

**JOINT REGIONAL PLANNING PANEL
SYDNEY WEST REGION**

JRPP No	2010SYW085
DA Number	DA0817/10
Local Government Area	Ku-ring-gai
Proposed Development	Concept proposal for development of the site comprising 6 stages and detailed proposal for Stage 1 comprising new performing arts building, carparking, ancillary landscaping and increase in student numbers.
Street Address	325 Mona Vale Road ST IVES NSW 2075
Applicant/Owner	Brigidine College St Ives Trustees of The Sisters of the Brigidine Convent
Number of Submissions	27
Recommendation	Refusal
Report by	Rebecca Eveleigh, Executive Assessment Officer

Assessment Report and Recommendation

Primary Property	325 Mona Vale Road, ST IVES
Lot & DP	Lot 10 DP 787920
Development application no.	DA0817/10
Ward	ST IVES
Date lodged	5/11/2010
Estimated cost of works	\$28,000,000
Issues	Application requires determination by JRPP as the development has a capital investment value (CIV) over \$10 million Streetscape impacts; amenity impacts; acoustic impacts; traffic access and parking; tree impacts; ecological impacts; waste management; inaccurate information; inadequate and unsatisfactory information.
Submissions	Yes
Land & Environment Court	Deemed refusal appeal lodged

LEGISLATIVE REQUIREMENTS:

Zoning	Residential 2(c)
Permissible under	KPSO
Relevant legislation	SEPP 55 SEPP (Infrastructure) 2007 SREP (Sydney harbour Catchment) 2005 KPSO DCP 31 - Access DCP 40 – Waste Management DCP 43 – Car Parking DCP 47 – Water Management DCP 56 – Notification Schools Development Control Code
Integrated development	NO

HISTORY

Site and Development application history:

February 1954	The school was first opened on 9 February 1954 with an enrolment of 8 or 9 pupils. The Novitiate opened in 1958 and the Convent in 1959.
April 1960	Brigidine College purchased a parcel of land adjoining the school to the east (at the time, known as Lot Y DP380410) for the purposes of expanding the school grounds.
28 April 1967	DA67/31

- DA67/31 was lodged for alterations and additions to the school for the construction of an assembly hall and classroom block along the Woodbury Road Street alignment. Council approved DA67/31 on 22 May 1967.
- 29 May 1971 **DA71/53**
- DA71/53 was lodged for alterations and additions to the school for the erection of a new science wing. Council approved DA71/53 on 3 August 1971.
- 20 September 1974 **DA74/107**
- DA74/107 was lodged for alterations and additions to the existing convent and novitiate. Council approved DA74/107 on 14 December 1974. The consent was not enacted.
- 13 December 1977 **DA77/132**
- DA77/132 was lodged for alterations and additions to the school for the construction of a principal's office, science laboratory and library. Council approved DA77/132 on 6 March 1978.
- A master plan for the future development of the school was submitted in conjunction with DA77/132.
- 18 March 1981 **DA46/80**
- Council approved DA46/80 for a portable classroom building consisting of two classrooms, one seminar room and office for use in conjunction with school activities. The temporary building was to have a lifespan of 10 years.
- 11 February 1982 **DA0234/81**
- Council approved DA0234/81 for an extension to the assembly hall and a new first floor classroom. A revised master plan was also submitted incorporating an athletics field and gymnasium.
- 6 April 1983 **DA410/82**
- Council approved DA410/82 the erection of 2 new classrooms, 2 science laboratories, staff room, library extension and ancillary facilities.
- 5 October 1983 **DA516/83**
- Council approved DA0516/83 for alterations and additions to the school's administration department.
- 20 November 1984 **DA0754/84**
- Council approved DA0754/84 for alterations and additions to the existing convent building, specifically construction of a new dining room, laundry, kitchen, community room, toilet facilities and two roof decks.
- A revised master plan was also submitted proposing building

extensions and subdivision of the eastern portion of the school/convent site previously reserved for a gymnasium building and athletics field.

28 March 1985

DA791/84

Council approved DA791/84 for use of a portion of the existing convent building for senior school studies.

15 November 1985

A rezoning application was lodged with Council for a change of zoning to the eastern portion of the school/convent site from Special Uses 5(a) to Residential 2(c) to enable its subsequent subdivision and disposal for residential purposes. The rezoning application was approved by Council on 13 May 1986. LEP54 was gazetted on 15 May 1987.

15 September
1987

DA1415/87

Council approved DA1415/87 for construction of a 3 storey extension to the existing Convent/Senior School Building for the provision of a covered playground, 5 classrooms and a prayer room.

9 December 1988

DA1826/88

Council approved DA1826/88 for alterations and additions to the administration building and the construction of a new gymnasium.

On 5 December 1989, Council approved modification application MOD1826/88A to extend the hours of use permitted for gymnasium use to 11pm daily.

On 7 February 1990 Council approved modification application MOD1826/88B to increase the size of the approved mezzanine floor within the gymnasium.

16 May 1991

DA2744/91

Council approved DA2744/91 for construction of two classrooms on the mezzanine level of the gymnasium. Notable conditions included:

- Condition 4 requiring a total of 83 parking spaces
- Condition 9 specifying the use of the gymnasium to be restricted to hours 8am to 11pm
- Condition 10 requiring the maximum number of students enrolled and/or attending the school to not exceed 630 students
- Condition 11 requiring the maximum number of full time and part time teachers and support staff to not exceed 52

30 March 1992

DA2973/91

Council approved DA2973/91 for removal of an existing demountable classroom building (previously approved under DA46/80) and subsequent construction of a new two level

design technology/music building in its place, construction of a single level computer science building and first floor addition to the existing science wing. Notable conditions included:

- Condition 4 requiring 86 on-site carparking spaces
- Condition 5 and 6 requiring all on-site parking to be available at all times and staff, student and school associated vehicles to be parked on the site at all times
- Condition 7 requiring the maximum number of students enrolled and/or attending the school at any one time to not to exceed 635 without prior consent of Council
- Condition 8 requiring the Maximum number of full-time, part-time teaches and support staff to not to exceed 65

On 16 July 1992, Council approved MOD2973/91A for amendments to conditions as follows:

- Condition 4 to be amended to require 92 on-site carparking spaces
- Condition 7 to be amended to a maximum of 720 students
- Condition 8 to be amended to a maximum of 70 teachers and support staff

8 September 1995 **DA4610/95**

Council approved DA4610/95 to vary use of part of the school complex from convent purposes to school administration purposes.

29 October 1997 **DA5456/97**

Council approved DA5456/97 for an assembly building.

19 December 2000 **DA0288/00 and MOD2973/91A**

Council concurrently approved DA0288/00 for tennis courts, parking and multi purpose space and MOD2973/91A for modification to Condition 4 (carparking), Condition 7 (student numbers) and Condition 8 (staff numbers).

Condition 44 of DA0288/00 required student and staff numbers to remain within the limits specified under Conditions 7 and 8 of MOD2973/91A.

Condition 4 of MOD2973/91A required a minimum of 100 on-site parking spaces to be provided.

Condition 7 of MOD2973/91A required the maximum number of students enrolled and/or attending the school at any point to not to exceed 787 without prior consent from Council.

Condition 8 of MOD2973/91A required the maximum number of full-time and part-time teachers and support staff to not exceed 80 without the prior consent of Council.

26 September
2002

DA1230/02

Council approved DA1230/02 for a shelter over an existing pathway.

25 May 2004

DA1510/03

Council approved DA1510/03 for a multi-purpose hall and visual arts centre.

On 2 September 2004, Council approved MOD1510/03A for minor modification to envelope and internal alterations.

On 27 April 2005, Council approved MOD1510/0B for deletion of Conditions 28, 29, 30 and 41 (landscaping conditions).

On 21 October 2005, Council approved MOD1510/03C for modifications to hall and access arrangements.

8 March 2004

DA1561/03

Council approved DA1561/03 for alterations and additions to the school including two sets of stairs and a terrace on the first floor.

13 January 2006

DA1311/05

Council approved DA1311/05 for internal alterations to the centre of excellence and convent building, plus a covered walkway.

13 November 2006

DA1052/06

Council approved DA1052/06 for an upgrade to the quadrangle and canteen.

7 November 2007

DA0910/07

Council approved DA0910/07 for internal and external amendments and additions including new student entry, extension to staff and common rooms, new canopy over walkway, staff amenities and staff room, new main school entry, waiting area and display area.

25 February 2008	DA0011/08 Council approved DA0011/08 for installation of rainwater tanks.
25 September 2009	DA0632/09 DA0632/09 was lodged for construction of school entry feature, signage and associated landscaping. A preliminary assessment letter was sent to the applicant on 3 November 2009. Issues raised included inconsistent/inaccurate information, tree impacts and streetscape impacts. The application was withdrawn 20 November 2009.
7 December 2009	DA0682/09 Council refused DA0682/09 for construction of a new driveway, parking bays and new associated landscaping to Woodbury Road frontage. Reasons for refusal included tree impacts, streetscape impacts, ecological impacts, excessive carparking on site and inadequate/unsatisfactory information.
31 December 2009	Infrastructure Project Application No. IPA09/0531E1 – Brigidine College The NSW Nation Building and Jobs Plan Taskforce approved IPA09/0531E1 (NBP Authorisation No. 493 of 2009) for construction of new entry features to Mona Vale Road and Woodbury Road frontages including landscaping, signage and associated works. On 11 January 2010, Construction Certificate 2010-037 was issued by the private certifying authority, Fitzgerald Building Certifiers. The approved works have been completed.
14 April 2010	Pre DA Consultation A Pre-DA consultation was held for a proposal involving construction of a carpark (30 spaces) to Woodbury Road, St Ives. The meeting minutes were issued 3 May 2010. Issues raised included stormwater drainage, vehicular access, traffic impacts to surrounding road network, construction management, tree impacts, conflict with existing works recently constructed under the Nation Building Grant, ecological impacts, unauthorised number of school students (850, exceeding the maximum student number of 787 under Mod2973/91A), student parking, need for a master plan for the overall development of the site, excessive parking on site, streetscape impacts and owners consent.

6 September 2010 **Pre-DA Consultation**

A Pre-DA consultation was held for a staged master plan involving redevelopment of Brigidine College. The meeting minutes were issued 12 October 2010. Issues raised included: stormwater drainage, vehicular access/traffic and surrounding road network, carparking, construction management, geotechnical investigation, tree impacts, cut and fill, ecological impacts (Duffys Forest), necessary information for landscape/ecological assessment, waste management, acoustic/amenity impacts in particular from the proposed tennis courts, growth of the school and associated student and teacher numbers plus parking requirements, Woodbury Road carpark, playground areas and community consultation.

30 September
2010

MOD0161/10 (Appeal 10955 of 2010)

Council refused MOD0161/10 for amendment to Condition 5 of development consent DA1510/03 requesting up to 15 non-school activities per year.

During December 2010, Appeal 10955 of 2010 was lodged in relation to the refusal of MOD0161/10.

On 2-3 February 2010 a hearing was conducted in the Land and Environment Court before Commissioner Fakes. On 2 June 2011 Commissioner Fakes upheld Appeal 10955 of 2010 granting approval (subject to a 2 year trial period) to modify Condition 5 as follows:

- 5A. *The multipurpose hall (Bowie Hall) may be used only for events or functions by Brigidine College for any school purpose, including functions and events for or by students, staff, the Parents and Friends Association or other school-related uses, except as provided in Condition 5B.*
- 5B. *Bowie Hall may be used for community purposes (in accordance with the conditions and Plan of management referred to below) on a maximum of 12 occasions during any calendar year ("non-school events") for the trial period referred to below. No function or event shall be held at the school during a non-school event.*
- 5C. *All functions held in Bowie Hall are to cease by 11pm on Monday to Saturday and by 5pm on Sunday. No function shall be held in Bowie hall on a public holiday.*

Development Application DA0817/10 (subject application) and Appeal 10376 of 2011 (deemed refusal)

5 November 2010 DA0817/10 lodged.

2 December 2011 DA0817/10 notified.

Notification was extended until 13 February 2011 (over the Christmas/New Year period).

24 submissions of objection were received raising issues including traffic, access and parking, acoustic impacts, amenity impacts, waste management, streetscape impacts, size, bulk and scale of buildings, inappropriate setbacks from boundaries, loss of trees, construction impacts, ecological impacts, overdevelopment of the site and inadequate and unsatisfactory documentation.

7 April 2011 An assessment letter was sent to the applicant. Issues raised included streetscape impacts associated with the carparking proposed to Woodbury Road frontage, amenity/acoustic impacts associated with the proposed location of the tennis courts (inadequate setbacks), visual, acoustic, traffic and amenity impacts associated the performing arts and science building (north-east quadrant of the site), traffic, access, parking and safety issues, acoustic impacts, landscape, tree and ecological impacts, inadequate/unsatisfactory plans and information.

Due to the multiple issues and inadequacies with the information/documentation provided, Council officers recommended that the application be withdrawn and that the issues be more thoroughly considered and addressed in a fresh application preceded by a Pre-DA consultation.

18 April 2011 On 18 April 2011, the applicant advised Council of their unwillingness to withdraw the application.

May 2011 Appeal 10376 of 2011 was lodged in the NSW Land and Environment Court (deemed refusal of DA0817/10)

THE SITE AND SURROUNDING AREA

The site

Zoning:	Special Uses 5(a) - School
Visual Character Study Category:	1945-1968
Lot Number:	10
DP Number:	787920
Area:	19,183m ²
Cross Fall:	North-eastern to south-western
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	N/A

Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Yes – Duffy’s Forest
Urban Bushland:	No
Contaminated Land:	No

The site is located at the corner of Mona Vale Road and Woodbury Road, St Ives. The site has a frontage of 181.19m to Mona Vale Road and 78.305m to Woodbury Road. The site has an area of 32,917sqm. The site has a cross fall from the north-western corner (RL168.98) to the south-eastern corner (RL160) at an average gradient of 3.6% (gently sloping).

Development existing on the site is an educational establishment (Brigidine College). The school is comprised of numerous buildings, tennis courts, lawn and garden areas and carparks.

Vehicular access to the site is via two driveways from Mona Vale and Woodbury Roads. Pedestrian access is also available via Mona Vale and Woodbury Roads.

SURROUNDING DEVELOPMENT

The surrounding development is predominantly residential consisting of:

- single and two storey dwelling houses
- seniors living development to the north, south and west of the site
- medium density development to the west of the site (opposite side of Mona Vale Road)

THE PROPOSAL

The application proposes:

- A.** Concept proposal for development of the site (Brigidine College) comprising 6 stages including:

Stage 1: Construction of a performing arts building (adjacent to northern boundary), two new tennis courts, at-grade car parking (adjacent to Woodbury Road frontage and northern boundary), ancillary landscaping and an increase in student numbers from 787 to 940.

Stage 2: Construction of a science classroom building attached to the eastern end of the Stage 1 performing arts building (rear north-eastern corner of the site).

Stage 3: Refurbishment of the existing convent building and ancillary landscaping works.

Stage 4: Demolition of the Murray Science Wing and McMahon Drama & Classroom wing, construction of new library and canteen building including a

landscaped roof forming part of the central grass open space area and associated landscaping works.

Stage 5: Demolition of the Kinkead Library, Sister Adrian Classroom Wing and Connolly Music & Technology Applied Sciences Wing. Construction of new classrooms and technology and applied science rooms (building to the front south-eastern corner), new outdoor multi-purpose playing court and ancillary hard and soft landscaping works.

Stage 6: Construction of a new northern façade and covered walkway for the existing Synan Classroom Wing and landscaping works between the Synan Classroom Wing and the existing chapel.

- B.** Detailed proposal for works to be implemented under Stage 1 comprising a new performing arts building, an open car park adjacent to the Woodbury Road frontage and northern boundary, ancillary landscape works and an increase in student numbers from 787 to 940.

COMMUNITY CONSULTATION

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

Kevin and Julie Howard, 3 Chapala Close, St Ives
Mrs MI Matthews, 71 Woodbury Road, St Ives
BM & LR Munro, 9 Eden Vale Close, St Ives
John P Slater, 19 Walter Avenue, St Ives
Jack W Lee, 68 Woodbury Road, St Ives
JS and SR Neighbour, 3 Hume Avenue, St Ives
Ingham Planning Pty Ltd (on behalf of Mr and Mrs Lionel Goold), Suite 19, 303 Pacific Highway, Lindfield
AS & M Tipping, 7 Eden Vale Close, St Ives
AJ and R Edbrooke, 8 The Cloisters, St Ives
Adam Chorley, 78 Woodbury Road, St Ives
St Ives Progress Association Inc, PO Box 938, St Ives
Mrs Anne Truda, 64 Woodbury Road, St Ives
LA & S Goold, 59 Woodbury Road, St Ives
John Rennie, 2 Hume Avenue, St Ives
Abraham and Naja Koudsy, 54 Ayers Road and 316 Mona Vale Road, St Ives
PR and CP Shipman, 4 Chapala Close, St Ives
Councillor JA and LJ Hall, 60 Woodbury Road, St Ives
David S Lane, 70 Woodbury Road, St Ives
Yin Ling Leung, 6 Hume Avenue, St Ives
BM and LR Munro, 9 Eden Vale Close, St Ives
Chris and Gina Ammann, 5 Hume Avenue, St Ives
Ian G Hudson, 8 Eden Vale Close, Ayres Road, St Ives
Peter Ferrero, 4 Hume Avenue, St Ives
John S Neighbour, 3 Hume Avenue, St Ives
Frances Jackman, 11 Darling Street, St Ives

Paul Ramsden, 9 Darling Street, St Ives
John and Jill Rennie, 2 Hume Avenue, St Ives

Issues raised in the submissions included:

Traffic, access, parking and safety
Acoustic impacts
Amenity impacts
Waste management
Streetscape impacts
Inappropriate setbacks from boundaries
Impact on trees
Ecological impacts
Inadequate, inaccurate and unsatisfactory documentation.

These issues are considered to be well founded as discussed elsewhere in this report.

Size, bulk and scale of buildings

There are no specific built form controls for the site. The proposed buildings are up to 11m in height (3 storeys). The proposal fails to provide satisfactory landscaped setbacks between parking, buildings and sporting facilities and the northern and eastern side boundaries of the site which adjoin residential properties.

Construction impacts

Construction management, including the provision of temporary parking, buildings and the like has not been satisfactorily addressed as part of the application.

Stormwater disposal

Council's Development Engineer advises that the method of stormwater disposal is in accordance with Council's DCP47.

Overdevelopment of the site

Having regard to the multiple amenity and environmental impacts identified in this assessment report, the proposal is considered to be an overdevelopment of the site.

Commercial use and operation of facilities

In the event of any approval, a condition could be imposed requiring the use of facilities on site to be exclusive to Brigidine College.

Overshadowing

Having regard to the location of the site to the corner of Mona Vale Road and Woodbury Road, the proposal does not result in unreasonable overshadowing impacts. At least 3 hours of solar access on June 21 will be maintained to adjoining

properties.

INTERNAL REFERRALS

Landscaping

Council's Landscape and Tree Assessment Officer commented on the proposal as follows:

Arborist report

The arborist report is not up to date.

The 16 trees assessed in 2009 and included in the Tree Data Summary (Appendix B), have since been removed and are not been shown on the Landscape Plan or Site Plan. Eight of these trees were removed under SEPP infrastructure consent. An additional tree has been approved for removal under this SEPP infrastructure consent (Tree 13) and is shown on the Landscape Plan to be removed.

The arborist assessment does not refer to latest architectural drawings submitted, nor does it refer to any works proposed on the landscape or stormwater plans.

A revised arborist assessment is required to include the following:

- *detailed report of Stage 1 impacts on trees to be listed independently of rest of site*
- *impacts from northern vehicular road and informal carparking,*
- *proposed steel mesh as a mitigating factor of tree impacts from proposed Woodbury road carpark*
- *proposed eastern driveway entrance to Woodbury Road carpark*
- *proposed elevated tennis court*
- *proposed rainwater tanks to east of existing gymnasium*

Tree impacts

Woodbury Road: There is a conflict between 14 trees recommended by the arborist to be removed and shown as retained on the Landscape Plan (Trees 1, 2, 5, 8, 26, 42, 43, 52, 55, 67, 72, 76, 79, 92). If retained, none of these trees have been assessed in the arborist report as to the impact of the proposed works.

Tree 163 – Syncarpia glomulifera (Turpentine)20H - visually significant, SULE 2– 2.5m from driveway widening including kerb and gutter and new stormwater pit and new carparking area. The proposal involves a major encroachment within TPZ with a high level of impact. The widening of driveway in vicinity of Tree 163 is not supported.

Landscape plan

Tennis Court: No levels have been shown on landscape plan or site plan. An east-west section must be provided to enable assessment of impact on adjoining properties.

The Landscape Plan is to be amended as follows:

- *levels to tennis court and paved surrounds to be shown*
- *proposed paving to west of tennis courts conflicts with footprint of existing buildings*

Drawing inadequacies/inconsistencies

Rainwater tank location: The proposed area for rainwater tanks to be constructed behind the gym in Stage 1 as per the stormwater management plan, has not been included in area shown as Stage 1 on the proposed staging plan. Impacts on existing trees in relation to these works have not been included in the arborist's assessment.

Extent of Stage 1 Works: Proposed removal of trees 251, 252, 270 shown on LP01 is inconsistent with Stage 1 extent of works. These works do not form part of any other stage.

Further information is required to enable assessment:

- *architectural plans to include area of proposed tennis court at 1:100*
- *details of suspended mesh/carpark construction in vicinity of existing trees as proposed for Woodbury Road carpark*
- *east-west section through proposed tennis court to indicate proposed elevated section in relation to existing trees along boundary*
- *the environmental site management plan of the site should indicate the proposed temporary access, site offices, waste and material stockpiles and location of tree protection fencing in accordance with Council's DA Guide*

Ecology

Council's Ecological Assessment Officer raises the following issues:

During the site inspection, Duffys Forest an endangered ecological community (EEC) listed under the Threatened Species Conservation Act 1995 (TSC Act) was identified within the frontage of Brigidine College and confined to small remnant strips along the school boundaries. The Duffys Forest within Brigidine College is mostly restricted to a canopy structure and lacks a dominate understorey of shrubs and groundcovers due to past clearing and ongoing management of the school grounds. Despite this, within the frontage of the site there is some retention of groundcovers and canopy saplings within this area. As well as the Duffys Forest community foraging habitat for non-threatened & threatened fauna species listed under the aforementioned act was also identified.

- a. *The impact assessment (7-Part test) for the Endangered Ecological Community (EEC) Duffys Forest fails to demonstrate and provide sufficient information to make an accurate assessment of the “Activity” and associated impacts upon the Duffys Forest community.*

The impact assessment (Section 5.5.11) only considers the Urban Forest community to be representative of the EEC Duffys Forest. The Scientific Determination for Duffys Forest states: “It has the structural form predominantly of open-forest to woodland”.

The Cosmopolitan Woodland identified within the Ecological Impact Assessment Report by Footprint Green, is not considered to be representative of the EEC Duffys Forest. During the site inspection, small pockets of native woodland (Duffys Forest) were identified within the areas mapped by Footprint Green as Cosmopolitan Woodland. The proposed car-parking within the northern & southern boundaries will impact upon small pockets of Duffys Forest. The impact assessment (7-part) fails to assess the impacts of the car-parking upon Duffys Forest as part of stage 1.

The impact assessment only recognises canopy trees to be removed from the Duffys Forest community. The EEC Duffys Forest comprises not only canopy trees but ground-covers, shrubs, soil, microbial life, & the seed bank not just tree canopy.

- b. *The impact assessment fails to demonstrate the “extent” of the physical area removed and/or to the compositional components of the habitat and the degree to which is affected, this in particular reference to the local occurrence of Duffys Forest community within the site.*
- c. *The Arboricultural Impact report fails to consider impacts upon trees as a result of proposed car-parking along the northern boundary.*

Engineering

Council's Development Engineer commented on the proposal as follows:

Stormwater disposal

The stormwater plans submitted for the overall master plan and stage 1 works details a system which complies with Council's Water Management DCP No.47 in relation to on-site detention and retention, water quality and discharge from the site.

The design has incorporated rainwater tanks comprising 45m³ for stage 1, 90m³ and 25m³ respectively for stage 2 to capture the roof area with the overflow directed to the newly constructed above ground OSD (basin 3 — tennis court). The carparking area and paving is also controlled and conveyed to this storage facility with the existing stormwater pipe to be replaced and upgraded to suit the flows.

The proposed design has also allowed 2 x 45m³ additional rainwater tanks to be constructed on the eastern side of the gymnasium. It is anticipated that the existing 5 rainwater tanks in the area allocated to the tennis court to be relocated on-site. The detention volume has not been offset based on Council's DCP for the rainwater retention, however still satisfies Council's site storage requirements.

Water quality measures have been addressed for treatment of stormwater flows using gross pollutant traps and bioretention systems prior to discharge to the detention system.

Permeable pavers have also been introduced for the pavement around the building, surrounding tennis courts and for the carparking bays to provide a degree of infiltration.

In summary, the concept stormwater disposal has been designed to capture stormwater runoff from all new impervious / semi impervious (porous pavers) areas and subsoil drainage systems to be piped to bioretention basins and GPT's (water quality treatment system) prior to connection into the existing stormwater system.

The stormwater management plants) has been assessed on merit and as proposed is acceptable for design purposes.

Construction management

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan (CTMP) would need to be submitted for review by Council Engineers prior to the commencement of any works on site. The TCP is to be implemented during the construction phase of the development.

In order to minimise the impact on parking on the surrounding streets it is proposed to retain use as much as possible of the existing carpark. The CTMP will need to look closely at alternative areas to accommodate vehicles which are displaced during the construction activity.

Geotechnical investigation

The results are based on a geotechnical investigation that involved nine boreholes drilled to depth of 1.0m to 2.6m using a truck-mounted drilling rig. Relatively uniform conditions were encountered in the bores which generally comprised of pavement/filling to depths of 0.2m to 2.2m, residual soils (clayey sand and sandy clay with ironstone gravel) to depths of 1.1m to 1.5m, however not encountered where the filling was directly underlain by weathered rock and weathered rock of extremely low strength to very low strength sandstone from depths of 0.4m to 2.2m and up to 2.6m depth to the base of bores. An updated geotechnical report will be required for the new works prior to works commencing. All other recommendations during the construction phase should be carried out as specified within the report.

Environmental Health

Council's Environmental Health Officer commented on the proposal as follows:

I agree with Council's acoustic consultant that the report prepared by Acoustic Studio does not address a number of concerns in relation to the potential noise impacts including from garbage collection services which was an issue raised at the Pre-DA meeting for the proposal. In addition the background noise levels in the area have not been adequately assessed. Sound level measurements undertaken by Council officers for other noise matters have found that the background noise levels are usually less than 35db(A) in residential areas of Ku-ring-gai when not adjoining main roads. Thus the proposed night time noise level of 42dB(A) for the operation of mechanical plant would be likely to exceed the background noise level and potentially impact residents at the rear of the school.

Details were not provided in relation to the garbage storage arrangements for the school which currently has 26 recycling and trade waste bins and one skip bin. Council has received previous complaints in relation to the disturbance caused to residents from the waste collections and the proposed development provides the opportunity for the school to review the waste storage arrangements and investigate utilising underground waste storage areas or relocating the collection areas to the centre of the school rather than on boundaries adjoining residential premises.

Acoustic

Council's acoustic consultant, Graham Atkins of Atkins Acoustics, provided the following comments:

Hours of operation

Acoustic Studio reports that the nominal school hours are between 8.30am and 3.30pm. In addition the following activities occur outside regular school hours:

- *tennis lesson/games to 7pm*
- *after school classes to 5.15pm*
- *after school dance and drama activities in the dance studio and drama classrooms*
- *theatre performance to 10.30pm*

The Acoustic Studio report does not mention operating hours for other on-site activities including the gymnasium, the Bowie Hall, room cleaning, ground maintenance, garbage collection, site deliveries, mechanical plant and lout out time for the onsite parking.

Background noise levels

With respect to background noise levels and criteria reported in the Acoustic Studio report (October 2010), two short term noise audit measurement were undertaken during October 2010. One noise audit was undertaken at approximately 4.15pm, the second at 11.00pm.

At Section 4, the measurement location is identified as being on the northern site boundary and we assume exposed to traffic noise from Mona Vale Road. More importantly the reported measurements in our opinion are totally inadequate for the purpose of determining background noise levels and assessment criteria for a Masterplan and a proposal that could give rise to noise impact from 6.30am to midnight, seven (7) days a week.

The reported measurement location in our opinion is not representative for residents to the rear of the school or residents on Woodbury Road who are exposed to ambient noise levels are significantly lower than those in the vicinity of Mona Vale Road.

The reported measurements have not been carried out in accordance with DECCW assessment procedures recommended for the purpose of determining appropriate Rated Background Levels (RBL's) and road traffic noise levels.

At Section 5, Table 3 recommends noise criteria for assessing noise impacts referenced to the Masterplan development and Stage 1 (Theatrical performances).

Fundamentally, the table takes no account of the existing noise levels from the premises and/or the cumulative effects of noise from the site. For example during night hours the cumulative noise from the mechanical plant (42dB(A)) and breakout from the Theatrical performances (42dB(A)) would be equivalent to 45dB(A) and technically exceed the Acoustic Studio 42dB(A) base criterion. In addition the noise from onsite car and people activities has not been considered.

In summary we have reservations about the determination of project noise criteria determined from single fifteen (15) minute noise audits undertaken on one (1) afternoon and one (1) night. Further there appears to be support from residents that noise from the existing school uses, including on and of site associated traffic may be non compliant and noise from existing activities should be investigated before any approval is considered for any expansion of the school.

Additionally, the acoustic report is silent on the assessment of noise impacts from other components of the Masterplan, hence in our opinion inadequate for the purpose of assessing the cumulative noise from the existing school activities and the proposed expansion.

Masterplan noise assessment

Section 6 identifies three areas including classroom noise, mechanical plant and noise from general playground areas. In addition this section of the report

identifies noise from the relocation of the tennis courts and vehicle access and drop off points.

Internal classroom and teaching activities

Without supporting documentation Section 6.1 states that noise from the new classrooms will be limited to 50dB(A) at residential boundaries. At this time without additional ambient background measurements, we do not accept the 50dB(A) criteria. It is our opinion that the background noise levels at the rear of the site are significantly lower than levels influenced and controlled by Mona Vale Road traffic.

With respect to classroom noise, attenuation across the building facades would be dependent on room ventilation and student access requirements. There is no supporting information provided in the report in terms of building ventilation (open windows) or student access to the classrooms. Design details shown on Architectural plans (DA 108) indicate that the Science Building would be serviced with elevated balconies along the northern facade of the building. This detail should have been identified and reviewed in the Masterplan noise assessment and addressed in terms of noise impacts on the residential properties to the north.

Mechanical plant and air conditioning equipment

Section 6.2 refers to the LAeq 50 (day) and LAeq 42 (night) criteria for mechanical plant and air conditioning. As above the criteria has not been determined from appropriate background noise measurement data. Secondly the design of new plant must consider noise contributions from existing and all new plant. The Architectural plans at present indicated that mechanical plant would service the Theatre and Science Building. Accordingly, the Masterplan assessment of mechanical plant noise should have considered the cumulative noise from all sources.

Relocated tennis courts

Section 6.4 deals with the additional noise from the relocation of the tennis court. Referring to the Architectural and Landscape Plans the playing areas of the existing tennis court are some 30-35 metres from the rear boundary of Lot 7 DP804593. The Staging Plans confirm that this distance would reduce to approximately 6 metres. By distance attenuation only, the noise from tennis activities would increase 14-15dBA. It is noted that the residential properties exposed to tennis court noise are two storey construction and the proposed 1.8m high acoustic wall would provide minimal noise attenuation to the upper levels of the residences. Other acoustic concerns relate to reflected noise from the northern wall of the gymnasium. We do not agree with the Masterplan conclusion that noise from the tennis courts will be no greater than from the existing courts.

Vehicle access and drop off points

Section 6.5 deals with additional noise from vehicles associated with the existing vehicle access and drop off points. The report fails to identify where the existing vehicle access and drop off points are located. As the assessment of the impacts associated with these activities is dependent on the location(s) and the location(s) are not defined, the Masterplan noise report cannot substantiate that the noise would be inaudible and insignificant, and that the design criteria of no more than 2dB will be complied with.

The predicted traffic noise levels summarised in Table 5 are presented as L10 levels. The recommended criteria are referenced as LAeq levels

Section 3.2, refers to traffic noise criteria set out in the Environmental Criteria for Road Traffic Noise (ECRTN). For local roads (Woodbury Road) the ECRTN recommends that existing traffic noise levels should be mitigated to meet LAeq, 1 hour 55 (day) and LAeq, 1 hour 50dB(A) (night) assessed one (1) metre from a residential building facade. Compliance with the ECRTN LAeq, 1 hour 55 (day) and LAeq, 1 hour 50dB(A) (night) noise criteria has not been addressed in the Acoustic Studio report.

Stage 1 - Noise assessment

At Section 7.4 it is concluded that noise from the theatre will be inaudible above the existing background noise level at all times. A review of the Architectural Plans P-DA201 reveals a number of planning and design issues that in our opinion should be addressed. They include:

- Sound locks for doors and access points along the northern and western building facades;*
- Back of house service doors;*
- Parking for loading/unloading vehicles/trucks servicing back of house;*
- The location of the western entry foyer door, and*
- The 1st floor louvered plant area servicing the theatre.*

In addition, mechanical plant located on the northern side of Band Room and activities associated with the outdoor stage at the front of the Performing Arts Building have not been addressed in the Masterplan noise report.

The predicted noise levels summarised in Tables 6-11 are presented as L10 levels. The recommended criteria are referenced as LAeq levels. The Masterplan noise assessment procedures, base noise data and conclusions in Section 7 should be reviewed with the appropriate noise descriptors.

Section 7.4 concludes that it is considered highly unlikely that there will be any disturbance or annoyance caused to residential neighbours as a consequence of the proposed uses of the Theatre. It is understood that the Theatre would be used on Friday and Saturday nights ((Varga Traffic)) and cater for up to 400 people requiring 67 parking spaces. On this understanding it is our opinion that the acoustic report has not adequately addressed all noise impacts associated with the use of the Theatre. In particular people leaving the Theatre, accessing their cars and leaving the site.

In conclusion, we are not satisfied that the Development Application Acoustic Report adequately identifies and addresses noise impacts associated with the works scheduled in the Masterplan and Stage 1.

With respect to the determination of goals for assessing noise impacts, we are not satisfied that adequate background noise monitoring has been undertaken to represent all the residential areas exposed to the school grounds and associated activities.

In terms of Masterplan Planning, we are not satisfied that the acoustic report identifies all noise sources or management recommendations required to control and minimise noise impacts. For example, the Masterplan acoustic report in addition to assessing day to day school activities should address activities outside normal school hours including weekends. Additionally, the acoustic report in our opinion should address the management of noise from ground maintenance, site deliveries, garbage collection, etc.

Traffic, access and parking

Council's Traffic Consultant, Craig McLaren of McLaren Traffic Engineering, advised that the application is unsatisfactory and deficient in information as follows:

- a) *There does not seem to be a plan of the basement car park under the Stage 2 (Science Building).*
- b) *The applicant's traffic consultant adopts a traffic generation rate for a "similar school" yet does not qualify / detail the source of that data. A survey at this school should be undertaken as it is somewhat unique. Plus surveys of parking demand & schedule of typical & peak events held on the school grounds for a typical week & peak week / day is also required.*
- c) *Vehicular access (entry, exit, combined entry / exit) to be identified plus the internal circulation path of vehicles and defined accessible routes from disabled spaces to school buildings.*
- d) *Breakdown of the number of students by year (Year 12 students require parking).*
- e) *Details of bus stop locations & pedestrian path linkages.*
- f) *On-site parking supply (existing & proposed) & associated allocation plan (Staff / visitor / disabled).*
- g) *Event schedule by time of day by day of week & by week of year with patronage levels (disaggregated by school use & non-school use) clearly stated with audience, support staff & performers clearly stated.*

In addition to the above traffic related issues, Council's Traffic Engineer raises the following concerns:

Traffic:

- a) *The traffic report notes that approximately 3 spaces would be required for daytime auditorium use, but these are not shown on the plan. Therefore, the applicant would need to show on the plan which 3 spaces are allocated for daytime auditorium use.*
- b) *The plan needs to clearly show the parking allocations for teachers, other staff and students.*
- c) *On the plans, there are parking spaces indicated under the new science building, but there is no information on the quantity. The applicant would need to clarify the number of parking spaces under new science building and also needs to provide additional detail regarding accessibility and manoeuvrability of all proposed underground/under building parking spaces (by providing parking space dimensions and aisle widths etc);*
- d) *Accessible parking spaces do not comply with AS2890.6 (2009) in terms of space width and providing a shared area. Also the traffic report states that 5 accessible spaces would be provided, yet only 3 are visible on the plan. This needs to be clarified.*
- e) *Further clarification is needed of the proposed auditorium's seating/capacity, as the Statement of Environmental Effects states it would have 250 seats, but the traffic report allows for 400 people attending.*
- f) *Council requires that applications for schools consider the provision of an on-site drop off and pick-up area and the preparation of a set-down and pick-up management plan, and this has not been provided and there is no evidence that it has been considered.*
- g) *Part of Council's parking requirement for schools is based on the number of Year 12 students. The applicant would need to clarify existing Year 12 student population (to verify existing student parking needs).*
- h) *Historically, there have been ongoing issues related to Year 12 student parking as well as the set-down and pick up of students, and associated impacts to nearby residents in Woodbury Road and Hume Avenue and other surrounding roads, therefore it is important that the parking issues are resolved.*

Access:

- a) *The access points are all shown as entry points on the plans, but none are designated as exit points. Therefore, the applicant needs to define entry/exit points. We recommend that the closest access point in Woodbury Road to the traffic signals be designated as entry only (no exit), as peak period queues in Woodbury Road regularly extend from the traffic*

signals to beyond this access point. Also, the entry movement should have priority to avoid queuing back into Woodbury Road and impacting on the signalised intersection with Mona Vale Road.

- b) The eastern access point in Woodbury Road should be for both entry and exit, with entry movement to have priority. Internal circulation should be two-way on the existing internal road parallel to Mona Vale Road, and one-way eastbound on the new internal road parallel to Woodbury Road.*
- c) A pedestrian access/path of travel from the bus zone (in Woodbury Road) into school grounds needs to be defined. Also may need pedestrian crossing across new internal road (next to 45 degree parking).*

To clarify the access arrangements, the applicant should be required to provide an access and internal circulation plan.

Building

Council's Building Officer has commented on the proposal as follows:

I have reviewed the architectural plans for stage 1 being the performing arts building, the BCA report listed in Appendix J, BCA Section J report listed in Appendix K and the Accessibility report Appendix D.

I advise that some of the plan numbers listed in the BCA report were not provided with the documentation submitted to myself being Plan no.'s S-DA201 & S-DA202.

Class: 9b

RIS: 2

Type of Construction: B

Section B

Engineer's details can be assessed at construction certificate stage.

Section C

Construction details can be assessed at construction certificate stage.

Section D

Generally complies with the Deemed to Satisfy Provisions of the BCA. Furthermore an Alternative Solution can be lodged for assessment at the construction stage and implemented if satisfactory.

Section E

Essential services and a fire safety schedule can be assessed at construction certificate stage.

Section F

Generally complies with the Deemed to Satisfy provisions of the Building Code of Australia.

Section G

Not applicable.

Section H

Details to be assessed at the construction certificate stage.

Section I

Not applicable.

Section J

Details to be assessed at the construction certificate stage.

Recommendation

The proposal generally complies with the Deemed to Satisfy Provisions of the Building Code of Australia. Furthermore, the applicant can use an Alternative Solution which would be submitted with the construction certificate.

EXTERNAL REFERRALS

Roads and Traffic Authority

In accordance with SEPP (Infrastructure) 2007, the application has been referred to the RTA and the following comments have been provided:

- a) *Each of the driveways are labelled as 'Entry' with none assigned as 'Exit' therefore the RTA requests that the three driveways be consolidated into two driveways along the Mona Vale Road frontage and the entry/exit arrangement be depicted clearly.*

The RTA recommends that the western driveway on Woodbury Road be designated as 'Entry' only and the eastern driveway be designated as 'Exit' only to encourage a smooth flow of traffic and reduce the potential for vehicle conflicts. Council should ensure that all vehicle conflict points are eliminated between vehicles accessing the parking under the Technology and Applied Sciences (TAS) building and vehicles exiting the site from the car parking spaces along Woodbury Road, by clear delineation through line marking and signage.

- b) *The western entry driveway to the car park along Woodbury Road is in very close proximity to the first proposed parking space within the car*

park. Manoeuvres from any vehicles parked in this space will have an impact upon other vehicles trying to enter the property and may contribute to queuing of vehicles from the access back to the Mona Vale and Woodbury Road intersection. The RTA recommends the removal of this car space.

- c) *It is not clear from Drawing No.DA101 – Site Analysis Plan, where the bus pick up and drop off area is, nor where the garbage truck turning circle is located on the plan. Council should ensure that the manoeuvring of garbage trucks into the site and buses adjacent to the site do not impact on the operation of the traffic signals at the Mona Vale Road and Woodbury Road intersection.*
- d) *Council should ensure that bicycle parking facilities are provided on site for students and staff.*
- e) *On page 15, Point 2 of the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd, it is stated that the intersection of Mona Vale Road and Woodbury Road ‘will continue to operate at a Level of Service “A”. This should be “Level of Service “C”.*
- f) *The carparking provision is to be to Council’s satisfaction.*

STATUTORY PROVISIONS

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of SEPP (Infrastructure) concerns traffic generating development and requires educational establishments for 50 or more students to be referred to the RTA. Comments provided by the RTA are provided elsewhere in this report.

Pursuant to Clause 32 of SEPP (Infrastructure) 2007, the relevant school facilities standards must be considered. In this regard, a suitably qualified consultant report must be submitted providing an assessment of each of the 6 stages against the relevant standards. This assessment has not been provided.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The applicant’s statement of environmental effects has not addressed SEPP55.

The applicant’s statement of environmental effects states:

“In 1949 the Brigidine Sisters purchased seven acres of land on Mona Vale Road, St Ives from the Gaukrodger Family so that they could move their novices from the inner city to a more tranquil environment. The remainder of the land which makes up the present campus was purchased in the early 1960’s. The additional land was required to accommodate the two institutions – novitiate and school.”

The school first opened on the site in 1954. However, it is uncertain what the land use was prior to the 1950's. The applicant has not submitted sufficient information to determine whether the site is contaminated. A Stage 1 – Preliminary Investigation would be required.

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to, or within view, of a waterway or wetland and is considered satisfactory. Water re-use measures will minimise the impact on downstream waterways.

POLICY PROVISIONS

Ku-ring-gai Planning Scheme Ordinance

The site is zoned Special Uses 5 (a) School under the KPSO. An educational establishment is defined as

“...a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used or intended for use wholly or principally as an institution.”

A school is defined as an educational establishment.

The works proposed under the master plan provide improved and expanded facilities for the schools existing and proposed increase in population. The works are development that may be carried out with development consent.

Development Control Plan No.43

Car parking requirements under DCP43 and the Schools Development Control Code				
Land use	Parking requirement	Approved	Existing	Proposed
Primary & secondary schools	1 space per full-time employee	80 staff (Condition 8 under Mod2973/91A)	102 staff (P10 of SEE)	105 staff (P6 of traffic report & P10 of SEE)
	1 space per 8 year 12	DA288/00 & Mod2973/91A =	No. of year 12 students not	147 yr 12 students

Car parking requirements under DCP43 and the Schools Development Control Code

Land use	Parking requirement	Approved	Existing	Proposed
	students Where an auditorium or similar rooms are proposed, additional parking might be required.	95 Yr 12 students $95/8 = 11.87$ (12)	specified	$147/8 = 18.4$ (19)
	1 space per 100 students enrolled, provided for visitors an/or parent parking	Condition 7 under Mod2973/91A = 787 students 7.87 (8) spaces	830 students 8.3 (9) spaces	940 students 9.4 (10) spaces
	Provision for set down/pick up of students and a set down/pick up management plan is required			Inadequate information (traffic, access and parking assessment elsewhere in this report)
<u>Total</u>		100 spaces required (Condition 4 of Mod2973/91A)	Insufficient information submitted to calculate total required. P10 of SEE states 111 spaces including 5 disabled spaces currently exist on site	134 spaces required 126 spaces proposed (does not comply)
A parking impact assessment should be undertaken to quantify the total parking required				Parking assessment inadequate (refer traffic, access and parking

Car parking requirements under DCP43 and the Schools Development Control Code				
Land use	Parking requirement	Approved	Existing	Proposed
				assessment elsewhere in this report)
Provision also to be made for bus services				Inadequate information

Traffic and Transport Policy

Council's Traffic and Transport Policy encourages the use of public transport and walking where appropriate. The Policy encourages schools to manage school traffic so that it does not impact upon the community.

The application does not address Council's Traffic and Transport Policy, in particular Section K – School safety and Section O - Development proposal requirements.

Schools Development Control Code

Section 3 Aims of the code

The aims of the School Development Control Code are:

- a) *To encourage schools to work towards a master plan for the overall development of the school site at a standard in keeping with the nature of the surrounding areas and the Municipality in general.*
- b) *To encourage schools to consider future growth and direction of development of the site in relation to buildings, enrolment numbers, playground area and amenities and to recognise any limitations imposed by site characteristics and surrounding development pattern at an early stage.*
- c) *To discourage piecemeal growth of development and intensification of density on fixed sites to the detriment of facilities for the pupils and amenity of surrounding owners/residents.*
- d) *To encourage via forward planning, rational and logical placement of school buildings and amenities on school sites allowing for maximum flexibility with future additions and development while not decreasing beyond a reasonable standard pupils amenities and surrounding residents' amenity.*
- e) *To encourage schools to consider the amenity of surrounding owners or residents and the scale and density of adjoining development when consideration of buildings aesthetics, scale, height, location and aspect are undertaken.*

- f) *To not require existing substandard schools to improve the existing standard via reduction to numbers or purchase of land but to have any future development of these substandard schools at a higher standard than existing.*

The proposal fails to satisfy the objectives above in regard to:

- The parking on Woodbury Road frontage and associated streetscape impacts
- The location of the tennis courts and associated amenity impacts to adjoining residential properties
- The intensification of development to the north-eastern corner of the site and associated amenity impacts to adjoining residential properties
- Traffic, access and parking impacts
- Acoustic impacts
- Landscape impacts
- Ecological impacts
- Waste management

The above issues are discussed in detail elsewhere in this report.

Section 4 Code for development of schools

a) Playground area

Playground area				
	Requirement	Approved	Existing	Proposed
Playground area Required	20.5sqm playground area per student enrolled at the school	Condition 7 under DA0288/00 = 787 students 116133.5sqm	830 x 20.5sqm = 17015sqm	940 x 20.5sqm = 19270sqm
Complies		Yes 17242sqm provided under DA288/00	Inadequate information	Inadequate information, compliance diagram required

The proposal fails to adequately demonstrate whether there is sufficient playground area on site in accordance with the requirements of Clause 4(a) under the Schools Development Control Code. A compliance diagram is required showing areas included and not included in the calculations.

b) Site area

Site area				
	Requirement	Approved Refer	Existing	Proposed

		DA288/00 & Mod2973/91A		
Site area 32,917sqm	28sqm per student	22036sqm (787 students)	23240sqm (830 students)	26320sqm (940 students)
Complies		Yes	Yes	Yes

c) Car parking

The carparking assessment has been combined with DCP43 addressed elsewhere in this report.

d) Buildings and landscaping

Parking to Woodbury Road frontage

The streetscape of Woodbury Road, Hume Avenue & The Cloisters (within context of Brigidine College) includes low density one and two storey dwelling houses with landscaped front setbacks. A seniors living development is located to the corner of Woodbury Road and Mona Vale Road.

Buildings on the school site, fronting Woodbury Road, are set back approximately 12 metres, generally consistent with the front setback requirements under DCP38 – Residential Design Manual, which applies to the land zoned Residential 2(c) that surrounds the subject site.

The existing southern front setback of the site to Woodbury Road is suitably landscaped featuring multiple trees, shrubs and ground cover species. The existing landscaped presentation of the school to Woodbury Road complements the streetscape and provides an appropriate setting to the surrounding landscape character of low density residential development.

Stage 1 of the proposal involves 30 angled parking spaces, combined with an entry/exit driveway to Woodbury Road for a length of 155m (or 82% of the street frontage). The set back of the parking to the southern front boundary is 1.4m – 3m.

The proposed parking along the Woodbury Road frontage would result in a significant loss of soft landscaped area to support trees, shrubs and ground cover species. This proposal fails to provide a satisfactory landscape setting to the streetscape and surrounding low density residential context. This aspect of the proposal is detrimental to the streetscape and amenity of Woodbury Road.

The proposed landscape works forward of the parking, within Council's nature strip (outside the boundaries of the site) effectively 'borrows' public land forward of the parking area to provide landscaping and soften the visual impact of the carparking. This is unacceptable.

The proposed permeable paving is a superficial visual remedy to the loss of soft landscaped area and is not an acceptable alternative as the area remains designated

for the parking of vehicles and cannot support the growth of trees and shrubs which is characteristic to the front setback areas of surrounding properties.

The proposed parking, driveway and access points involve tree impacts which have not been satisfactorily addressed by the applicant's arborist.

There is a conflict between 14 trees recommended by the arborist to be removed and shown as retained on the Landscape Plan (Trees 1, 2, 5, 8, 26, 42, 43, 52, 55, 67, 72, 76, 79, 92). If retained, none of these trees have been assessed in the arborist's report as to the impact of the proposed works. In this regard, the tree impacts are uncertain based on the information submitted to date.

The parking arrangements have not been appropriately integrated with the buildings on the site, preferably as basement parking.

Tennis courts

The existing tennis courts are located to the rear north-eastern corner with set backs of approximately 15m.

The proposed tennis courts are to be located adjacent to the eastern boundary, with greatly reduced setbacks of 2.6m – 3.3m. The location and minimal setback, results in unreasonable acoustic and amenity impacts on the adjoining low density residential development.

The courts are not proposed for residential use, but school use where court activity is significantly higher and in this regard the proposed 2-3m set back is not sufficient to offset amenity and acoustic impacts. The submitted acoustic report is also flawed in relation to this issue.

Any tennis court in this location should include a set back that is at least consistent with the adjacent gymnasium (approximately 7 metres) to ensure an appropriate visual break between development on the school site and adjoining residential development combined with an appropriate acoustic wall with sensitive external treatment to soften the visual impact of the wall and blend with necessary landscaping to the eastern boundary.

The location of the tennis court and associated fill will likely result in an adverse impact on Trees 129, 130 and 131 which are located adjacent to the eastern boundary. Inadequate and unsatisfactory information has been submitted to enable a proper assessment of these impacts.

No levels have been shown on the landscape plan or site plan with regard to the tennis court. An East-West section in conjunction with the adjoining properties must be provided to enable assessment of impact.

Intensification of land use to the north-eastern corner of the site

Existing development to the north and north-east of the site includes a bitumen driveway (set back approximately 6.5m – 11m from the northern boundary) with

unformed and formed parking within the northern landscaped setback, two tennis courts to the north-eastern corner (set back approximately 15m) and two metal carports west of the tennis courts.

The north-eastern corner of the site will significantly change with the proposed size and scale of the performing arts and science building (to be constructed over two stages) as well as the intensification of use to this part of the site. The performing arts building will be approximately 95m in length and 8- 10.4m in height (two storeys). The science building will be approximately 14 metres in height (3 storeys) with parking at ground level. Formalisation of the existing parking as well as the provision of 8 additional spaces is proposed adjacent to the northern boundary.

The land use intensification associated with the proposed performing arts and science building will result in adverse visual, acoustic, traffic and amenity impacts to the adjoining low density residential development north of the site. The size, scale and use of the proposed buildings, requires an appropriate landscape buffer to the northern boundary, which has not been satisfactorily provided.

Formalisation of parking to the northern boundary is not supported and should be designated as a landscaped buffer with a combination of tall trees and shrubs. Carparking should be relocated and appropriately integrated with the buildings (preferably as basement parking).

Tree 163 – *Syncarpia glomulifera* (Turpentine) 20H - visually significant, SULE 2–2.5m from driveway widening including kerb and gutter and new stormwater pit and new carparking area. The proposal involves a major encroachment within Tree Protection Zone (TPZ) with a high level of impact. The widening of driveway in vicinity of Tree 163 is not supported.

e) Environmental impact assessment

The applicant's Statement of Environmental Effects fails to address Council's Schools Development Control Code, an adopted policy of Council.

The landscape works outside the boundaries of the site and on Council's nature strip constitute an activity under Part 5 of the Environmental Planning and Assessment Act and require a review of environmental factors under Section 111 of the Environmental Planning and Assessment Act. A Part 5 application has not been submitted in conjunction with DA0817/10.

ANY OTHER RELEVANT MATTERS/CONSIDERATIONS NOT ALREADY ADDRESSED

Inadequate/unsatisfactory plans and inaccurate information

On 19 December 2000, Council approved DA0288/00 for tennis courts, parking and multi purpose space and MOD2973/91A for modification of Condition 4 (carparking), Condition 7 (student numbers) and Condition 8 (staff numbers).

In relation to MOD2973/91A:

Condition 4 reads:

4. *A minimum of one hundred (100) on-site parking spaces are to be provided, linemarked and maintained in accordance with the requirements of Council's Carparking Code, to the satisfaction of Council's Director of Environmental & Regulatory Services. Details indicating the exact position of these required spaces are to be submitted for approval prior to the issue of the Construction Certificate.*

Condition 7 reads:

7. *The maximum number of students enrolled and/or attending the school at any point is not to exceed seven hundred & eighty seven (787) without the prior consent of Council.*

Condition 8 reads:

8. *The maximum number of full-time and part-time teachers and support staff, is not to exceed eighty (80) without the prior consent of Council.*

A review of Council's files indicates that no further approval exists for a further increase in student numbers, staff numbers or carparking on site.

The submitted documentation relies on information which is not factually correct and is misleading. An accurate assessment between the approved development on the site, existing development and the proposed development cannot be undertaken.

- **Student numbers**

Page 10 of the applicant's Statement of Environmental Effects (SEE) states:

"The school currently has an approved student population of 850 students with an existing enrolment of 830 students. Forward planning by the school anticipates that this population will peak at approximately 940 students in 2014 before stabilising at around 900 for the foreseeable future".

Consent does not exist for 850 students as claimed above. The existing enrolment of 830 students (+63 students) is unauthorised as it is contrary to Condition 7 of the approval to MOD2973/91A.

It has not been demonstrated whether additional class rooms would be necessary as part of Stage 1 to cater for the increase in student numbers.

- **Staff**

Consent does not exist for 102 staff (+22 staff) as claimed on page 10 of the applicant's Statement of Environmental Effects (SEE). The SEE states:

'It is anticipated that an additional 3 fulltime staff will be required in

conjunction with the increased student population'.

For the proposed increase in students, it would seem unlikely that only 3 additional staff would be required, noting increase in staff numbers associated with previous consents. A breakdown of existing and proposed staff numbers has not been sufficiently detailed and justification that only an additional 3 would be required to support the increase in size of the school.

- **Carparking**

The maximum number of carparking spaces approved on the site is 100 (Condition 4 under Mod2973/91A). Consent does not exist for 111 at-grade carparking spaces (including 5 disabled spaces) as claimed on Page 10 of the applicant's Statement of Environmental Effects.

The claimed 111 carparking spaces are not clearly identified (numbered) on the architectural plans provided. It is not certain as to which spaces are authorised and unauthorised on the site. In this regard, the following information is required:

- an existing site plan and a proposed site plan (preferably 1:250, consistent with architectural plan DA102 and DA013) showing the location, dimensions, use and purpose of each space (spaces must be numbered) and associated turning bays
- the existing and proposed site plans must clearly show the parking allocations for teachers, ancillary staff and students as well as disabled spaces, bus parking also to be identified
- the access availability to all designated carparking and bus parking areas and clarification as to whether there is limited access to certain carparking areas from a safety and security point of view, or any other restricted parking areas etc to be detailed.

Rather than a periodic increase in student numbers in conjunction with the 6 stages, the application seeks approval for an increase in student numbers to 940 students as part of Stage 1. In this regard, the traffic, parking and access arrangements to support the increase must be demonstrated at Stage 1. This has not been satisfactorily addressed.

At every stage of the development, there must be sufficient parking to accommodate a school of 940 students. A construction management plan is required addressing removal of existing parking, any temporary parking necessary and construction of new carparking areas for each of the respective six stages. This has not been provided.

The proposed development requires 134 spaces, however 126 spaces are proposed on site (a deficiency of 8 spaces). The proposal does not comply with the minimum parking requirements under DCP43 and Council's School Development Code (refer table of compliance elsewhere in this report).

- **Concept plans for Stages 2 – 6**

Individual concept plans for Stages 2-6, respectively, are required including notations which clearly identify existing and proposed (demolition/construction) works as well as any necessary temporary works. There are elements of uncertainty from the information provided with regard to the intended works. For example, Stage 6 works are not clear from the staged master plan Drawing DA104.

- **Stage 1 documentation**

Insufficient detail has been provided regarding the sky bridge. Detailed floor plans and elevations showing the bridge between Stage 1 and its construction relationship with the existing convent administration building are required.

Sectional and elevational drawings of the proposed parking areas and re-located tennis courts are required in context with adjoining residential properties, showing the extent of cut, fill, height of retaining walls etc. The height of the acoustic wall associated with the tennis court has not been shown on the submitted drawings to gain a satisfactory understanding of the visual impact of this wall and its relationship with ground level, surrounding structures and residential properties. It is also noted conflicting information has been provided regarding the height of the wall.

- **lighting**

Having regard to the hours of operation of the school, a lighting plan is required to assess amenity impacts on surrounding residential development.

Impacts on the use of Bowie Hall

On 2 June 2011, Appeal 10955 of 2010 was upheld granting approval (subject to a trial period of two years) to modify Condition 5 of development consent DA1510/03 as follows:

- 5A. *The multipurpose hall (Bowie Hall) may be used only for events or functions by Brigidine College for any school purpose, including functions and events for or by students, staff, the Parents and Friends Association or other school-related uses, except as provided in Condition 5B.*
- 5B. *Bowie Hall may be used for community purposes (in accordance with the conditions and Plan of management referred to below) on a maximum of 12 occasions during any calendar year ("non-school events") for the trial period referred to below. No function or event shall be held at the school during a non-school event.*
- 5C. *All functions held in Bowie Hall are to cease by 11pm on Monday to Saturday and by 5pm on Sunday. No function shall be held in Bowie hall on a public holiday.*

The application needs to address the modified consent above and plan of management (yet to be finalised) in accordance with the decision of Commissioner Fakes, dated (2 June 2011), and any associated impacts upon the use and operation

of Bowie Hall:

- a) during construction phase of works associated with each stage of the master plan
- b) implications to traffic, access and parking arrangements; and
- c) after completion of works.

LIKELY IMPACTS

Having regard to the numerous amenity and environmental issues that have emerged from this assessment, is it considered the proposal is an overdevelopment of the site and will have unacceptable impacts.

SUITABILITY OF THE SITE

The site is not suitable for the proposed intensification of land use.

ANY SUBMISSIONS

All submissions received have been considered in the assessment of this application.

PUBLIC INTEREST

The approval of the application is not considered to be in the public interest.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT The Sydney West Joint Regional Planning Panel, as the consent authority, refuse development consent to Development Application No.817/10 for a Concept proposal for development of the site comprising 6 stages and detailed proposal for Stage 1 works comprising new performing arts building, carparking, ancillary landscaping and increase in student numbers; on land at 325 Mona Vale Road, St Ives, as shown on architectural plans DA100 – 108, P-DA201- 203, P-DA301 – 304 dated 3 November 2010, prepared by Fulton Trotter Architects; LMP01 and TPO1 dated 1 November 2010, prepared by Site Design Landscape Architects; and Civil works plans DA100, 101, 105, 110, 120, 121, 122, 130, 131 and 132 dated 25 November 2010, prepared by Hughes Trueman Consulting Engineers Planners and Managers; for the following reasons:

1. Parking to the Woodbury Road frontage

Particulars:

- a) The proposed parking along the Woodbury Road frontage will result in a significant loss of soft landscaped area to support trees, shrubs and ground cover species. This proposal fails to provide a satisfactory landscape setting to the streetscape and surrounding low density residential context. This aspect of the proposal is detrimental to the streetscape and amenity of Woodbury Road.
- b) The proposed landscape works forward of the parking, within Council's nature strip (outside the boundaries of the site) effectively borrows public land forward of the parking are to provide landscaping and soften the visual impact of the carparking. This is unacceptable.

The landscape works outside the boundaries of the site and on Council's nature strip constitutes an activity under Part 5 of the Environmental Planning and Assessment Act and require a review of environmental factors under Section 111 of the Environmental Planning and Assessment Act. A Part 5 application has not been submitted in conjunction with DA0817/10.

- c) The proposed permeable paving is a superficial visual remedy to the loss of soft landscaped area and is not an acceptable alternative as the area remains designated for the parking of vehicles and cannot support the growth of trees and shrubs which is characteristic to the front setback areas of surrounding properties.
- d) The proposed parking, driveway and access points involve tree impacts which have not been satisfactorily addressed by the applicant's arborist.

There is a conflict between 14 trees recommended by the arborist to be removed and shown as retained on the Landscape Plan (Trees 1, 2, 5, 8, 26, 42, 43, 52, 55, 67, 72, 76, 79, 92). If retained, none of these trees have been assessed in the arborist report as to the impact of the proposed works. The tree impacts are uncertain based on the information submitted to date.

2. Tennis courts

Particulars:

- a) The proposed tennis courts, located adjacent to the eastern boundary, include setbacks of 2.6m – 3.3m. The location and setback results in an unreasonable amenity impact to adjoining low density residential development.
- b) The courts are not for residential use, but school use where court activity is significantly higher and in this regard applying a 2-3m setback is not sufficient to offset amenity and acoustic impacts. The submitted acoustic report is also flawed in relation to this issue as raised under Reason of Refusal 7.

- c) The location of the tennis court and associated fill will likely result in an adverse impact on Tree 129, 130 and 131 located adjacent to the eastern boundary. Inadequate and unsatisfactory information has been submitted to enable a proper assessment of impact.

No levels have been shown on the landscape plan or site plan with regard to the tennis court. An East-West section in conjunction with the adjoining properties must be provided to enable assessment of impact.

3. Intensification of land use to the north-eastern corner of the site and formalisation of carparking to the northern boundary

Particulars:

- a) The land use intensification associated with the proposed performing arts and science building will result in adverse visual, acoustic, traffic and amenity impacts to the adjoining low density residential development north of the site.
- b) The size, scale and use of the proposed buildings, demands an appropriate landscape buffer to the northern boundary.

Formalisation of parking to the northern boundary is not supported and should be designated as a landscape buffer with a combination of tall trees and shrubs. Carparking should be relocated and appropriately integrated with the buildings (preferably basement parking).

- c) Tree 163 – *Syncarpia glomulifera* (*Turpentine*) 20H is a visually significant tree. The proposal involves a major encroachment and high level of impact within Tree Protection Zone (TPZ) including kerb and gutter works associated with the driveway widening, a new stormwater pit and new carparking area. The widening of driveway within vicinity of Tree 163 is not supported.

4. Student numbers, staff numbers and provision of carparking on site

Particulars:

- a) On 19 December 2000, Council approved DA0288/00 for tennis courts, parking and multi purpose space and MOD2973/91A for modification of Condition 4 (100 on-site carparking spaces), Condition 7 (maximum of 787 students) and Condition 8 (maximum of 80 staff).

A review of Council's files indicates no further approval exists for a further increase in student numbers, staff numbers or carparking on site.

The submitted documentation is not factually correct and is misleading. An accurate assessment between approved development on the site, existing development and the proposed development cannot be undertaken.

- b) Consent does not exist for 850 students as claimed on page 10 of the Statement of Environmental Effects. The claimed existing enrolment of 830 students (+63 students) is unauthorised.

It has not been demonstrated whether additional class rooms would be necessary as part of stage 1 to cater for the increase in student numbers.

- c) Consent does not exist for 102 staff (+22 staff) as claimed on page 10 of the Statement of Environmental Effects.

A breakdown of existing and proposed staff numbers has not been sufficiently detailed and justification that only an additional 3 staff members, would be required to support the size increase of the school.

- d) Consent does not exist for 111 on grade carparking spaces (+11 spaces) as claimed on page 10 of the Statement of Environmental Effects.

The existing 111 carparking spaces are not clearly identified on the architectural plans provided. It is not certain as to which spaces are authorized and unauthorized on the site. The existing and proposed carparking documentation (including access and use of spaces) is unsatisfactory.

- e) The traffic, parking and access arrangements to support the increase in student numbers must be demonstrated at stage 1. This has not been satisfactorily addressed (refer further discussion under Reason of Refusal 5). A Traffic Management Plan must also be provided.
- f) At every stage of the development, there must be sufficient parking to accommodate a school of 940 students. A construction management plan is required addressing removal of existing parking, any temporary parking necessary and construction of new carparking areas for each of the respective six stages. This has not been provided.
- g) The proposed development requires 134 spaces, however only 126 spaces are proposed on site (a shortfall of 8 spaces). The proposal does not comply with the minimum parking requirements under DCP43 and Council's School Development Code.

5. Traffic, access and safety

Particulars:

The application fails to demonstrate that the proposal will not result in unacceptable traffic, access and safety impacts.

- a) The applicant's traffic consultant adopts a traffic generation rate for a "similar school" yet does not qualify / detail the source of that data. A survey at this school should be undertaken (including surveys of parking demand & schedule of typical & peak events held on the school grounds for a typical week & peak week / day)

- b) Vehicular access (entry, exit, combined entry / exit) has not been identified nor has the internal circulation path of vehicles and defined accessible routes from disabled spaces to school buildings.
- c) A breakdown of the number of students by year (Year 12 students also require parking) has not been provided.

Details of the existing Year 12 student population (to verify existing student parking needs) as well as the proposed Year 12 student population also have not been provided.

- d) Details of bus stop locations & pedestrian path linkages have not been provided.
- e) Details of the on-site parking supply (existing & proposed) & associated allocation plan (staff / visitor / disabled) have not been provided.
- f) An event schedule by time of day by day of week & by week of year with patronage levels (disaggregated by school use & non-school use) clearly stated with audience, support staff & performers clearly stated has not been provided.
- g) The traffic report notes that approximately 3 spaces would be required for daytime auditorium use, but these are not shown on the plan.
- h) On the plans, there are parking spaces indicated under the new science building, but there is no information on the quantity. The applicant would need to clarify the number of parking spaces under new science building and also needs to provide additional detail regarding accessibility/manoeuvrability of all proposed underground/under building parking spaces (by providing parking space dimensions and aisle widths etc)
- i) The accessible parking spaces do not comply with AS2890.6 (2009) in terms of space width and providing a shared area. Also the traffic report states that 5 accessible spaces would be provided, yet only 3 are visible on the plan.
- j) Further clarification is needed of the proposed auditorium's seating/capacity, as the Statement of Environmental Effects states it would have 250 seats, however the traffic report allows for 400 people attending.
- k) An on-site drop off and pick-up area and the preparation of a set-down and pick-up management plan has not been provided
- l) The access points are all shown as entry points on the plans, but none are designated as exit points.

The western entry driveway to the car park along Woodbury Road is in close proximity to the first proposed parking space within the car park. Manoeuvres from any vehicles parked in this space will have an impact upon other vehicles

trying to enter the property and may contribute to queuing of vehicles from the access back to the Mona Vale and Woodbury Road intersection.

- n) A pedestrian access/path of travel from the Bus Zone (in Woodbury Rd) into school grounds has not been satisfactorily to be defined. The provision of a pedestrian crossings across new internal road (next to 45 degree parking) has not been considered.
- o) The access arrangements have not been satisfactorily demonstrated and in this regard an access and internal circulation plan is required.
- p) It is not clear from Drawing No.DA101 – Site Analysis Plan, where the bus pick up and drop off area is, nor where the garbage truck turning circle is located on the plan. The manoeuvring of garbage trucks into the site and buses adjacent to the site has not been detailed to ensure movements do not impact on the operation of the traffic signals at the Mona Vale Road and Woodbury Road intersection.
- q) Bicycle parking facilities have not been provided on site for students and staff.
- r) On page 15, Point 2 of the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd, it is stated that the intersection of Mona Vale Road and Woodbury Road ‘will continue to operate at a Level of Service “A”. This should be “Level of Service “C”’.
- s) The application does not address Council’s Traffic and Transport Policy, in particular Section K – School safety and Section O - Development proposal requirements.

6. Impacts on the use of Bowie Hall (non school related activities)

Particulars:

The application does not address the modified consent allowing a trial period for non-school related activities and plan of management (yet to be finalised) approved under Appeal 10955 of 2010, and any associated impacts upon the use and operation of Bowie Hall:

- a) during construction phase of works associated with each stage of the master plan
- b) implications to traffic, access and parking arrangements; and
- c) after completion of works.

7. Acoustic impacts

Particulars:

- a) Hours of operation

The acoustic report does not address the operating hours for other on-site activities including the gymnasium, the Bowie Hall, room cleaning, ground maintenance, garbage collection, site deliveries, mechanical plant and lock out time for the onsite parking.

b) Background noise levels

The background noise measurements are inadequate for the purpose of determining assessment background noise levels and criteria for a development which could emit noise from prior to 7.00am until midnight, seven (7) days a week.

The background noise levels reported are not representative for residents at the rear of the school or residents on Woodbury Road who are acoustically shielded from Mona Vale Road.

The reported 15 minute background noise measurements are not appropriate for establishing Rated Background Levels (RBL's) and or assessing existing road traffic noise levels.

Background noise levels reported in the applicant's acoustic report do not address levels prior to 9.00am, between 6.00pm and 10.00pm or after 11.15pm

c) Noise criteria

No allowance has been made for assessing noise from the existing school activities or the cumulative noise from the developed site. The criteria recommended for assessing noise from vehicular access and drop off does not address the intrusiveness of the noise.

The noise criteria have not been developed in accordance with recognised Department of Environment, Climate Change and Water (DECCW) assessment procedures.

d) Masterplan noise assessment

- internal classroom and teaching activities

Without supporting documentation Section 6.1 of the Acoustic Studio report states that noise from the new classrooms will be limited to 50dB(A) at residential boundaries. Without additional ambient background noise measurements the 50dB(A) criteria cannot be supported.

With respect to classroom noise breakout, noise attenuation across the building facades is dependent on classroom ventilation and room access requirements. There is no supporting information in the acoustic report that addresses the effects of noise breakout via building ventilation (open windows), doorways, openings etc.

- Mechanical plant and air conditioning equipment

Section 6.2 recommends criteria of LAeq 50 (day) and LAeq 42 (night) for mechanical plant and air conditioning. The criteria have not been determined from appropriate background noise measurements. The assessment of noise from mechanical plant has not considered the cumulative noise from existing and new plant.

- Relocated tennis courts

With regard to distance attenuation, noise from tennis activities would significantly increase to residential properties east of the site. The Acoustic Studio assessment does not address tennis court noise to the upper levels of the two storey dwellings to the east. The assessment provides no justification to support that the proposed 1.8m high acoustic wall would provide adequate noise attenuation to the adjoining residences. The acoustic report has not considered or addressed reflected tennis court noise from the northern wall of the gymnasium. The Acoustic Studio report provides no justification to support that the tennis court noise would be no greater than from the existing court activities.

- Vehicle access and drop off points

The acoustic report provides not details to identify where the existing vehicle access and drop off points are located. As the assessment of noise impacts from these activities is dependent on the location(s) and the location(s) are not defined in the noise report provides no data to support that the noise would be inaudible and insignificant, and that the design criteria of no more than 2dB will be complied with.

Section 3.2, refers to traffic noise criteria set out in the *ECRTN*. For local roads (Woodbury Road) the *ECRTN* recommends that traffic noise levels should be mitigated to meet LAeq, 1 hour 55 (day) and LAeq, 1 hour 50dB(A) (night) assessed one (1) metre from a residential building facade. The acoustic report does not assess or demonstrate that the *ECRTN* LAeq, 1 hour 55 (day) and LAeq, 1 hour 50dB(A) (night) noise criteria would be satisfied.

Predicted traffic noise levels summarised in Table 5 are presented as L10 levels. The *ECRTN* recommended criteria are referenced as LAeq levels

e) Stage 1 - noise assessment

Acoustic design issues that affect noise breakout from the proposed building include:

- sound locks for doors and access points along the northern and western building facades
- back of building service doors
- parking for loading/unloading vehicles/trucks servicing the back of the building
- the location of the western entry foyer door
- the 1st floor louvered plant area servicing the building.

Noise from mechanical plant located on the northern side of the Band Room and activities associated with the outdoor stage at the front of the Performing Arts Building has not been addressed in the applicant's noise assessment report.

Predicted noise levels summarised in Tables 6-11 are referenced as L10 levels. The recommended criteria (Table 3) are referenced as LAeq levels. The source noise data and conclusions should be reviewed and revised to address the recommended noise criteria.

The Theatre is proposed to be used on Friday and Saturday nights (Varga Traffic) and cater for up to 400 people requiring a projected 67 parking spaces. The applicant's acoustic report does not adequately address all noise impacts associated with the use of the Theatre. In particular people outside, leaving the Theatre, accessing cars and departing the site.

8. Landscaping

Particulars:

a) Arborist report

The arborist assessment does not refer to latest architectural drawings submitted, nor does it refer to any works proposed on the landscape or stormwater plans as part of Stage 1.

A revised arborist assessment is required and must include the following:

- detailed report of Stage 1 impacts on trees to be listed independently of rest of site
- impacts from northern vehicular road and informal carparking,
- proposed steel mesh as a mitigating factor of tree impacts from proposed Woodbury road carpark
- proposed eastern driveway entrance to Woodbury Road carpark
- proposed elevated tennis court
- proposed rainwater tanks to east of existing gym

b) Landscape plan

The Landscape Plan is to be amended as follows:

- levels to tennis court and paved surrounds to be shown
- proposed paving to west of tennis courts conflicts with footprint of existing buildings

c) Drawing inadequacies/inconsistencies

Rainwater tank location: The proposed area for rainwater tanks to be constructed behind the gymnasium in Stage 1 as per Stormwater Management Plan has not been included in area shown as Stage 1 Proposed Staging Plan. Impacts on existing trees of these works have not been included in the arborist assessment.

Extent of Stage 1 works:

Proposed tree removal of Trees 251, 252, 270 shown on LP01 is inconsistent with Stage 1 extent of works. These works do not form part of any other stage.

- e) Further information is required to enable assessment as follows:
- architectural plans to include area of proposed tennis court at 1:100
 - details of suspended mesh/carpark construction in vicinity of existing trees as proposed for Woodbury Road carpark
 - east west section through proposed tennis court to indicate proposed elevated section in relation to existing trees along boundary
 - the environmental site management plan should indicate on a plan of the site the proposed temporary access, site offices, waste and material stockpiles and location of tree protection fencing in accordance with Council's DA Guide

9. Ecological impacts

Particulars:

- a) The impact assessment (7-Part test) for the Endangered Ecological Community (EEC) Duffys Forest fails to demonstrate and provide sufficient information to make an accurate assessment of the "Activity" and associated impacts upon the Duffys Forest community.
- b) The impact assessment (section 5.5.11) only considers the Urban Forest community to be representative of the EEC Duffys Forest. The Scientific Determination for Duffys Forest states: *"It has the structural form predominantly of open-forest to woodland"*.

The proposed car-parking within the northern & southern boundaries will impact upon small pockets of Duffys Forest. The impact assessment (7-part) fails to assess the impacts of the car-parking upon Duffys Forest as part of Stage 1.

- c) The impact assessment only recognises canopy trees to be removed from the Duffys Forest community. The EEC Duffys Forest comprises not only canopy trees but ground-covers, shrubs, soil, microbial life, & the seed bank not just tree canopy.
- d) The impact assessment fails to demonstrate the extent of the physical area removed and/or to the compositional components of the habitat and the degree to which is affected, this in particular reference to the local occurrence of Duffys Forest community within the site.
- e) The Arboricultural Impact report fails to consider impacts upon trees as a result of proposed car-parking along the northern boundary.

10. Waste management

Particulars:

- a) Details have not been provided in relation to the garbage storage arrangements for the school.
- b) The existing waste management on the site results in amenity impacts to residents from the location of waste collection on the boundaries adjoining residential properties. Waste management must be reviewed including waste storage arrangements (eg underground waste storage areas or relocating collection areas to the centre of the school site).

11. Schools Development Control Code

Particulars:

- a) The Statement of Environmental Effects fails to address Council's Schools Development Control Code, an adopted policy of Council.
- b) The proposal fails to adequately demonstrate whether there is sufficient playground area on site in accordance with the requirements of Clause 4(a) under the Schools Development Control Code. A compliance diagram is required showing areas included and not included in the calculations.

12. School facilities standards

Particulars:

Pursuant to Clause 32 of SEPP (Infrastructure) 2007, the relevant school facilities standards must be considered. A suitably qualified consultant report must be submitted providing an assessment of each of the 6 stages against the relevant standards. The required report has not been submitted.

13. Inadequate/unsatisfactory plans and information

Particulars:

- a) Individual concept plans for Stages 2-6 respectively are requested including notations which clearly identify existing and proposed (demolition/construction) works as well as temporary works. There are elements of uncertainty from the information provided with regard to the intended works. For example, Stage 6 works are not clear from the staged master plan Drawing DA104.
- b) Stage 1 documentation. Insufficient detail provided regarding the sky bridge. Detailed floor plans and elevations showing the bridge between Stage 1 and its construction relationship with the existing convent administration building are required.

Sectional and elevational drawings of the proposed parking areas and re-located tennis courts are required in context with adjoining residential properties, showing the extent of cut, fill, height of retaining walls etc. The height of the acoustic wall associated with the tennis court has not been shown on the submitted drawings to gain a satisfactory understanding of the impact of

this wall and its relationship with ground level, surrounding structures and residential properties. It is also noted conflicting information is provided regarding the height of the wall.

- c) Having regard to the hours of operation of the school, a lighting plan is required to assess amenity impacts on surrounding residential development.
- d) The applicant's statement of environmental effects has not addressed SEPP55. Insufficient information has been submitted to determine whether the site is contaminated. A Stage 1 – Preliminary Investigation is required.

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Michael Miocic
Director Development and Regulation

Attachments	(Name)	(TRIM number)
	Location map	2011/128066
	Zoning map	2011/128064
	Architectural plans	2010/211584 2010/227396 2010/227401 2010/231623
	Landscape plans	2010/211589 2010/227335 2010/227337 2010/227/338