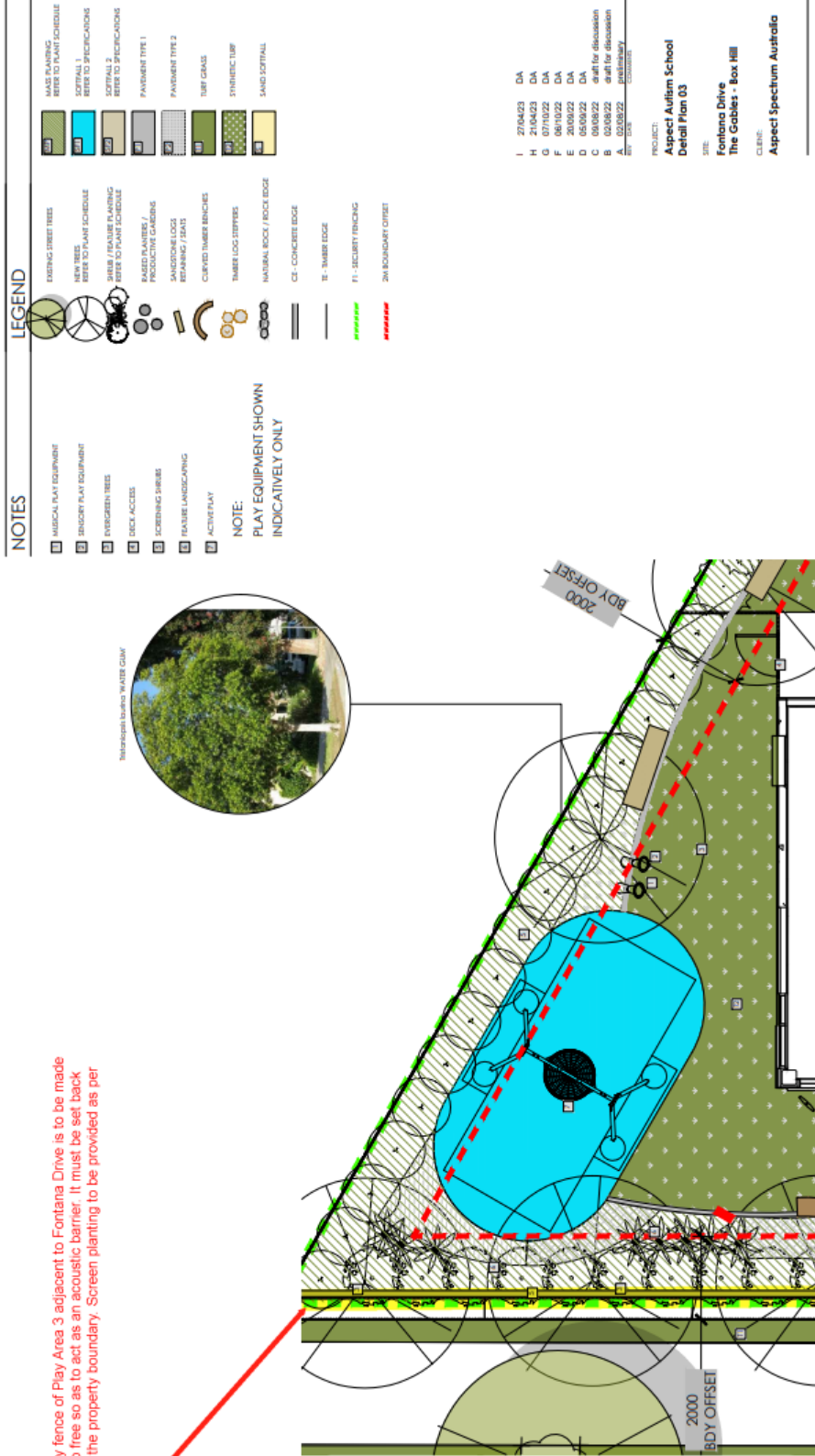


terras
412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TEL: 09 498 4141 FAX: 09 493 5488
TERRAS.COM.AU

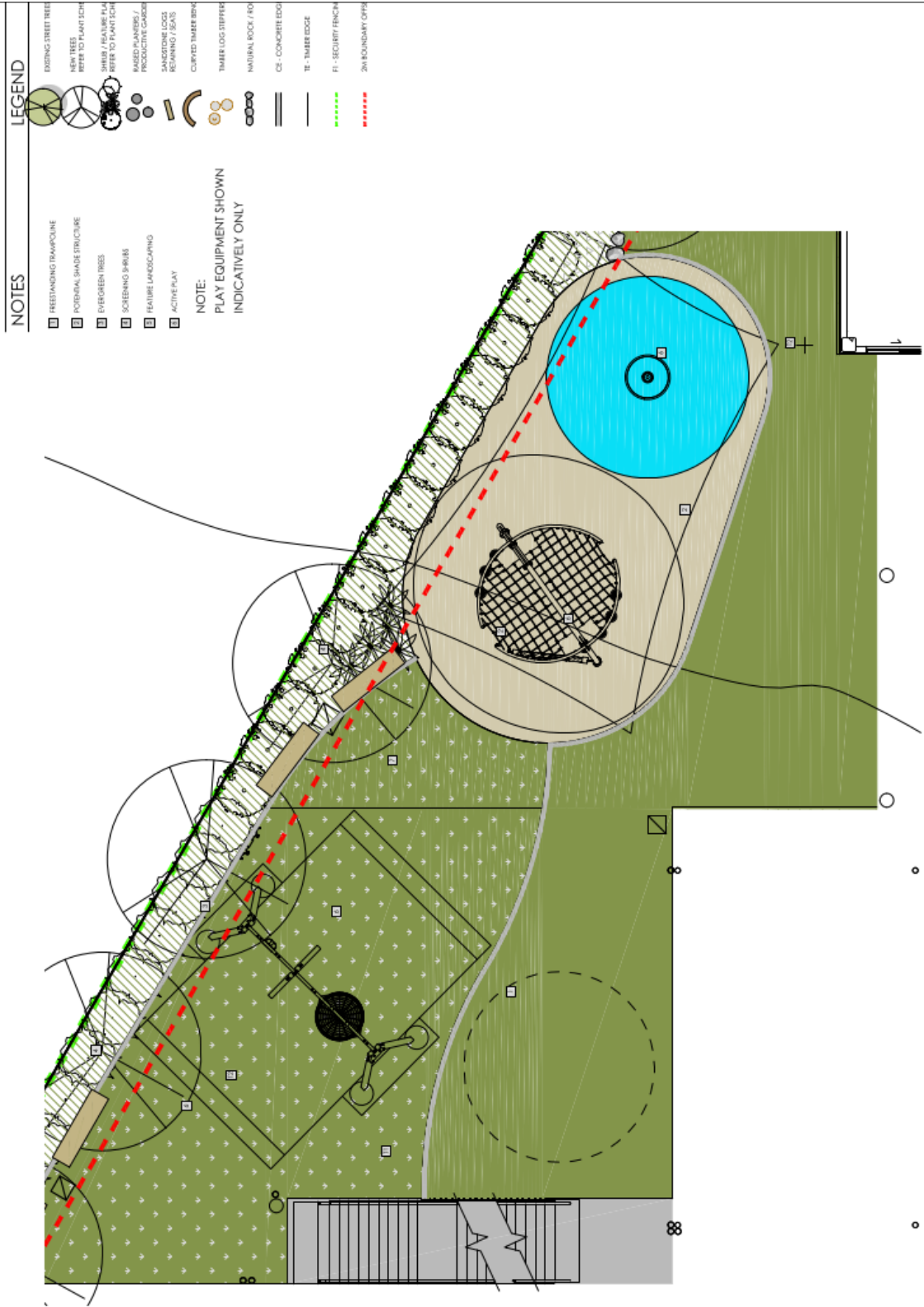
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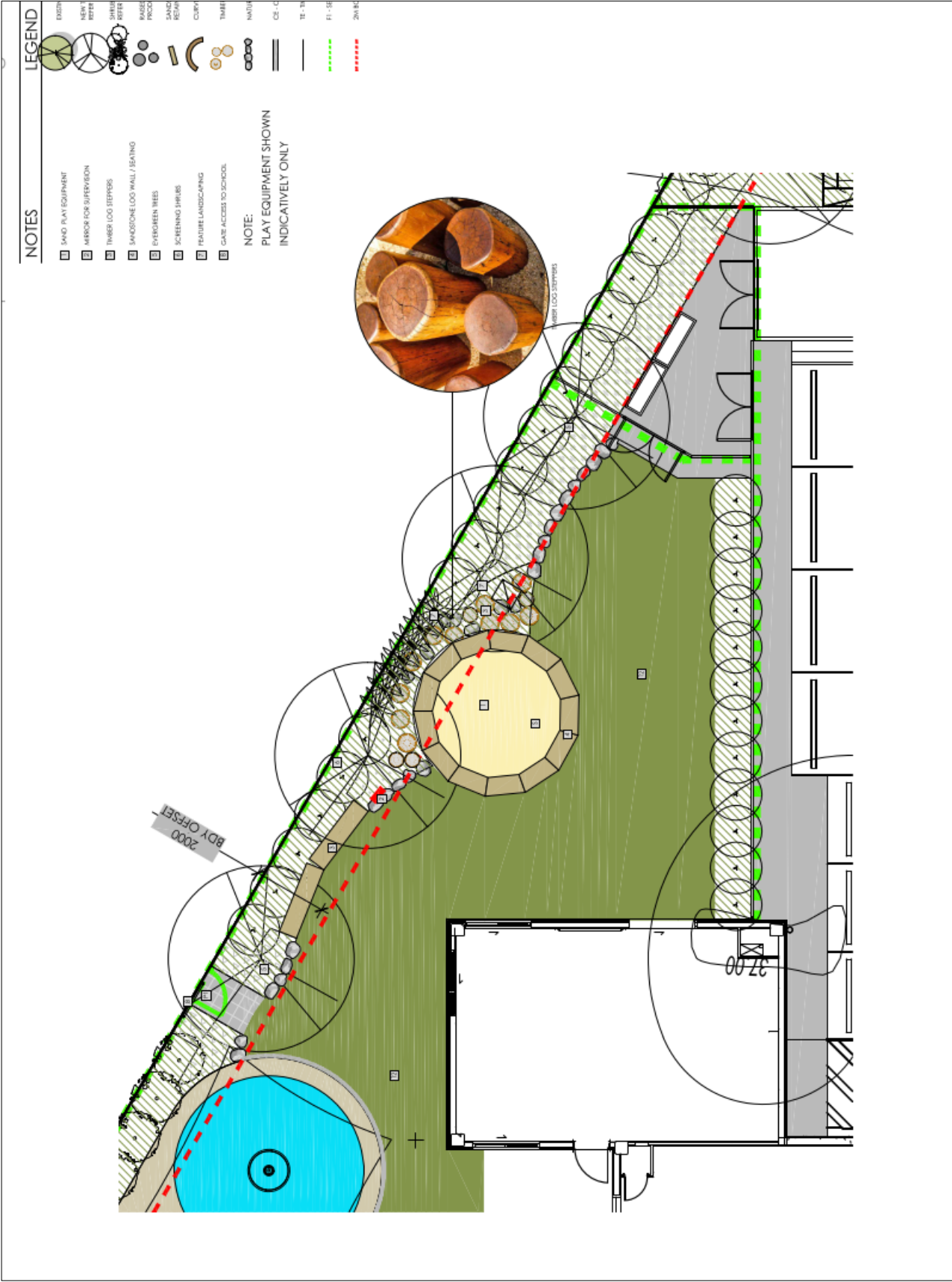
autism spectrum australia - the gables box hill

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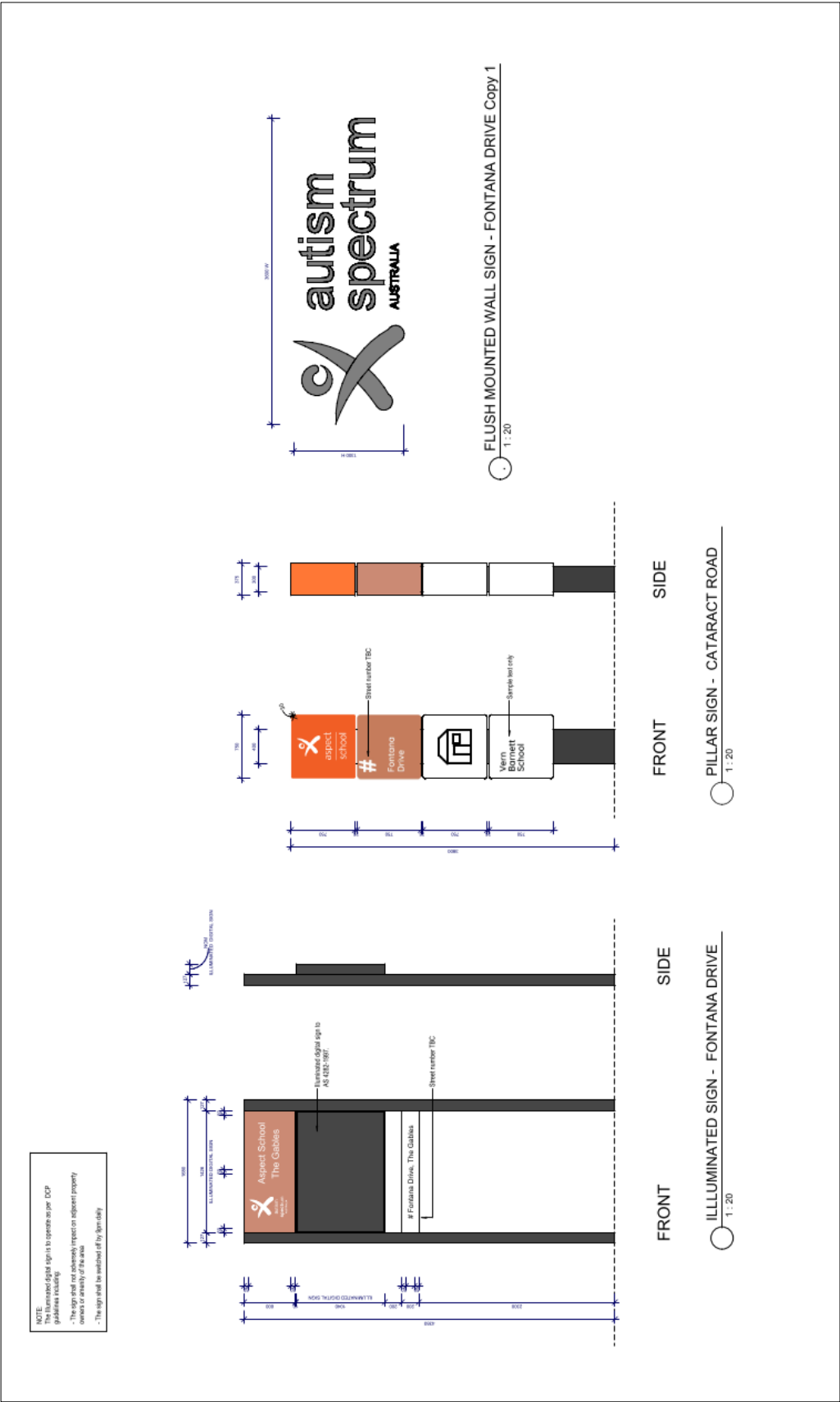


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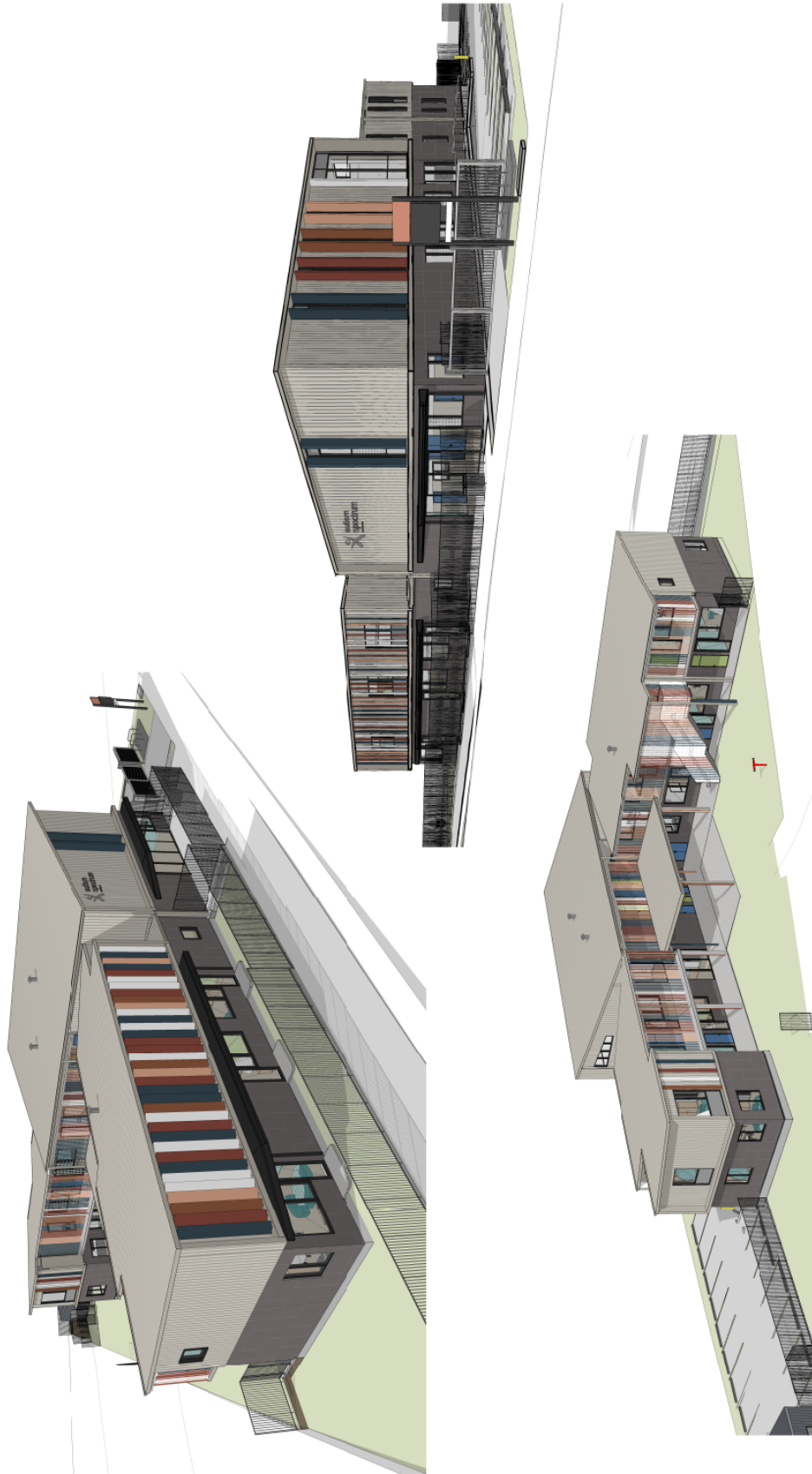




ATTACHMENT H – SIGNAGE PLANS



ATTACHMENT I – PERSPECTIVES AND COLOURS / MATERIALS





PC	Percentage
PC.01	10.0%
PC.02	15.0%
PC.03	20.0%
PC.04	25.0%
PC.05	30.0%

MT2

FC Category	Number of Publications
FC.01	10
FC.02	9
FC.03	8
FC.04	7
FC.05	6

14072 DD DA-320 G
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 PRODUCT TYPE: DA-320 G
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 EXPIRATION: 11/09/2011
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MATERIALS BOARD

ASPECT SPECTRUM
AUSTRALIA

100

ID	DATE	COMMENTS
A	03/04/02	FOR CLIENT MEETING
B	04/04/02	FOR CLIENT REVIEW
C	05/04/02	FOR COMA TREAT MEETING
D	06/04/02	FOR STOCKHOLDERS PRESENTATION
E	08/04/02	FOR CLIENT REVIEW
F	20/04/02	MEETING FOR EXAMINATION
G	20/04/02	CONCLUDE REVIEW SPECIAL



ATTACHMENT J – BUSHFIRE SAFETY AUTHORITY



BUSH FIRE SAFETY AUTHORITY

SFPP – School
Fontana Drive Gables NSW 2765, 201//DP1256554
RFS Reference: DA20221026011417-Original-1
Your Reference: 730/2023/JP (CNR-47395)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Thursday 1 December 2022

ATTACHMENT K – ENDEAVOUR ENERGY REQUIREMENTS

APPENDIX 1

Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
The Hills Shire Council	730/2023/JP	CNR-47395	Eamon Murphy	26/10/2022	16/11/2022	26/10/2022

Address	Land Title
RED GABLES ROAD GABLES 2765	(Future) Lot 10 within Lot 201 DP 1256554

Scope of Development Application or Planning Proposal

Earthworks; Construction of a new school comprising: Two storey school building containing 12 classrooms, multi-purpose hall, administration areas, covered outdoor learning area and amenities; and Parking (at-grade) for thirty-three (33) vehicles. Vehicular access to Fontana Drive and Cataract Road; Signage including: One building identification wall sign on the Fontana Drive façade; Two pylon signs; and Landscaping.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

In regard to the Subject Site there are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage underground cables (including a streetlight column) to the Fontana Drive road verge / roadway.
- Low voltage underground cables to the proposed Cataract Drive road verge / roadway.
- No existing low voltage service conductor / customer connection point.

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ABN 11 247 365 823

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.

Condition	Advice	Clause No.	Issue	Detail
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:			Decision	
Cornelis Duba			Approve (with conditions)	

Reason(s) for Conditions / Decision (If applicable)

- The Authorities Infrastructure Servicing Report includes the following addressing whether the available electricity services are adequate for the proposed development.

3.1.1. Electrical Infrastructure

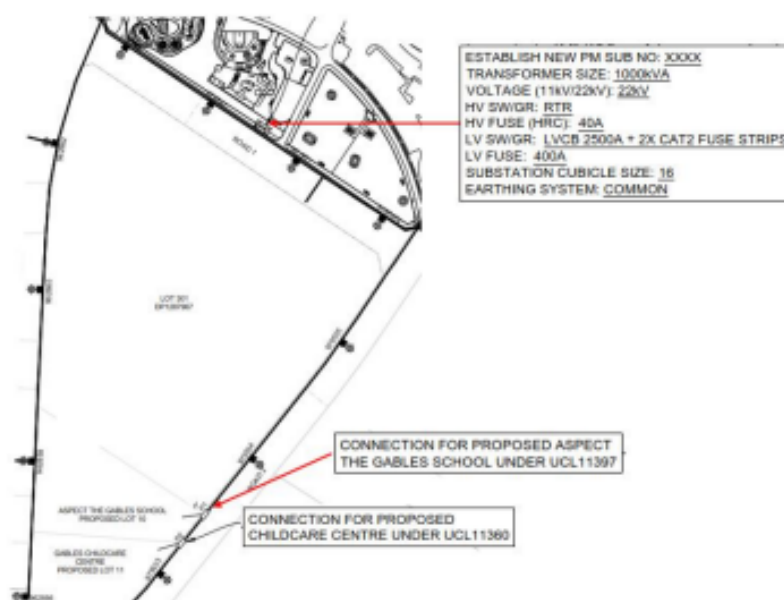
The site is a new sub-division and there is no existing electrical supply to the site.

There is very limited existing electrical infrastructure in the area surrounding the proposed site. The nearest existing substation is substation 54694 as shown on the below diagram. It is likely that this substation is already fully allocated to the existing land sub-division.

It is likely a new substation will be required to service the proposed site as it currently stands. We suggest a new substation be allowed for in the project's feasibility at this stage.

We note there is the possibility the neighbouring developments will provide a new substation as a part of their developments. Provided there is spare capacity within one of these substation(s), there may be the possibility to be able to obtain a supply from their new substation, thus avoiding a substation for the proposed Aspect site. This is a risk as it relies on other developments being completed prior to the Aspect development and available spare capacity. This may require liaison and negotiation with the other neighbouring developments prior to submitting an application for connection with Endeavour Energy.

- The application includes a design drawing for the connection of load for Red Gables Road Sports Facility Gables (Endeavour Energy Cap No. UCL11377) which also shows the provision of 'Connection for Proposed Aspect The Gables School Under UCL11397'.



- The Architectural Plans do not show provision of a padmount substation on the site.
- The applicant will need to complete the application for connection of load process and contact Endeavour Energy's Customer Network Solutions Branch [via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666] who are responsible for managing the conditions of supply with the proponent and their Accredited Service Provider (ASP). if this Development Application:
 - Includes any contestable works projects that are outside of any existing approved / certified works.
 - Results in an electricity load that is outside of any existing Supply / Connection Offer requiring the incorporation of the additional load for consideration.

- Whilst there may be no restrictions in legislation that stop sensitive uses such as schools, pre-schools, day / child care centres being placed next to electricity infrastructure, prudent avoidance measures appropriate to any electricity infrastructure on and near the site should when reasonably possible be implemented.

As a guide, in accordance with the attached copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', and as shown in the following extract of Table 1 – 'Minimum easement widths', low voltage up to 22,000 volt / 22 kilovolt (kV) high voltage underground cables (assumed to have no concrete protection unless proven otherwise) requires a 3 metre minimum easement width ie. 1.5 metres to both sides of the centre line of the cable ducts.

Table 1 - Minimum easement widths

	Voltage	Asset Type	Construction	Minimum Easement (m)
Underground Assets	400V - 22kV		Underbore / Ducted / Direct buried	3
		Cables	Ducted < 100m and with concrete protection (min 50 mm concrete cover at standard burial depth)	1

With the observance of these separation distances, electric and magnetic fields (EMF) should not exceed the recommended magnetic field public exposure limits. Nonetheless the applicant may wish to commission an independent review to provide an overall assessment and the consideration and adoption of prudent avoidance principles.

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.
- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

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Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

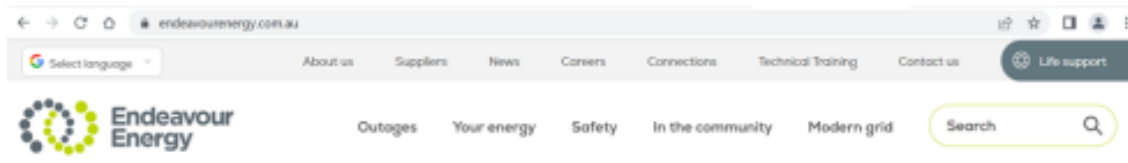
For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked are for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	clcadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.