

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 4.18

Development Application

Applicant Name: Rossmark Pty Ltd
Applicant Address: 11 Erskine Road
CARINGBAH NSW 2229
Owner's Name: Anglican Schools Corporation
Land to Be Developed: Lot 201 DP 1276846 and Lot 1 DP 1286548
7 Murphy Lane and 415 Mitchell Highway Orange
Proposed Development: Educational establishment (demolition, new building and 750 students)

Determination made under Section 4.16

Made On: 7 December 2023
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 7 December 2023
Consent to Lapse On: 7 December 2028

Terms of Approval

The reasons for approval:

1. The proposed development will reasonably satisfy Local and State planning controls.
2. The proposed development will comply with the requirements of State approval authorities.
3. Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.
4. The proposed development will complement the existing or desired future character of the area.
5. The proposed development will be consistent with the zone objectives and principal development standards.
6. The proposed development is permitted in the zone.
7. Utility services are available and adequate.
8. Public exhibition of the application was undertaken in accordance with Council's Community Participation Plan or State legislation. During the exhibition period no submissions were received. One late submission outside the exhibition period was however received. The public submission was considered. Mitigation conditions are included where considered necessary.

The reasons for the imposition of conditions:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (8) To minimise the impact of development on the environment.

Conditions

- (1) The development must be carried out in accordance with:
- (a) **Plans numbered The Anglican Schools Corporation, drawings DA-A01 Rev L, DA-A04 Rev L, DA-A08 Rev L, DA-A09 Rev L, DA-A10 Rev L, DA-A11 Rev L, DA-A12 Rev L, DA-A13 Rev L, DA-A20 Rev L, DA-A21 Rev L (10 sheets)**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval
- as amended in accordance with any conditions of this consent.**

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (2) The OAGS Travel Policy shall be amended as follows:

Rationale

Orange Anglican Grammar School recognises that it is necessary for students and staff to travel to and from school in a safe manner. Peak travel times require procedures and expectations to be put in place to ensure the continued safety of our growing community.

Policy

Prior to opening of footpath along Mitchell Highway/across NDR

- No student shall walk or cycle to school (except for those permitted under DA 314/2008(8))
- A maximum of 420 students in/420 students out are permitted to access the school by private vehicle per day.
- Private bus service/s are to be provided to ensure the school does not exceed the 420 in/420 out per day. All buses must access the School via the Murphy Lane entrance. Details of the private bus service arrangements shall be provided to the Manager Engineering Services for approval.

Following opening of footpath along Mitchell Highway/across NDR

Students of Orange Anglican Grammar School will travel to and from school either by private vehicle, or the preferred means of pedestrian, bicycle or bus.

- Pedestrian and bicycle access will be available from the Murphy Lane entrance only, excepting the students and staff who reside west of the NDR and north of The Escort Way who may utilise the Hewitt Close access, as per DA 314/2008(8).
- Students shall not be dropped off or picked up from the following locations:
 - Mitchell Highway
 - Murphy Lane
 - Gorman Road
 - Hewitt Close
- A maximum of 420 students in/420 students out are permitted by private vehicle per day.
- Private bus service/s are to be provided to ensure the school does not exceed the 420 in/420 out per day. All buses must access the School via the Murphy Lane entrance. Details of the private bus service arrangements shall be provided to the Manager Engineering Services for approval.

Ongoing operation of the Policy

- The school will deliver, as part of an annual curriculum, a responsible walking and riding program to ensure students and staff are aware of the risks and behave responsibly.
- The Policy will be provided to all students and staff on an annual basis.
- Numbers of students travelling to school via private vehicle shall be monitored and accurate reporting provided to Orange City Council every 6 months from the operation of the development consent.

(Condition (2) continued over page)

Prior to the issue of a construction certificate (cont)
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(2) (cont)

- Bus routes and frequency may change at the discretion of the School to meet the growing needs of the community. Parents will be given at least one terms notice of any changes. Any changes to bus services shall be authorised by Council's Manager Engineering Services.
- Community incentives may be introduced at the discretion of the School to promote preferred means of transport and community safety.

All other instructions shall be deleted from the Policy.

A copy of the amended policy shall be submitted and approved by Council's Manager Development Assessments prior to student numbers exceeding 500 or the issue of a Construction Certificate, whichever occurs first.

- (3) The new location of the shed to be removed shall be submitted to Council for approval prior to the issue of the Construction Certificate.
- (4) Full details of external colours and finishes of materials are to be submitted and approved by Council's Manager Development Assessments **prior to the issue of a Construction Certificate**. The colours selected must blend with the natural environment and be recessive when viewed from the east.
- (5) Prior to the issue of a Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with Land & Property Information to consolidate Lot 201 DP 1276846 and Lot 1 DP 1286548 into one parcel.
- (6) To ensure the safety of road users in Murphy Lane the applicant shall obtain a Traffic Management Plan (TMP) for construction vehicles that is prepared by an accredited person. The approved TMP shall be submitted to Orange City Council and fully implemented prior to the commencement of works.
- (7) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier (certifier - subdivision) for approval prior to the issuing of a Construction Certificate. The control plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (8) The existing stormwater detention system shall be re-assessed based on the increased impervious area contributing to the basin as part of this development.

The assessment of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the original detention system. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of any modifications necessary to the stormwater system are to be submitted to Orange City Council upon application for a Construction Certificate.

- (9) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, must be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate and as specified following.

(Condition (9) continued over page)

Prior to the issue of a construction certificate (cont)

(9) (cont)

The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works at the contribution rate applicable at the time that the payment is made. The contributions are based on 7.5 ETs for water supply headworks and 12.5 ETs for sewerage headworks and payments are to be made to Council on the following schedule:

Prior to issue of Construction Certificate	1.5 ETs for water supply headworks	2.5 ETs for sewerage headworks
Prior to 1 February 2025	1.5 ETs for water supply headworks	2.5 ETs for sewerage headworks
Prior to 1 February 2026	1.5 ETs for water supply headworks	2.5 ETs for sewerage headworks
Prior to 1 February 2027	1.5 ETs for water supply headworks	2.5 ETs for sewerage headworks
Prior to 1 February 2028	1.5 ETs for water supply headworks	2.5 ETs for sewerage headworks

- (10) The existing right-of-way located on the site of the proposed building shall be extinguished. Evidence of the extinguishment of the ROW shall be provided to the Principal Certifier prior to the issue of a Construction Certificate.
- (11) Prior to the issue of a Construction Certificate the BBQ shelter shall be relocated clear of the sewer easement and sewer inspection shaft.
- (12) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (13) Prior to the issuing of a construction certificate, detailed plans and specifications of all mechanical plant shall be provided with confirmation from a suitably qualified person that noise emissions from mechanical plant will comply with the project noise trigger levels in Table 6, Section 4 of the Trinity Building DA Noise Assessment report prepared by Spoke Acoustics, dated September 2023.

PRIOR TO WORKS COMMENCING

- (14) Soil erosion control measures shall be implemented on the site.
- (15) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.
- (16) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.

DURING CONSTRUCTION/SITEWORKS

- (17) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (18) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

During construction/siteworks (cont)

- (19) All traffic movements into and out of the site associated with the building construction works are to be carried out at a time of day that does not occur during peak student drop off (8am-9am) and pick up (3pm-4pm) times for the school. All vehicles, including delivery vehicles, are to enter and exit the site in a forward direction from Hewitt Close.
- (20) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (21) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (22) Where Orange City Council is appointed as the Principal Certifying Authority, the following inspections will be required to be carried out by Council:
- at commencement of building work
 - footing reinforcement, prior to the pouring of concrete
 - slab reinforcement, prior to the pouring of concrete
 - frame inspection
 - wet area waterproofing
 - final inspection.
- Should any of the above mandatory inspections not be carried out by Council, an Occupation Certificate will not be issued on the complete structure.
- (23) A Registered Surveyor's Certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (24) Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the requirements of Safe Work NSW.
- (25) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of the Director Development Services is obtained in writing.
- (26) Construction materials are to be compliant with the recommendations in Section 6 - Road Traffic Noise Intrusion, and Table 11 in the Trinity Building DA Noise Assessment report prepared by Spoke Acoustics, dated September 2023.
- (27) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (28) A row of Pin Oak *Quercus Palustris* 'Pringreen' Green Pillar trees shall be planted at 6m centres, adjacent to the eastern elevation of the building. The row of trees shall commence at the southern boundary of Lot 1 DP 1286548 and extend south for 30 metres. These trees shall be planted within a dedicated garden bed, free from vehicle manoeuvring, and shall be maintained for the life of the development.
- (29) A shared footpath/cycleway shall be constructed to link the internal pathways to the Council footpath. This shall be constructed prior to the issue of the Occupation Certificate.
- (30) Bicycle parking facilities shall be established on the site prior to the issue of the Occupation Certificate.
- (31) Prior to the issue of an Occupation Certificate, evidence shall be submitted to Council of the registration of plans with Land & Property Information to consolidate Lot 201 DP 1276846 and Lot 1 DP 1286548 into one parcel.
- (32) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (33) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to, and protection of, Council assets have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.
- (34) A written agreement accepting the payment schedule for water and sewerage headwork charges must be provided to Orange City Council prior to the issue of an Occupation Certificate.
- (35) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (36) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (37) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (38) This approval is for a maximum of 750 pupils. Any further increase in enrolments will require the consent of the relevant Consent Authority. Additional civil engineering works and water and sewer augmentation charges will be required for the future stages of this development.
- (39) All access to the Orange Anglican Grammar School shall be in accordance with the Orange Anglican Grammar School Student Travel Policy (updated September 2023) and as amended by requirements of this consent and approved by Orange City Council.
- (40) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
- (41) Any outdoor lighting must be in accordance with the *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting*.

ADVISORY NOTES

- (42) Development consent has not been sought, nor granted, for the depicted solar panels or advertising signage.

Other Approvals

- (1) *Local Government Act 1993* approvals granted under Section 68.

Nil

- (2) General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

Disability Discrimination Act 1992:

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed:

On behalf of the consent authority **WESTERN REGION PLANNING PANEL**

Signature:

Name:

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date:

7 December 2023