

Blayney Shire Council

MEMO

TO: Western Regional Planning Panel

FROM: Claire Johnstone (Senior Town Planner)

DATE: 14 December 2021

**SUBJECT: DA63/2021 – Upgrades to Millthorpe Public School – 32
Park Street, Millthorpe**

Development Application 63/2021 is classified as Crown Development under Division 4.6 of the *Environmental Planning & Assessment Act 1979*, therefore, any conditions of approval and conditions will need to be agreed to by the Minister for Education.

The conditions were agreed to by Council and a representative of the Minister for Education, Marty Smith on the 3 December 2021. A copy of the agreed conditions is attached.



Claire Johnstone
Senior Town Planner

Reasons for Decision

1. To comply with legislative statutory requirements.

Approved Plans

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
12725	Site, Floor and Elevation Plans	EJE Architecture	-	August 2019 and November 2021
800200051	Traffic Impact Assessment	Cardno	-	27 April 2021 & 02 August 2021
R11488hm	Hazardous Materials Audit	Envirowest Consulting	-	6 February 2020
-	Preliminary Arborist Report	Agile Arbor Pty Ltd	-	21 November 2019
12725.5	Landscape Concept Plan	Terras Landscape Architects	-	6 February 2021 & August 2021
12725-SOHI-001	Statement of Heritage Impact	EJE Heritage	B	February 2021
32371-GR01a	Geotechnical Investigation Report	Barnson Pty Ltd	A	28 January 2020
32371 ER01a	Site Contamination Assessment	Barnson Pty Ltd	A	13 February 2020
LP_20009	Access Report	Lindsay Perry Access	-	26 March 2021
12458 02	Civil & Stormwater	Meinhardt Bonacci	A	-
12532299	Statement of Environmental Effects	GHD Pty Ltd	-	April 2021
2002.002.Report.1	Assessment of Mechanical Services Noise	Acoustik	-	30 April 2020

As amended in accordance with any conditions of this consent.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Prescribed Conditions

2. The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.
3. The developer is to provide a clearly visible sign to the site stating:
 - a) Unauthorised entry to the worksite is prohibited;
 - b) Street number or lot number;
 - c) Principal contractor's name and licence number; or owner builders permit number;
 - d) Principal contractor's contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

4. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate OR Section 6.28 Approval

5. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 8, 9, 10, 12, 24, 25, 28, and 29. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Prior to Works Commencing

6. Prior to commencement of any works other than exempt site establishment works, a Construction Certificate or a Section 6.28 Approval is to be obtained, and where Council is not the Principal Certifying Authority (PCA), a copy is to be submitted to Council.
7. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works other than exempt site establishment works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).
8. The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

9. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*.
No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council (or PCA) and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.
10. Prior to the commencement of any works (excluding exempt temporary works) on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.
11. The applicant is to obtain a Construction Certificate from Council, for the engineering work required by conditions 8, 9, 10, 12, 24, 25, 28, and 29. The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 8, 9, 10, 12, 24, 25, 28, and 29. Design shall be in accordance with *WBC Guidelines for Engineering Works*.
Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.
12. A condition assessment and report for the entire bitumen pavement and sub pavement of Redmond Oval, prepared by a suitably qualified professional, is to be submitted prior to commencement of works. All bitumen surfaces are to be reinstated to the pre-construction standard within 3 months of occupation.

During Construction

13. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday unless approved by Council.
Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.
14. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing. Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.
Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.
Note 2: Offenders are liable for prosecution without further warning.

15. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.
Each toilet must:
 - i. be a standard flushing toilet connected to a public sewer, or
 - ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii. be a temporary chemical closet approved under the *Local Government Act 1993*.
16. All excavation and backfilling associated with the erection/demolition of the building must:
 - a) be executed safely and in accordance with appropriate professional standards, and
 - b) be properly guarded and protected to prevent them from being dangerous to life or property.
17. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept. Housing – *Soil and Water Management for Urban Development (The Blue Book)*.
Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.
18. Demolition work shall be carried out in accordance with *Australian Standard AS2601-1991: The Demolition of Structures*, and NSW SafeWork requirements.
19. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.
20. Access for people with a disability shall be provided to the proposed additions in accordance with the *Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards)*. In this regard, access is required to be upgraded to all existing buildings to which construction work will be carried out, in accordance with the *Premises Standards and Part D3 of the Building Code of Australia (Volume 1)*.
21. Access to Redmond Oval for the purposes of construction is to occur only via Boomerang Street. Traffic is **NOT** to enter via Park Street without the express prior consent of Council. In this regard, should Park Street need to be used, a management plan is to be provided and approved by Council, prior to the use of Park Street detailing measures to be implemented to protect the War Memorial Gates.
22. For the duration of works, the developer shall ensure public access is maintained to Redmond Oval, and all/any lots affected by the construction of the proposed development to the satisfaction of Council.

23. The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Erosion and Sediment Control	* Following installation of erosion measures.
B	All Development & or Subdivision Works	* Practical completion.
C	Road Openings	* Upon completion of works.
D	Pave and Linemarking	* Upon completion of works.

24. At least 60 days prior to any parking related works occurring in the Redmond Oval area, detailed plans are to be submitted and approved by council, showing line marking and traffic routes from both Boomerang and Park Streets, as well as treatments and crossings of the open drain located in Redmond Oval.
25. Off street car parking is to be provided for the development:
- a) A minimum of 19 off street car parking spaces are to be provided at Redmond Oval.
 - b) Each 45 degree car parking space is to be a minimum of 5.4m in length, and 2.4m in width, in accordance with AS/NZS 2890.1
 - c) Each car parking space for the disabled is to be in accordance with the provisions of the Building Code of Australia.
 - d) All car parking spaces are to be line-marked.
26. All parking bays shall be permanently marked out on the pavement surface with parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking.
27. A minimum of 1 space, separately delineated and individually marked, shall be provided for persons that are access impaired. The car parking spaces together with continuous paths of travel to the main entry of the premises, or reasonable equivalent are to be constructed in accordance with AS 1428.
28. The vehicular entrance and exit driveways and the direction of traffic movement within Redmond Oval shall be clearly indicated by means of signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises, as per plans required by Condition 24.
29. All road and inter allotment drainage is to be conveyed to a legal point of discharge.
30. The developer is to relocate any utility services if required, at the developer's cost. In this regard, no above ground services shall be located forward of the building line of any building on the site without the prior approval of Council.

31. Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.
32. That the mortar on the Learning Hub Building be an oxide colour finish (or approved equivalent).
33. That the colour finish CLD.04 being SWISS PEARL AZURITE 7041, be amended to a traditional charcoal colour finish (or approved equivalent).

Section 68 Approval

34. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.
35. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.
36. Forty – eight (48) hours notice shall be given to Council for inspection of the following:
 - a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged;
 - b) Hot and cold water at rough-in; and
 - c) The completed building before use.
37. Prior to the issue of an Occupation Certificate, the licensed plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading.

Prior to Issue of Occupation Certificate

38. Prior to the issue of an occupation certificate, fire hydrant coverage complying with Australian Standard AS 2419.1 and emergency lighting and illuminated exit signs complying with Australian Standard AS/NZS2293.1 shall be provided to the existing Block B building in accordance with Clauses E1.3, E4.2, E4.5 & E4.6 of the Building Code of Australia (Volume 1).
39. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.
40. The pavement of Redmond Oval is to be returned to the state identified by condition 12, 3 months after issue of an occupation certificate.
41. That all landscaping be implemented as per the Landscaping Plans prior to the issue of an Occupation Certificate.

42. Prior to the issue of an Occupation Certificate, NSW Education (for Millthorpe Public School) make application for a Crown Land Manager account to authorise the proposed use and works on the parking area identified as "Kiss and Drop" on Crown Reserve 29953 - Lot 235 DP 750384. This account may be directly with NSW DPIE Crown lands, or Blayney Shire Council, in their capacity as Crown Land Manager of Redmond Oval.
43. Local Infrastructure Contributions Plan 2013 (see Council's website). The contributions to be paid are currently 1% of the cost of development.

The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate or Section 6.28 Approval.

Ongoing Matters

44. The approved building must not be used for any other purpose other than the approved use. Any proposed change of use shall only be permitted with the consent of Council.
45. Should staff and student numbers increase beyond 10% of levels nominated in the Statement of Environmental Effects, a new Traffic and Parking Report, prepared by a suitably qualified professional, is to be provided to Council for consideration. In this regard, should the new Traffic and Parking Report identify and recommend additional mitigation measures, Council may require implementation at no cost to Council and at full cost to the developer.

Crown Land (Land Owners Consent) Requirements

46. You must apply to either Blayney Shire Council as Crown Land Manager or the Department for authority to occupy and use the Crown land as described. Crown land cannot be occupied prior to this authority being granted.

Advisory Notes

Compliance with the Building Code of Australia

AN1. The following is required to ensure compliance with the Building Code of Australia (Volume 1):-

1. The building must be designed for a snow load in accordance with AS/NZS 1170.3-2003; and
2. Energy efficiency of the building must comply with Section J.

Notice of Commencement

AN2. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

Essential Energy Requirements

AN3. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

AN4. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

AN5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 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.

AN6. 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).

Crown Land (Land Owners Consent) Requirements

AN7. You are required to forward a copy of the DA approval to the NSW Department of Planning, Industry & Environment – Crown Lands ("the Department") after approval and prior to commencing works.

