

9 February 2023

Albury City Council
553 Kiewa Street
Albury NSW 2640

Attention: David Christy, Service Leader City Development

Via Planning Portal

Dear David,

**Re: Submission of amended Plans and Response to Request for Further Information
Development Application No. 10.2022.39717.1 – Alterations & Additions to
Educational Establishment - Three (3) School Buildings, Tree Removal, Carparking
and Landscaping
421 Elizabeth Mitchell Drive, Thurgoona – Trinity Anglican College**

Tomahawk Pty Ltd continues to act on behalf of Trinity Anglican College in relation to Development Application No. 10.2022.39717.1 for alterations and additions to an existing educational establishment, construction of three school buildings, tree removal, car parking and landscaping at 421 Elizabeth Mitchell drive, Thurgoona. The site is more commonly known as the Trinity Anglican College. We now provide this response and accompanying amended plans with regard to Council's letter dated 16 January 2023 requesting further information.

The information provided in this letter and the accompanying amended plans also respond to the matters discussed at our meeting dated 2 February 2023, as well as issues raised by objectors during the public notification period.

The purpose of this response is to address Council's further information requirements so as to enable Council to progress with the application.

This response seeks to formally amend the application pursuant to Clause 37 of the *Environmental Planning & Assessment Regulation 2021*. Specifically, the application seeks to undertake a number of changes to the junior school building, as well as a number of other minor changes following the completion of more detailed designs.

It is confirmed however that the development is still seeking approval alterations and additions to an existing educational centre and therefore remains substantially the same.

1. Amended Plans

As outlined above, enclosed with this further information response is a set of amended plans following the completion of more detailed designs, as well responding to issues raised by both Essential Energy and objectors.

The change to the Junior School building can be summarised as follows:

- i. Amended building design so that six (6) General Learning Areas (GLAs) (classrooms) are located on the ground floor and 6 GLAs are on the first floor. The previous plan had 8 GLAs on the ground floor and 4 GLAs on the first floor. It is confirmed that the total number of students and staff remain unchanged.
- ii. Minor changes to amenities.
- iii. Inclusion of a small kitchenette on the first floor.
- iv. Updated elevations, 2 GLAs now face the existing car park to the south of the proposed building.

The other minor changes sought by this request include:

- v. Adjustment to the bus parking and drop off area to include angled parking to allow for bus passing.
- vi. Removal of light towers from the multi sports courts to protect adjoining residential amenity.
- vii. Addition of tiered seating in the north west corner of the multi-sports courts as per plans.
- viii. Minor increase in the front setback of the music and drama building from 47.84m to 49.71m.
- ix. Minor increase in the western setback of the senior school building to achieve the 35m setback recommended by the bushfire risk assessment report.
- x. Minor adjustment to the floor plan of the senior school building (SLA's slightly reduced).
- xi. Update of materials and finishes of proposed senior school building.
- xii. Inclusion of a retaining wall immediately adjacent to a proposed new storage shed (by others) in the south corner of the property. This area will be used for bin storage.

Enclosed with this submission are a copy of amended plans, which seek to supersede the previously submitted plans.

2. Response to Further Information Request

A detailed response to each of the items raised by Council has been provided in the following table for Council's consideration. As will be demonstrated below, the amended plans now address all the matters previously identified by Council.

Table 1: Response to issues raised by Council

Issue Raised	Applicant Response
<p><u>Land Contamination</u></p> <p><i>SEPP (resilience and Hazards) 2021, Chapter 4, Remediation of Land requires that, in determining development applications the Planning Authority must consider whether previous uses on the site may have resulted in contamination and whether the site is suitable for the development Please provide further evidence/justification demonstrating the land is not contaminated. (i.e. a geotechnical report confirming the school is built on natural ground and no contamination of the site has occurred).</i></p>	<p>Matters regarding land contamination have been further investigated having regard to the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021.</p> <p>An updated response to this SEPP is provided in the enclosed amended SEE.</p> <p>Specifically, the response provides historical information and further consideration of previous land uses, which has been confirmed via soil tests undertaken on-site, which show no signs of land contamination.</p> <p>It is reiterated that the subject land has been developed for the purposes of a school for the past 20 years and there have been no recorded instances or evidence of land contamination during this time.</p> <p>Consequently, the proposed development has appropriately addressed matters of land contamination.</p>
<p><u>Operational matters</u></p> <p><i>Please provide further details on operational aspects of the multi-purpose sports courts required and potential impacts on southern interface of adjoining residence. (i.e. How the courts will be used, times and days proposed for use etc.)</i></p>	<p>The multi-purpose sports courts will be used during school hours. Generally, between 8:00am and 4:30pm.</p> <p>It is not proposed that any night time use be permitted. Lighting to the courts has been removed to ensure no light spill into the adjoining residence.</p> <p>All night time sports will be played within the existing school facilities.</p>

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<p><u>Capacity</u></p> <p><i>Please provide details regarding the capacity of the site and future demand of the school</i></p>	<p>The previously submitted SEE outlined projected future student and staff numbers, which is reproduced below:</p> <table><tr><th>Component</th><th>Existing</th><th>Predicted</th></tr><tr><td>Students</td><td>1,198</td><td>1,461</td></tr><tr><td>Staff</td><td>103</td><td>112</td></tr><tr><td>Total</td><td>1,301</td><td>1,574</td></tr></table> <p>It is confirmed that these projected numbers represent the future capacity of the school.</p>	Component	Existing	Predicted	Students	1,198	1,461	Staff	103	112	Total	1,301	1,574
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<p><u>Bushfire</u></p> <p><i>It is noted Council is still awaiting NSW RFS referral response to the application. Notwithstanding this, can you please provide details in relation to the bush fire APZ setback for the secondary precinct building, noting the proposed senior building has been shifted to the east and additional bush fire protection measures have been proposed to meet requirements of PBP 2019 and the NSW RFS.</i></p> <p><i>Please also provide clarification that all APZs will be achieved within the site and there will be no impact on adjoining Council land/Environmental land.</i></p>	<p>A Bushfire Safety Authority was provided with the previously submitted Development Application.</p> <p>It is confirmed that all Asset Protection Zones will be wholly contained within the subject land and will not extend into adjoining lands, including environmental lands.</p> <p>The site will be managed by ongoing dedicated maintenance staff to ensure that the site is maintained in accordance with the vegetation management requirements of <i>Planning for Bushfire Protection Guidelines 2019</i>.</p>												
<p><u>Lighting</u></p> <p><i>Please provide lighting plan showing the extent of the lighting proposed. Please include any lighting associated with the multi-purpose sports courts, security lighting of buildings, etc.)</i></p>	<p>Please see enclosed amended plans showing lighting details and locations.</p> <p>It is confirmed that the amended application no longer proposes any external lighting to the multi sports courts.</p> <p>Security lighting to the proposed building will be to the minimum standard and light fixtures will be low glare, hooded with full cut off to ensure minimal light spill to adjoining properties.</p>												
<p><u>Stormwater drainage</u></p> <p><i>Please provide a stormwater drainage concept plan.</i></p>	<p>As per Council's request, please see enclosed a concept stormwater drainage plan.</p>												

Issue Raised	Applicant Response
<p><u>Noise attenuation</u></p> <p><i>Please provide details on the potential noise impacts on residents to the south of the site. Please consider bus movements, parking, night time use of multipurpose sports courts or music/drama centre.</i></p>	<p>It is not foreseen that there will be major additional noise impacts on residents. The bus drop off is located on the northern side of the existing southern entry road which forms part of the current bus route. There is no change to parking locations.</p> <p>Night time use is not permitted to the multipurpose sports courts.</p> <p>The music and drama centre has been acoustically designed to manage sound internally and to offer the best possible protections from noise both internally and externally.</p>
<p><u>Traffic</u></p> <p><i>Please provide revised plans/details showing the following:</i></p> <ul style="list-style-type: none"> • Pedestrian crossing across southern access road in accordance with the Traffic Impact Assessment. • Bike parking for students and bike parking and end of trip facilities for staff <p><i>The Traffic Impact Assessment provides commentary of “low growth rate” in the area. A minimum of 3.5% compound growth per annum should be applied to any forecasting. Please amend TIA accordingly.</i></p>	<p>As per Council's request, please find enclosed amended plans showing pedestrian crossings and bike parking areas, as well as end of trip facilities for staff.</p>
<p><u>Essential Energy</u></p> <p><i>Revised plans/Information to response to Essential Energy's comments as per attached.</i></p>	<p>Please see enclosed plans showing relevant setbacks from Essential Energy infrastructure.</p>

3. Response to Submissions Received

A detailed response to each of the items raised by submitters has been provided in the following table for Council's consideration.

Table 2: Response to issues raised by submitters

Issue Raised	Applicant Response
<i>Submission 1 – Adjoining Owner to South</i>	
<i>Stormwater plans and details</i>	See enclosed concept stormwater drainage plan for further details.

Issue Raised	Applicant Response
<i>Stormwater is a pre-existing issues resulting from the Trinity site, which may be exacerbated by the creation of additional hard surfaces.</i>	
<p><u>Internal Road Design</u></p> <p><i>See clarification on the internal road design (southern driveway) in terms of kerb and guttering, which will impact stormwater concerns.</i></p>	It is confirmed that the southern driveway will be sealed and will have kerb and guttering. See enclosed plans for further details.
<p><u>Landscaping</u></p> <p><i>Clarification of landscaping including:</i></p> <ul style="list-style-type: none"> <i>Landscaping along southern boundary</i> <i>Clarification of landscaping planting schedule and use of species types.</i> 	<p>Please see enclosed landscaping plan. A formal landscape plan will be submitted prior to the issue of a construction certificate.</p> <p>The existing bush and mature trees are retained along the southern boundary.</p>
<p><u>Multi-Sports Court:</u></p> <p><i>Seek clarification regarding the following:</i></p> <ul style="list-style-type: none"> <i>Lighting location and details.</i> <i>How the area will be used.</i> <i>Landscaping around the courts.</i> 	See operational matters and lighting above. See enclosed plans for landscaping details.
<i>Submission 2 – Essential Energy</i>	
<p><i>1. Essential Energy has an existing 22kV/LV pad/kiosk substation (and easement) located on this property and is impacted by the proposal:</i></p> <p><i>a. The plans provided do not show this infrastructure.</i></p> <p><i>b. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried, out in this location.</i></p> <p><i>2. Essential Energy also has existing 22kV underground cables located across the street frontage of the property and also running to substation 61-04065 and are impacted by the proposal:</i></p>	<p>Matters regarding existing Essential Energy infrastructure are noted.</p> <p>Please see enclosed amended plans showing the setback of buildings from Essential Energy infrastructure.</p> <p>Comments regarding the need to engage an Accredited Service Provider to ensure adequate provision of power is available to the new building(s) is noted.</p>

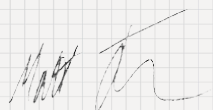
Issue Raised	Applicant Response
<p><i>a. The plans provided do not show the cable/s location.</i></p> <p><i>b. The proposed works must remain clear by a minimum of 1.0 metre either side of the centreline of the cable (or outside the easement). Nothing can be constructed over the cable.</i></p> <p><i>c. The zone of influence must be considered if constructing near the cable/s. Any works within the zone of influence must be suitably engineered.</i></p> <p>3. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the new building(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.</p>	
<p>Essential Energy also makes the following general comments:</p> <p>1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.</p> <p>2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.</p> <p>3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.</p> <p>4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).</p>	<p>Other comments raised by Essential Energy are noted and will be appropriately addressed where required.</p>

Issue Raised	Applicant Response
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.	

4. Conclusion

We trust that this information will enable Council to progress to a determination of this matter, and the revised drawings attached appropriately address the issues raised.

Should you have any queries please contact the undersigned directly on 6021 0662 or matt@habitatplanning.com.au.



Matt Johnson
Senior Planner