

PLANNING PANEL (SOUTH)
ASSESSMENT REPORT SUMMARY AND RECOMMENDATION COVER SHEET

Panel Reference	PPSSTH-167	
DA Number	DA0291/2022	
LGA	Shellharbour City Council	
Proposed Development	Learning Centre, removal of 10 trees	
Development Characterisation	Educational Establishment	
Location	Lot 2 DP 1144885	
Applicant/Owner	Anglican Schools Corporation (Applicant) Anglican Schools Corporation (Owner)	
Date of DA lodgement	28 June 2022	
Public Notification Period	Dates: 7 July 2022- 20 July 2022	
No. of Submissions	Submissions: No submissions received	
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	<p><u>Clause 5 – Private infrastructure and community facilities over \$5 million</u></p> <p>The development has a capital investment value of more than \$5 million and is an educational establishment.</p> <p>The proposed development has a CIV of \$7,599,298.</p>	
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP - (Planning Systems) 2021 – Council related Development over \$5 million • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan 2013 <ul style="list-style-type: none"> - Chapter 13 Parking, Traffic and Transport - Chapter 15 Waste Minimisation and Management - Chapter 16 Access for people with a disability - Chapter 20 Landscaping - Chapter 29 Social Impact Assessment 	
List all documents submitted with this report for the Panel's consideration	<u>Attachment 1</u>	Draft Conditions of Consent
	<u>Attachment 2</u>	Architectural Plans
	<u>Attachment 3</u>	3.1 Arborist Report 3.2 Tree Retention and Removal report
	<u>Attachment 4</u>	Schedule 8- Schools: Design Principles Statement prepared by Edmiston Jones
	<u>Attachment 5</u>	Council Response to DRP Meeting Minutes
	<u>Attachment 6</u>	Social Impact Assessment Level 1
Clause 4.6 requests	No	
Report prepared by	Zoe Madaschi – Senior Development Assessment Officer	
Report Endorsed by	Madeline Cartwright - Acting Manager Planning- City Development	
Date of report	16 November 2022	

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

No

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

ASSESSMENT REPORT AND RECOMMENDATION

1. Executive Summary

1.1 Reason for consideration by the Southern Regional Planning Panel

The application is being referred to the Southern Regional Planning Panel as the Determining Authority in accordance with Schedule 6 Clause 5 of the State Environmental Planning Policy (Planning Systems) 2021. The CIV is more than \$5million.

In this regard, the development is classed as Regionally Significant development under State Environmental Planning Policy (Planning Systems) 2021. Under Part 4, Division 4.2, Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979* (the Act hereafter) the Regional Planning Panel for the area (Southern) is designated as the Determining Authority.

1.2 Proposal

The proposal seeks consent for the construction of a 2 to 3 storey learning centre and the removal of 10 trees to facilitate the development.

1.3 The site

The land the subject of this report is as follows:

- Lot 2 DP 11448855- 1 Piper Drive, Dunmore

1.4 Exhibition

The proposal was notified in accordance with the Shellharbour Community Participation Plan 2021 and received nil submissions.

1.5 Evaluation

S4.15 matters have been considered and the main issues summarised as follows:

- Tree Removal (10 trees)
- Visual Amenity
- The likely impacts of the proposal are considered satisfactory.
- The site is considered suitable for the proposal in its current form.
- The proposal is considered to be in the public interest.

1.6 Conclusion

The proposed development has been assessed in accordance with the relevant prescribed matters for consideration as outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed educational establishment development is permissible with consent in the SP1 Special Activities zone, pursuant to the Shellharbour Local Environmental Plan 2013.

Generally, the proposal is consistent with the relevant Environmental Planning Instruments including the SEPP (Resilience and Hazards) 2021 and SEPP (Transport and Infrastructure) 2021.

It is considered unlikely that the proposal would result in adverse impacts on the character of the area or the amenity of the surrounding area, environment and adjoining properties.

A range of conditions are recommended to ensure that any potential impacts are appropriately addressed and managed.

1.7 Recommendation

DA0291/2021 be determined for approval, subject to the conditions provided at Attachment 1.

2. APPLICATION AND SITE OVERVIEW

2.1 Planning Controls

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP - (State and Regional Development) 2011
- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021

Local Environmental Planning Policies:

- Shellharbour Local Environmental Plan 2013

Development Control Plans:

- Shellharbour Development Control Plan 2013

Other Policies:

- Biodiversity Conservation Act 2016
- Shellharbour Local Infrastructure Contributions Plan 2019

2.2 Proposal Details

The Development Application (as amended) seeks approval construction of a 2 to 3 storey learning centre comprising of the following:

Ground Level- a construction workshop with large storeroom, an undercroft space and outdoor construction work area and stair access to Level 1

Level 1- two large art classrooms with a central shared materials and store room with kiln and storage room, a large central shared space and art stage room and two general art classrooms with adjoining staff room and toilet facilities.

Level 2- a large central learning area with adjoining senior area and learning room, toilet facilities and IT area. Four general learning area classrooms and two junior learning/storage telling/reading rooms are provided at the eastern end of the central shared area. An administration area including Head of School office, PA area, meeting room, deputy offices, staff library and kitchen and staff toilet is proposed to the south of the central shared space.

Initial lodgement proposed the removal of 76 trees and a tree walk, however this component of the application has been amended. It was removed from the application to negate the need for a Flora and Fauna assessment to be lodged as this would not have been possible prior to the determination date advised for SRPP. The proposed tree removal and tree walk will now be a future development.

Other works

- Removal of 10 trees to facilitate the proposal
- New driveway to access workshop on ground level
- Three additional parking spaces including an accessible space
- New ramp and path area



Figure 1 – Proposed new building perspective

2.3 Subject Site and Locality

2.3.1 Site Description

The subject site is located at 1 Piper Drive, DUNMORE with the legal description being Lot 2 DP1144885, see Figure 1 below. The site has an established school “Shellharbour Anglican College”. The co-educational school opened in 2004 and currently caters for nearly 900 students (the school has current approval for up to 940 students) pre-kinder to Year 12.



Figure 2 – Location map of the subject site

The land immediately surrounding the site includes existing residential development to the North and east,

South Coast Railway to the west and a future hospital development to the south. The location of the new building can be seen below in Figure 2.



Figure 3: Proposed building location

2.3.2 Property Constraints

Council records identify the land as being affected by the following constraints:

- Bushfire Prone Land (Part Affected)
- Aboriginal Heritage
- Key Fish Habitat (very minor partly affected area onsite)
- 60m Railway Buffer

See discussion throughout the report with regard to each constraint.

2.3.3 Restrictions on Title

There are restrictions on the title as per the below:

- (X) Benefitted by right of way- C100091
- (C) Easement for padmount substation 2.75 wide
- (D) Restrictions on the use of land
- (E) Easement for underground cables 1.5 wide

Council Comment:

The proposed development will not be affected by the above easments and restrictions on site.

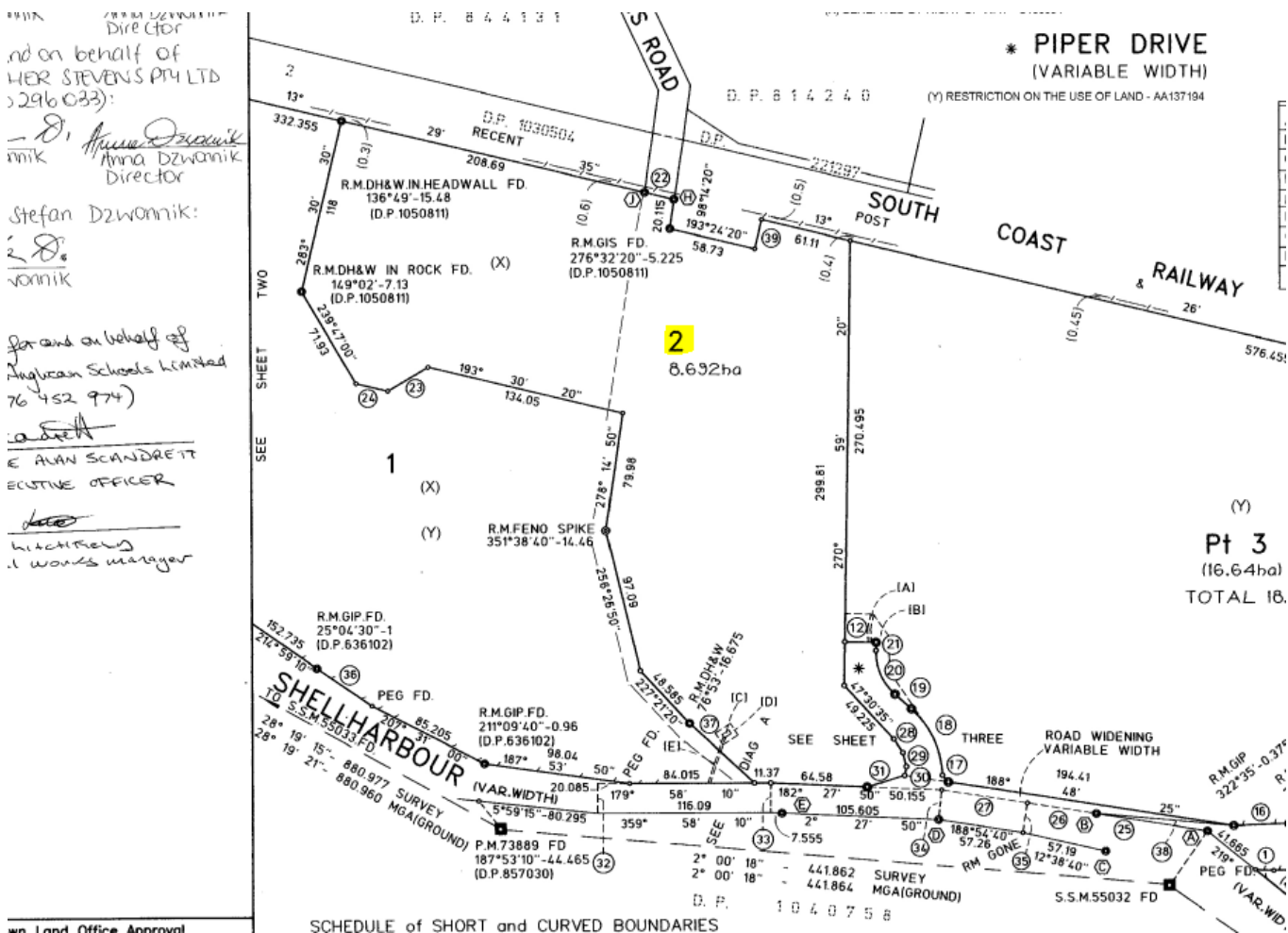


Figure 4 – Deposited Plan 1144885 extract

2.4. Referrals

2.4.1 Internal Referrals

Engineering Officer

Councils Engineering Officer has reviewed the proposal with regard to earthworks, parking and access and stormwater drainage and provided a conditionally satisfactory referral response. Recommended conditions have been included within the draft consent.

Contributions Officer

Councils Contributions Officer has reviewed the proposal and provided a conditionally satisfactory referral response. Recommended conditions have been included within the draft consent.

Environment Officer

Councils Environment Officer has reviewed the proposal and provided a conditionally satisfactory referral response. Recommended conditions have been included within the draft consent.

2.4.2 External Referrals

Rural Fire Service

The proposal was referred to the NSW RFS as Integrated Development pursuant to the *Rural Fires Act 1997*. A response was received on 7 November 2022 providing a 100B authorisation including General Terms of Approval. The GTAs have been attached to the draft consent.

Transport for NSW (Sydney Trains)

The proposal was referred to TfNSW (Sydney Trains) due to being development adjacent to rail corridors under section 2.98(2) of SEPP (Transport and Infrastructure) 2021. A response has not yet been received. Sydney Trains have advised they will provide a formal response by the 30th November 2022.

The site is adjacent to the rail corridor however the building being proposed is approximately 230 metres from the railway corridor. The proposed building is also separated by a number of other school buildings that are located between the proposed building and adjacent rail corridor site.



Design Review Advisory Panel

In line with the Shellharbour Design Review Advisory Panel Policy the development has been considered by the Shellharbour Design Review Advisory Panel (DRP).

The development application was referred to the DRP following lodgement. The comments provided following the DRP meeting are provided at Attachment 5.

Comments from the DRP are considered to have been suitably addressed by the Applicant either through the submission of amended plans or additional information.

2.4.3 Southern Regional Planning Panel Briefing Comments

A Southern Regional Planning Panel Briefing meeting was held on 28 September 2022. The following key issues were identified by the Panel and have been responded to accordingly:

Removal of 76 trees

The applicant has amended the proposal to remove 10 trees only to facilitate the construction of the new learning centre. A tree retention and removal report was lodged to accompany the application with recommendations post felling.

Current school operations and capacity

The school currently caters for nearly 900 students (the school has current approval for up to 940 students) pre-kinder to Year 12.

Site Context and surrounding land uses

The land immediately surrounding the site includes existing residential development to the North and east, South Coast Railway to the west and a future hospital development to the south.

Proximity to transport, pedestrian and cycle links

The site adjoins the Shellharbour Junction train station, and pedestrian and cycle links are located close by connecting to the station as well as surrounding residential development.

Internal accessibility for the disabled

The building has been made accessible and provides a lift and accessible paths.

Landscaping

A landscape plan was lodged with the application that appropriately addressed landscaping requirements. During the assessment process the plans were amended that removed a tree walk component to the north of the learning centre. This reduced the tree removal from 76 to 10. The landscaping to the south of the learning centre is still considered appropriate for the proposal.

Bush fire prone land mapping

The proposal was referred to the NSW RFS as Integrated Development pursuant to the *Rural Fires Act 1997* on the 29 June 2022. The General Terms of Approval have not been received.

Wind Impacts

The building has been orientated to maximise the Northern sunlight and provide a buffer from southerly winds.

Outlooks and views

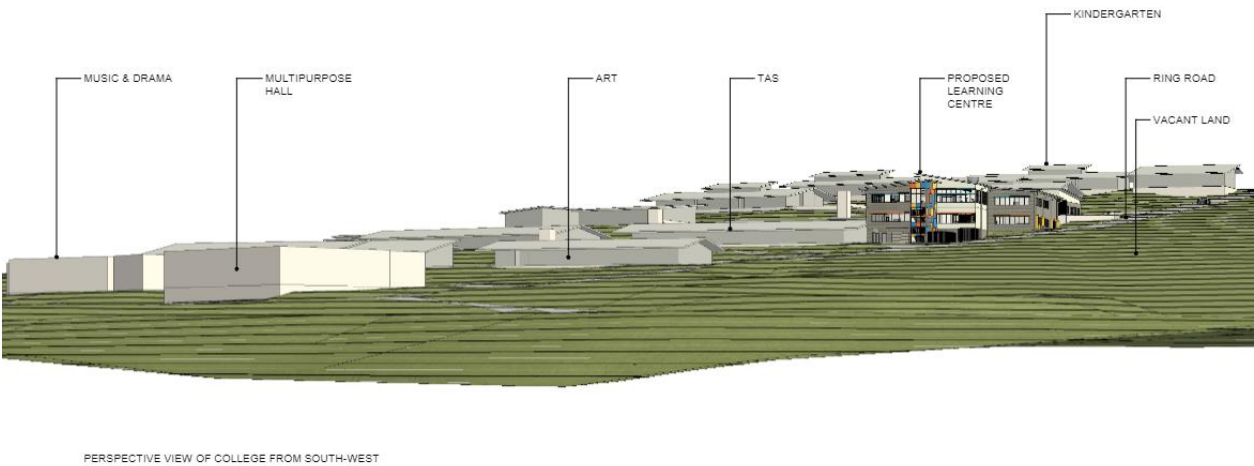
The proposed learning centre is visually prominent on this school site. However, to the south of the school site is the location of the newly proposed hospital. Whilst the building may be visually prominent at this stage, further dense development will surround the school site in the near future similarly to newly built residential subdivision to the north of the site.

The building is adjacent to the Princes Highway, figure 5 below shows the distance it is from this road. Motorists using this road will have limited impacts visually of the proposed building.



Figure 5- Site photo from the south- west (near Princes Highway)

Figure 6 below shows the building in comparison to the existing buildings on site.



Proposed LEARNING CENTRE For SHELLHARBOUR ANGLICAN COLLEGE At 1 PIPER DR, DUNMORE, NSW 2529, LOT 2, DP 1144885		10	DESCRIPTION	DATE	DRAWING TITLE	PROJECT #	20-0250		
		11	PROPOSED LEARNING CENTRE	17/02/22	SITE PERSPECTIVE	SCALE	1:50		
		12				DATE	17/02/22		
		13				DRAWING OF	DESIGNED BY		
								DRAWING NO	DA/12
								REVISION	A

Figure 6- Perspective view of college from south-west

Design Review Panel Feedback

Design Review Panel feedback is discussed in attachment 5

On-site car parking provisions and their suitability

DA212/2002 approved the school for up to 940 students with a minimum 190 hardstand parking spaces required (145 sealed spaces were on site before DA0457/2021 was lodged). DA0457/2021 approved 80 hardstand spaces with the result being 225 hardstand spaces available once completed.

The number of students/ staff is not increasing and the newly proposed building will cater for the existing students/ staff therefore no additional parking is required.

However, 3 new hardstand spaces have been proposed as part of this application including a new adaptable parking space.

3. SECTION 4.15 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

In determining a development application, a consent authority is to take into consideration matters referred to in section 4.15(1) of the Act as are of relevance to the development the subject of the application:

3.1 Biodiversity Conservation Act 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that the Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

The proposal will not impact native vegetation mapped on the State Biodiversity Values Map. Nor will any impact occur to native vegetation above the relevant impact threshold.

3.2 Section 4.15 (1) (a)(i) - environmental planning instruments

3.2.1 State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 Regionally significant development

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The CIV is more than \$5million. Therefore, the development is classed as regionally significant Under Part 4, Division 4.2, Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979* the Regional Planning Panel for the area (Southern) is designated as the consent authority.

3.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is—
- (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment: Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. There are no significant earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of section 4.6.

3.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3.4 Schools- specific development controls

The following table highlights the matters for consideration under *Clause 3.36 of Part 3.4 Schools - specific development controls*

Section	Comment
<p>(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—</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>The design quality has been evaluated with respect to Schedule 8 (see below) and is deemed satisfactory.</p>
<p>(7) Subject to subsection (8), the requirement in subclause (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.</p>	<p>Not relevant to the proposal</p>

(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subsection (6)(a) applies that has a capital investment value of less than \$50 million.	Not relevant to the proposal. The development has a capital investment value of less than \$50 million. Therefore clause 7 above is also not relevant
(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.	Noted. <i>Shellharbour Development Control Plan 2013</i> provides no controls for 'educational establishments'. However, an analysis has been provided against key controls further in this report under section 3.4.1 'Shellharbour Development Control Plan 2013'.
(10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	Not Applicable. No ancillary centre-based child care facility proposed

Schedule 8 Design quality principles in schools

See attachment 4 for applicant's response to Schedule 8 Schools: Design Principles Statement prepared by Edmiston Jones

Principle 1- context, built form and landscape	<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>	The building has been orientated to maximise the Northern sunlight and provide a buffer from southerly winds.
Principle 2- sustainable, efficient and durable	<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to</p>	A heat recovery system has been proposed to help reduce energy to maintain the temperature in the building. The rooms have been designed with the future in mind by creating spaces that can be changed and adapted over time.

	evolve over time to meet future requirements.	
Principle 3- accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note— Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The building has been made accessible and provides a lift and accessible paths.</p> <p>A statement of Compliance Access for People with a Disability was lodged with the application.</p>
Principle 4- health and safety	Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.	The current surveillance system will be extended into the new building area.
Principle 5- amenity	<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The new building provides a range of different spaces for a wide range of educational purposes.</p> <p>A noise assessment has been prepared as the site adjoins a rail corridor and is located 350m from the Princes Highway.</p>
Principle 6- whole of life, flexible and adaptive	School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	The building has been designed to be adaptable for future needs.
Principle 7- aesthetics	<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site</p>	The building has been designed with a mix of materials to make it aesthetically pleasing. The new school building is in keeping with the surrounding built form and has been designed with the slope of the site in mind.

	and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	
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Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements

2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) *is likely to have an adverse effect on rail safety, or*
 - (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) *involves the use of a crane in air space above any rail corridor, or*
 - (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Note—

Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

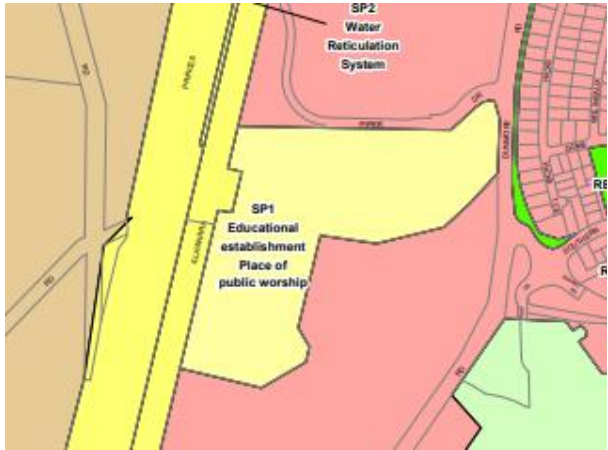
- (2) *Before determining a development application for development to which this section applies, the consent authority must—*
- (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
 - (b) *take into consideration—*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*
- (3) *Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.*
- (4) *Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

Comment: The proposal was referred to TfNSW (Sydney Trains) due to being development adjacent to rail corridors under section 2.98(2) of SEPP (Transport and Infrastructure) 2021. A response has not yet been received. Sydney Trains have advised they will provide a formal response by the 30th November 2022.

The site is adjacent to the rail corridor however the building being proposed is approximately 230 metres from the railway corridor. The proposed building is also separated by a number of other school buildings that are located between the proposed building and adjacent rail corridor site.

3.2.5 Shellharbour Local Environmental Plan 2013

The development complies with the relevant clauses of SLEP 2013 as detailed in the compliance tables included below:

Part 1 Preliminary		
1.4	Definitions	<p>educational establishment means a building or place used for education (including teaching), being— a school, or a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.</p>
Part 2 Permitted or prohibited development		
2.2 & 2.3	Zoning of land and Zone objectives and land use table	<p>The subject site is located within the SP1 Special Activities zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> • <i>To provide for special land uses that are not provided for in other zones.</i> • <i>To provide for sites with special natural characteristics that are not provided for in other zones.</i> • <i>To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.</i> <p>The proposal is satisfactory with regard to the zone objectives.</p> <p>Educational Establishments are permissible in the SP1 zone with consent</p>  <p>Figure 7: Land zoning Map</p>
Part 4 Principal development standards		
4.3	Height of buildings	<p>There is no building height control mapped for this parcel of land.</p> <p>The proposed building has a maximum of 3 storeys which is acceptable as part of this addition to an existing school.</p>

4.4	Floor Space Ratio	<p>The Floor Space Ratio Map identified a maximum floor space ratio of 0.5:1 for the subject site.</p> <p>The proposed FSR is as follows:</p> <p>Parent (existing) Lot:</p> <table><tr><td>Site Area</td><td>8.69 Ha (86900m2)</td></tr><tr><td>Ground Floor</td><td>258.8m2</td></tr><tr><td>First Floor</td><td>847.8m2</td></tr><tr><td>Second Floor</td><td>1394</td></tr><tr><td>GFA</td><td>2500.6m2 + 6900m2 (existing)</td></tr><tr><td>Exclusions</td><td>47m2</td></tr><tr><td>GFR</td><td>9400.6m2</td></tr><tr><td>FSR</td><td>0.10:1</td></tr></table>	Site Area	8.69 Ha (86900m2)	Ground Floor	258.8m2	First Floor	847.8m2	Second Floor	1394	GFA	2500.6m2 + 6900m2 (existing)	Exclusions	47m2	GFR	9400.6m2	FSR	0.10:1
Site Area	8.69 Ha (86900m2)																	
Ground Floor	258.8m2																	
First Floor	847.8m2																	
Second Floor	1394																	
GFA	2500.6m2 + 6900m2 (existing)																	
Exclusions	47m2																	
GFR	9400.6m2																	
FSR	0.10:1																	
4.5	Calculation of floor space ratio and site area	The FSR and site area have been calculated in accordance with the provisions of this clause.																
Part 5 Miscellaneous provisions																		
5.11	Bush fire hazard	Any bushfire hazard reduction works are to be undertaken in accordance with the Rural Fires Act 1997.																
Part 6 Additional local provisions																		
6.2	Earthworks	The proposal includes substantial cut and fill. The cut on site is a maximum of 2.4m however tapers down to nil. The proposal has been designed with the sloping site in mind.																
6.4	Stormwater management	The proposal was accompanied by a concept drainage plan.																
6.9	Essential services	The site is serviced by all required essential services.																

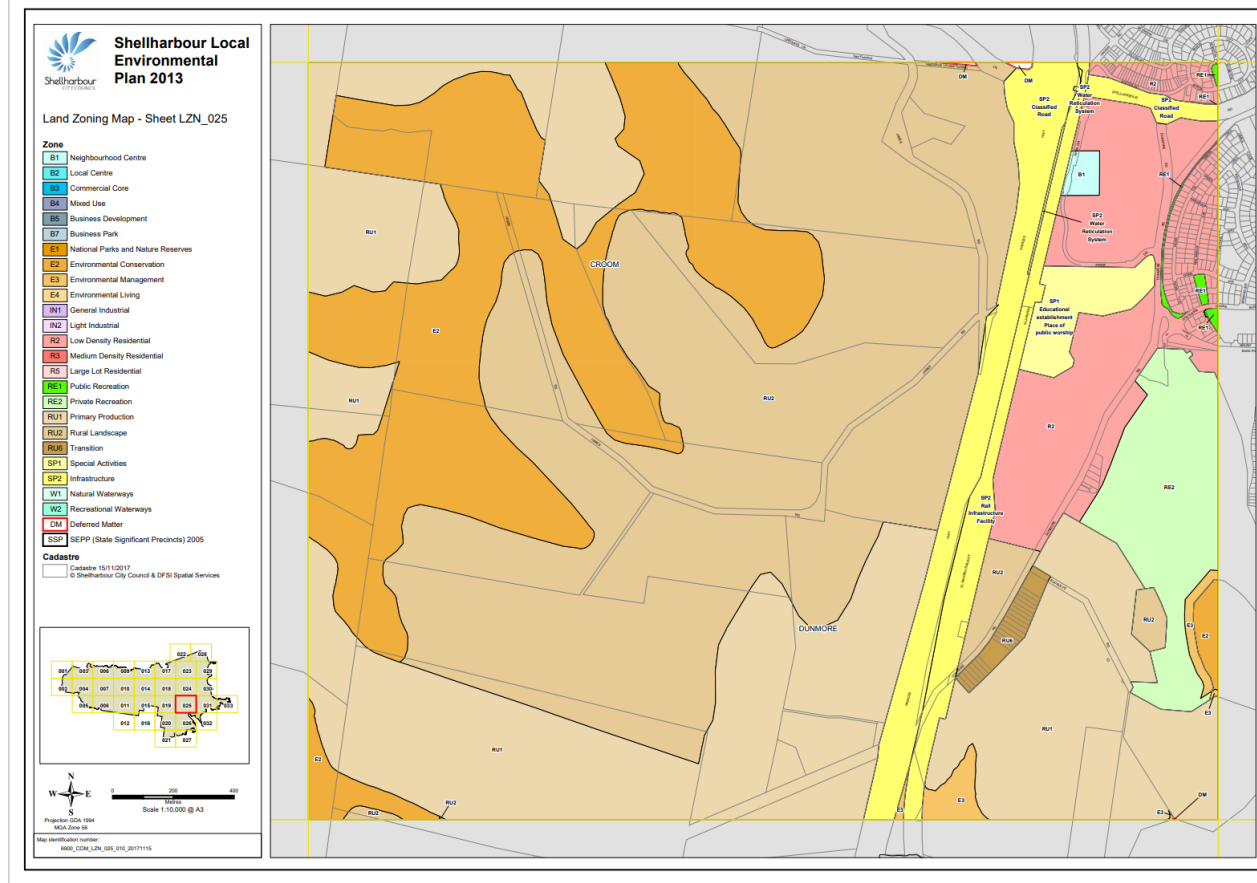


Figure 8: Land zoning map Sheet LZN_025

3.3 Section 4.15 (1) (a)(ii) – any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

None applicable.

3.4 Section 4.15 (1) (a)(iii) – and development control plan

3.4.1 Shellharbour Development Control Plan 2013

The development complies with the relevant clauses of SDCP 2013 as detailed in the compliance table below:

Chapter 13- Traffic, Parking and Access

Objectives	Proposed
1. On-site parking facilities, loading and unloading areas and manoeuvring areas for all vehicles likely to access the development must meet user requirements and allow the development to satisfactorily function within the site without adversely affecting surrounding land uses.	DA0212/2002 approved the school for up to 940 students with a minimum 190 hardstand parking spaces required (145 sealed spaces were on site before DA0457/2021 was lodged). DA0457/2021 approved 80 hardstand spaces with the result being 225 hardstand spaces available once completed.

Objectives		Proposed
2. Vehicular movements to and from the site must not adversely impact on the safety or operations of the road system.	On-site parking facilities must be designed to be easily accessible and to minimise risk of crime to property and persons while ensuring the parking facilities integrate with the aesthetics and amenity of the locality.	The number of students/ staff is not increasing and the newly proposed building will cater for these existing students/ staff therefore no additional parking is required. However, 3 new hardstand spaces have been proposed as part of this application including a new adaptable parking space.
3. Pedestrian and cyclist access to and within the site must be designed to be convenient, accessible and safe.		
4. Pedestrian and cyclist access to and within the site must be designed to be convenient, accessible and safe.		
Educational Establishments		
Requirement	Proposal	Compliance
Schools <ul style="list-style-type: none">• 1 space / staff present on site at any one time during peak period• + 1 space / 10 Year 12 students, where applicable• + 1 space / 100 enrolled students for visitor parking, with a minimum of 4 visitor spaces• + set-down / pick-up area, with length for at least 8 cars• + area for buses as appropriate• + area & facilities for bicycle storage• + adequate provision for all vehicles likely to access the site	Required: 225 hardstand spaces are available. This is in exceedance of the required 190 hardstand spaces required as per DA0212/2002 with regard to the number of approved students. 3 new hardstand spaces have been proposed as part of this application including a new adaptable parking space.	Yes, and in perpetuity, in excess.

Chapter 15 – Waste Management	
Waste Management Plan	<p>A Site Waste Minimisation and Management Plan has been prepared by Edmiston Jones, and accompanies the development application, for the construction of the proposed Learning Centre. The plan outlines the general waste collection and management arrangements for the school.</p> <p>Bins for staff and student use are provided within each classroom. Currently 2 skip bins are emptied twice a week, 1 is general waste and the other is recycling.</p>

Chapter 16 – Access for people with a disability	
Disabled Access	A statement of Compliance- Access for People with a Disability forms part of the lodged documentation.

Chapter 20 – Landscaping	
Landscape Concept Plan	Landscape Concept Plan accompanied as part of the submitted documentation. The plan is consistent with existing and established landscaping on the school site.

	10 trees are proposed to be removed- an arborist report and Tree retention and removal report were lodged
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CHAPTER 21 – Preservation and Removal of Trees or Vegetation	
Objectives <ol style="list-style-type: none"> 1. To provide the circumstances where trees or vegetation require a tree management permit if it is sought to ringbark, cut down, top, lop, remove, injure or wilfully destroy them. 2. To provide advice on tree/vegetation removal and maintenance. 3. To preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. 	<p>The application was assessed by Council's Environment team. The development proposes to remove 10 trees to facilitate the construction of the learning centre.</p> <p>The 10 trees being removed are relatively young and no trees contain any hollows, fissures or nests and contained no other indications of fauna usage.</p> <p>A tree retention and removal report was submitted that provides mitigation measures that will assist in offsetting any ecological impacts the proposal may have.</p>

Chapter 29 Social Impact Assessment	
Social Impact Assessment Level 1	A Level 1 Social Impact Assessment was requested as additional information, see attachment 6

3.4.2 Shellharbour Local Infrastructure Contributions Plan 2019

Development Contributions are applicable to the subject development. A condition has been recommended by Councils Contributions Planner in this regard which has been included as part of the draft consent.

3.5. Section 4.15 (1) (a)(iv) – the regulations

61 Additional matters that consent authority must consider

The proposal does not involve demolition.

The proposal does not relate to land which is the subject of a subdivision order under Schedule 7 of the EP&A Act 1979.

The subject development application does not relate to a manor house or multi dwelling housing (terraces).

62 Consideration of fire safety

The proposal does not relate to a change of use.

63 Considerations for erection of temporary structures

The consent does not relate to a temporary structure.

64 Consent authority may require upgrade of buildings

The proposal relates to a new building and as such, no upgrade works are required

3.6 Section 4.15 (1)(b)- the likely impacts of the development

The proposal has the potential to result in adverse impacts however those impacts are capable of being mitigated by conditions of consent (e.g. construction impacts, design) or can be considered to result in minimal impact within reasonable/acceptable limits. The proposal is therefore not likely to result in adverse social and economic impacts.

3.7 Section 4.15 (1)(c)- the suitability of the site for development;

The proposed development has been appropriately designed with regard to the constraints of the site, its zoning and topography. The development of an educational establishment is permissible with consent in the land use zone and facilitates the development that is in keeping with the exiting special use. The development would not be considered to result in unreasonable adverse impacts on the amenity of nearby sites. Accordingly, the site is considered suitable for the development.

3.8 Section 4.15 (1)(d)- any submissions made in accordance with the Act or the Regulations;

The application was notified in accordance with Council's Community Participation Plan 2021.

No submissions were received.

3.9 Section 4.15 (1)(e)- the public interest.

The application is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

4. RECOMMENDATION

DA00291/2022 (PPSSTH-167) be determined by way of approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions provided at Attachment 1.

Attachment 1- Draft Conditions of Consent

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PC Notification

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifier.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2021*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Plan	Edmiston Jones	20-0050/ Revision B/ DA/01	17.10.2022
Ground Floor Plan	Edmiston Jones	20-0050/ Revision A/ DA/02	20.05.2022
First Floor Plan	Edmiston Jones	20-0050/ Revision A/ DA/03	20.05.2022
Level 2 Plan	Edmiston Jones	20-0050/ Revision A/ DA/04	20.05.2022
Roof Plan	Edmiston Jones	20-0050/ Revision A/ DA/05	20.05.2022
Elevations Plan	Edmiston Jones	20-0050/ Revision A/ DA/06, DA/07	20.05.2022
Sections	Edmiston Jones	20-0050/ Revision A/ DA/08	17.10.2022
General Arrangement Plan	Sellick Consultants	210998/ Revision B/ 0101	7.10.2022
Alignment Typical Sections	Sellick Consultants	210998/ Revision A/ 0111	7.10.2022
Earthworks Cut and Fill Volumes Plan	Sellick Consultants	210998/ Revision A/ 0201	7.10.2022
Earthworks Longitudinal Sections	Sellick Consultants	210998/ Revision A/ 0211	7.10.2022
Alignment Control and Grading Plan	Sellick Consultants	210998/ Revision B/ 0121	7.10.2022
Alignment Road Longitudinal Section Sheet 1-5	Sellick Consultants	210998/ Revision A/ 0141, 0142, 0143,0144,0145	7.10.2022
Stormwater and Subsoil	Sellick Consultants	210998/ Revision C/	7.10.2022

Drainage		0401	
Pavement Plan	Sellick Consultants	210998/ Revision B/ 0301	7.10.2022
Waste Management Plan	Edmiston Jones	20-0050	23.02.2022
Arboricultural Development Assessment Report	Moore Trees	Lot 2 DP 1144885	22.08.2022
Tree Retention and Removal Report	Joy Hafey Environmental Consultant	Shellharbour Anglican College	14.10.2022
Bushfire Hazard Assessment	Harris Environmental Consulting	5094BF	1.04.2022
Statement of Compliance Access for people with a Disability	Accessible Building Solutions	221244	12.05.2022
Noise Assessment	Spoke Acoustics Pty Ltd	The Sydney Anglican Schools	05.2022

4. Compliance with Notations on Drawings

Works must comply with any notations highlighted on the approved plans and specifications.

5. Easements

Structures must not encroach onto any easement.

6. Owners Consent

The consent of the owner of the land is required prior to acting on the subject consent.

7. Other Approval – NSW Rural Fire Service

The NSW Rural Fire Service has issued its General Terms of Approval on the subject application, pursuant to section 100B of the Rural Fires Act 1997 and 4.46 of the Environmental Planning and Assessment Act 1979. The conditions provided within the General Terms of Approval dated 7 November 2022 as detailed at Part H of this Development Consent, form part of the conditions of consent.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. Section 7.11 Development Contributions

A contribution of \$2,072.43, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with *Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review (Amendment 1) 6 June 2022* in the following manner:

- Non-residential contribution - \$ 2,072.43

Non-residential contribution	\$	2,072.43
Total contribution payable	\$	2,072.43

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

9. Landscape Plan Required

An amended landscape plan prepared by a suitably qualified landscape architect/designer must be submitted for approval to the Certifying Authority prior to the issue of the Construction Certificate. The amended landscape plan must reflect the approved site plan.

10. Protection of Trees on Site

The existing trees to be retained must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree
- b. have a minimum height of 1.5m
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

Any tree that is damaged or removed during works must be replaced.

11. Building Plan Approval - Sydney Water

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Certifier must ensure that Sydney Water Tap in™ has issued the appropriate electronic approval prior to the commencement of any works.

12. Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$25,000.00.

Note: This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

13. Retaining Wall Structural Engineer

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

14. Detailed Drainage Design

A detailed drainage design of the site must be submitted to the Certifying Authority and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with Stormwater and Subsoil Drainage Plan Ref. No. 210998 Rev. C prepared by Sellick Consultants on 14/10/2022,
- b. drain to the Service Road stormwater pipe,
- c. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d. be to the satisfaction of the Certifying Authority,
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- g. comply with Council's *Shellharbour Development Control Plan* unless variation is specifically noted and approved on DA concept drainage plan.

15. Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out at the Developer's expense, including all alteration to public infrastructure where necessary.

PART C - PRIOR TO COMMENCEMENT OF WORKS

16. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

17. Erosion & Runoff Controls

Before work starts, appropriate erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses.

These controls may include the following (where applicable):

- a. erect a silt fence,
- b. limit the removal or disturbance of vegetation and topsoil,
- c. divert uncontaminated run-off around cleared or disturbed areas,
- d. install sediment traps/socks around any stormwater inlets and drainage lines,
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

These measures must be in place prior to commencement of any excavation or construction works.

18. Section 138 Roads Act 1993

For works within the road reserve, the requirements of the Section 138 of the *Roads Act 1993* apply. In this regard:

- ☐ If a driveway is proposed, a Driveway Application must be made, or
- ☐ If any other works are proposed and/or occupation of the road reserve proposed, a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's Fees and Charges will apply.

19. Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

20. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road

reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

21. Tree Protection

Prior to commencement of works, tree protection fencing, and clear signage is to be installed around trees to be retained. This fencing is to be compliant with AS 4970 "Protection of Trees on Construction Sites".

22. Tree Protection – Site Induction

All workers related to the construction process must be briefed about the requirements/conditions relative to the zone of protection, measures, and specifications surround the retained trees. All workers will be made aware of which trees are to be retained and removed so incidental tree removal does not occur.

23. Fauna Boxes

Prior to the commencement of any clearing work, a minimum of 2 fauna boxes (recommended type here is microbat boxes), must be installed as directed by a suitably qualified ecological consultant. Shellharbour City Council must inspect and certify in writing the nest boxes are in place prior to works commencing subject to relevant fees and charges.

24. Native Vegetation Replacement Planting

The removal of ten trees and associated shrubs and ground covers is to be offset by planting of the same species in an appropriate location north of the construction site. Unless approved in writing by Shellharbour City Council.

PART D - DURING CONSTRUCTION WORKS

25. Hours of Work During Building Work

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or public holiday.

26. Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

27. Waste Management

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

28. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

29. Removal of Trees

Only the 10 trees/vegetation indicated for removal by arborist tagging and the Tree Retention and Removal Report are to be removed. All other native trees/vegetation on site must be retained.

30. Tree Protection

Tree protection measures are to remain in place throughout all stages of the development works. No vehicles, machinery, tools or equipment, fuels, chemicals or piles of waste, gravel, soil or other materials are to be located within the tree protection fencing or within the drip zone of any retained trees at any time during construction.

In the event that any trees not identified for removal or pruning are damaged, the project arborist is required to recommend remedial action so as to reduce any long term adverse effect on the health of the tree/s. This remedial action must commence as soon as practically possible.

31. Felling supervision and Tree removal protocol

The following protocol is to be implemented to minimise any harm to native fauna:

- Felling is to be supervised by a fauna specialist/ecologist.
- WIRES or South Coast Wildlife Rescue must be notified 24 hours prior to tree felling.
- Prior to felling, trees are to be shaken or nudged with felling equipment to encourage fauna to vacate the trees.
- If no animals emerge from the canopy after shaking, trees are to be felled softly and lowered to the ground.
- If an animal emerges while shaking or nudging of the tree, then at least 30 minutes will be allowed for the animal to leave the tree. If animal is safely in reach, ecologist will capture and relocate.
- Captured animals will be placed in individual bags unless they are a family group to which separation would risk the survival of the young (i.e. lactating female with young).
- Once trees are felled, they will be thoroughly inspected for any fauna.
- The trunks of the removed trees are to be placed across the slope area to the north. This will serve to stabilise the bank and provide habitat for insects.
- The upper branches and canopy of the removed trees are to be mulched and used on site.

The ecologist/ fauna specialist must provide Council with a letter report confirming that the procedures specified have been complied with, along with notes on any fauna encountered and the outcome of salvage.

32. Protection of Native Fauna

Measures to minimise risk to native fauna during construction must be implemented including:

- a. Inspecting in and around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work; and
- b. For any injured wildlife a local vet or South Coast Wildlife Rescue on 0418 427 214 are contacted immediately.

33. Unexpected Finds Contingency

- a. Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment.

In the event that contamination remediation is required, all works must cease and the Council must be notified immediately. The contamination assessment must be submitted to Council for Approval.

All recommendations provided in the contamination assessment must be followed as stipulated.

- b. If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Industry and Environment (DPIE) be contacted immediately to determine an appropriate course of action in line of relevant legislation.

PART E - PRIOR TO OCCUPATION

34. Occupation Certificate

Compliance with all conditions of Parts A to E must be verified by the Principal Certifier prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues an Occupation Certificate.

35. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

36. Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifier prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifier.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

37. Outdoor Lighting

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the Level 1 control relevant under Table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

PART H – OTHER APPROVALS

38. Rural Fire Service



NSW RURAL FIRE SERVICE

Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529

Your reference: CNR-41765 DA0291/2022
Our reference: DA20220629008880-Original-1

ATTENTION: James Douglas

Date: Monday 7 November 2022

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – School
1 PIPER DRIVE DUNMORE 2529, 2//DP1144885

I refer to your correspondence dated 01/07/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. The General Terms of Approval are based on the documents/plans supplied via Councils referral to the NSW RFS.
 - The plan titled Site Plan prepared by Edmiston Jones dated 20/5/22 Drawing No. DA/01
 - The bush fire assessment prepared by Harris Environmental dated 1/4/22 REF: 5094BF

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the commencement of building works and in perpetuity, the existing APZ should be maintained over the entire property in accordance with Appendix 4.1.1 of *Planning for Bush Fire Protection 2019*.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction on the southern & western facades must comply with Sections 3 and 8 (BAL 40) 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

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. New construction on the northern and eastern facades must comply with section 3 and section 7 (BAL 29) 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.

5. 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; 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.

6. The provision of water, electricity and gas 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.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. 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.

For any queries regarding this correspondence, please contact Bryan Netzler on 1300 NSW RFS.

Yours sincerely,

Michael Gray
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – School
1 PIPER DRIVE DUNMORE 2529, 2//DP1144885
RFS Reference: DA20220629008880-Original-1
Your Reference: CNR-41765 DA0291/2022

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*.

Michael Gray

Manager Planning & Environment Services
Built & Natural Environment

Monday 7 November 2022

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes - General

Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifier at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2021*.

It is recommended that you discuss with your Principal Certifier the occasions when the building work is to be inspected prior to work commencing.

Erection of Signs

The principal contractor and the Principal Certifier will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifier can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifier identification.

SafeWork NSW

The requirements of SafeWork NSW must be satisfied at all times.

Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance.

Lapsing of Development Consent

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

Right to Appeal

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within twelve months after the date on which you receive this notice.

Review of Determination

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979*

provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au <<http://www.dialbeforeyoudig.com.au>> Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd
PO Box 6507
SILVERWATER NSW 2128

Attention: Land Services Department

Compliance with *Building Code of Australia*

The development must comply with the *Building Code of Australia* and all related standards and legislation.

Prescribed Payment System Tax Obligations

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

END OF NOTICE

