

**JOINT REGIONAL PLANNING PANEL
Sydney East Region**

JRPP No	2012SYE110
DA Number	DA2012/1361
Local Government Area	Sydney East Joint Regional; Planning Panel
Proposed Development	Demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage.
Street Address	Lot 53 DP 774913 , Yanderra Road DUFFYS FOREST NSW 2084
Applicant/Owner	Northern Beaches Christian School
Number of Submissions	15
Recommendation	Approval with Conditions
Report by	Malcolm Ryan, Deputy General Manager Environment

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2012/1361
Responsible Officer	Teresa Gizzi
Zoning:	LEP - Land Zoned RU4 Primary Production Small Lots
Development Permissible:	Yes - under SEPP (Infrastructure) 2007
Existing Use Rights:	No
Consent Authority:	Joint Regional Planning Panel (JRPP)
Land and Environment Court Action:	No
Application lodged:	14/11/2012
Application Type	Integrated
State Reporting Category	Other
Notified:	28/11/2012 to 13/12/2012
Advertised	Not Advertised in accordance with A.7 of WDCP
Submissions	14
Estimated Cost of Works:	\$13,176,840

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation have been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Local Environmental Plan 2011 - Zone RU4 Primary Production Small Lots
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - B7 Front Boundary Setbacks
Warringah Development Control Plan - B9 Rear Boundary Setbacks
Warringah Development Control Plan - C2 Traffic, Access and Safety
Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D8 Privacy
Warringah Development Control Plan - D9 Building Bulk
Warringah Development Control Plan - D18 Accessibility
Warringah Development Control Plan - D21 Provision and Location of Utility Services
Warringah Development Control Plan - D23 Signs
Warringah Development Control Plan - E1 Private Property Tree Management

RECOMMENDATION - Approval

SITE DESCRIPTION

The land subject of this application is Lot 53, DP 774913 and is known as Lot 53 Yanderra Road, Duffys Forest.

The site is rectangular in shape with a total area of 4.43ha. The Northern Beaches Christian School currently occupy the site which comprises a range of school buildings of varying height, bulk and scale including classrooms, offices and a large grandstand and gym. An open sportsground occupies the westernmost part of the property.

The site is located on the north western side of Durumbil Road at the intersection with the northern head of Echunga Road. Yanderra Road adjoining the site to the north east is now closed and has been dedicated to the NSW National Parks and Wildlife Service. Surrounding the site is a dwelling house to the south east, the Sydney Japanese School to the south west, the Terrey Hills Golf and Country Club to the west and north west and the Ku-Ring-Gai Chase National Park to the north east.

Vehicular access is obtained of the cul de sac at the head of Echunga Road. 193 parking spaces are currently provided on site and a drop off area is located adjacent to the south eastern boundary.

The site contains pockets of vegetation amongst the school buildings and along the boundaries of the property.

Map:



SITE HISTORY

- DA1999/1901 was granted for alterations to existing school buildings
- DA1999/3355 was granted for shade structures, playground and re-location of existing sheds
- DA1999/3493 was granted for permanent classrooms (including an increase in student numbers from 750 to 900 and staff numbers from 65 to 100)
- DA2001/1090 was granted for new classrooms and associated amenities
- DA2005/0944 was granted for internal reconfiguration of existing school facilities and erection of awnings over existing walkways
- DA2006/0601 was granted for alterations and additions to the existing Northern Beaches Christian School (including an increase in student numbers from 900 to 1,050 and staff numbers from 111 to 115)
- CDC2010/0064 was granted for a multi purpose community centre
- DA2012/0123 was granted for demolition works and alterations and additions to an existing educational establishment including construction of an administration building (these works are currently under construction)

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the following:

- Demolition of existing single storey building and ancillary structures.
- Construction of a two storey building with mezzanine and covered outdoor learning areas to comprise the following:
 - Science Rooms
 - Student Rooms
 - Seniors Learning Centre
 - Canteen

- Toilets
- Storerooms
- Meeting Rooms
- Offices
- Increase in student numbers from 1050 to 1325 to allow an additional 275 students and an increase in staff from 115 to 150 to allow an additional 35 staff.
- 62 additional car parking spaces (Total: 255 spaces)
- Removal of 43 trees
- Signage comprising:
 - Two (2) x 2.42m (w) x 0.71m (h) top hamper, business identification signs. Internally illuminated.
 - One (1) x 6m (w) x 0.75m (h) freestanding, business identification sign. Externally illuminated.
- New landscaping works

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>Division 8A of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 50(1A) of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application.</p> <p>Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No additional information was requested.</p> <p>Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This Clause is not relevant to this application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 79C 'Matters for Consideration'	Comments
	<p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.</p>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The bulk and scale of the development is considered acceptable given the size and location of the site. It has also been determined that the surrounding local street network has sufficient capacity to accommodate the additional vehicle movements associated with the intensification of the development. Further, the site is well located as it is surrounded by a National Park, golf course and landscaped vegetation and is well separated from the nearest residential properties. For these reasons, the site is considered suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>The various controls contained within WLEP 2011 and the WDCP provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the future character envisaged for the zone.</p> <p>Although an educational establishment is prohibited in the zone, it is made permissible by SEPP (Infrastructure) 2007 and is an important community facility for the locality.</p> <p>While the development does not achieve compliance with the relevant Height of Buildings Development Standard, the variation is considered acceptable particularly given the isolation of the site and use of the property, and is supported under Clause 4.6 of WLEP 2011. The development also seeks variations to the built form controls contained within the WDCP, however when assessed on their merits are satisfactory and do not negatively impact on surrounding amenity due to the character and location of the site.</p> <p>On balance, the development will have an overall community benefit through the provision of enhanced school facilities and no demonstrable impacts. The proposal is therefore concluded to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 15 submissions from:

Name:	Address:
Sandra Burgess	106 Booralie Road, Terrey Hills
Ian Collins	103 Booralie Road, Terrey Hills
Daisy Cousens	94 Booralie Road, Terrey Hills
Joanne Drewett	2 Kinks Road, Terrey Hills
Beau Neilson	92 Booralie Road, Terrey Hills
David Randall	2 Echunga Road, Terrey Hills
Genevieve Salter	3 Echunga Road, Terrey Hills
Anika Sergiotis	2a Echunga Road, Terrey Hills
Nicola & David Simmonds	101 Booralie Road, Terrey Hills
B M V Junghans	6 Namba Road DUFFYS FOREST
G Pembroke	66 Cooyong Road, TERREY HILLS
L R Becchio	1 Kinka Road, DUFFYS FOREST
P R & K Moore	98 Booralie Road, TERREY HILLS
Terrey Hills Progress Association Lloyd Pearce, Act. Secretary	P0 Box 267, TERREY HILLS
Duffy's Forest Resdients Association Inc.Jenny Harris, Secretary	P O Box 567, TERREY HILLS

Fourteen submissions were received objecting to the proposed development and one submission was received in support. Of the letters objecting to the application, six were form letters.

The matters raised within the submissions are addressed as follows:

- **Student Numbers**

Concerns have been raised that the school has already breached the previously approved number of students and that further increases beyond what is approved will continue.

Comment: This is a matter for investigation by Council's Development Compliance Section and does not warrant refusal of the current application.

- **Parking**

Concerns have been raised that parking of vehicles on Echunga, Durumbil and Booralie Roads by school students, parents and carers is obstructing the National Park entrance from Durumbil Road, the passing of vehicles in Booralie Road, and the use of bridal trails for the riding of horses along Booralie Road. In addition, concerns have been raised that the parking of vehicles along Booralie Road is compromising road safety. Suggestions have been made that a condition be imposed requiring that all students be transported to the school by bus only and/or 'No Parking' signs be erected along Booralie Road to restrict parking up until 4pm.

Comment: See detailed discussion under Clauses C2 and C3 of WDCP 2011 and in the comments provided by the RMS and Council's Traffic Engineer. In summary, the parking proposed is sufficient to cater for the increased school population and would not result in an overspill of parking onto the street or significant traffic impacts. It is not considered necessary to impose restrictions on on-street parking along Booralie Road in this instance. If vehicles are parked contrary to the road rules, concerned neighbours are encouraged to contact Council's Rangers or NSW Police to investigate the issue.

It is noted that concerns have also been raised in relation to the obstruction of the bridal trail along Booralie Road, however bridal trails are not a material planning consideration under Section 79C of the EP&A Act.

- **Traffic and Parking Report**

Concerns have been raised that the traffic report submitted with the application is inadequate in that it does not address traffic along the length of Booralie Road to Mona Vale Road, does not include a temporal analysis of traffic impacts, and does not assess the increased impacts of additional vehicles associated with 'P' platers who earn their licenses in the second half of the school year.

Comment: Both the RMS and Council's Traffic Engineer have reviewed the application and are satisfied that the traffic report submitted with the application is sufficient to assess the various traffic related impacts of the development. A wider strategic assessment of traffic along Booralie Road and Mona Vale Road, including a temporal analysis, was not considered necessary and is outside the scope of this development.

- **Traffic Impacts**

Concerns have been raised that the proposed development, including the increase in student numbers, will significantly increase queuing along Echunga, Booralie and Mona Vale Roads therefore compromising safety and delaying other drivers within the locality.

Comment: The impacts of the development including queuing as a result of the proposal are discussed in detail under the comments provided by Council's Traffic Engineer. In summary, while queuing in the morning and afternoon peak drop off and pick up periods does occur, it is not considered to be of such a level that would warrant the scaling down of the proposal or refusal of the application. The traffic management arrangements during the peak periods are considered acceptable and not considered to compromise road safety.

- **Tree Removal**

Objections have been raised in relation to the removal of 43 trees from the site.

Comment: Both Council's Landscape Officer and Natural Environment Officer (Biodiversity) have assessed the application and raised no objections to the proposed tree removal. It is proposed to plant 48 replacement trees across the site and conditions are recommended requiring tree species to be consistent with the Duffys Forest Ecological Community.

- **National Park**

Concerns have been raised that documentation submitted with the application and also Council's draft biodiversity plan fail to recognise that Yanderra Road no longer exists and now forms part of the Ku-Ring-Gai Chase National Park. Further concerns have been raised on the impacts of the development on the adjoining national park.

Comment: The application has been assessed with the knowledge that the site directly adjoins the Ku-Ring-Gai Chase National Park. The National Parks and Wildlife Service, as an adjoining land owner, was notified of the application and raised no objections to the development. The proposed development is not considered to give rise to any unreasonable impacts on the national park.

- **Bushfire Risk**

Concerns have been raised that the increased number of staff and students on site will be difficult to manage and evacuate in the event of a bushfire given the site is identified as bushfire prone land, therefore compromising the safety of the school population.

Comment: As the proposed development is for an educational establishment, it is a 'Special Fire Protection Purpose' under the Rural Fires Act, 1997 and was referred to the NSW Rural

Fire Service for their concurrence. The NSW Rural Fire Service has raised no objections to the development subject to conditions which include a requirement for evacuation and emergency arrangements to be in accordance with 'Planning for Bushfire Protection 2006.' In this regard, the proposed increase in student and staff numbers is considered acceptable.

- **Effluent Management**

Concerns have been raised that the existing effluent management system does not have the capacity to deal with the additional children and staff on site. Concerns have also been raised that adjoining residential properties are experiencing unreasonable odours and noise from the existing system.

Comment: See discussion under Clause D21 of WDCP 2011. In summary, the capacity of the existing wastewater management system is sufficient to accommodate the increase in student and staff numbers.

Issues raised in relation to odours from the existing system have been referred to Council's Environmental Health and Protection Unit for investigation. Any future odours that arise from insufficient management of the system shall be investigated and managed by Council's Environmental Health and Protection Unit under the provisions of the Protection of the Environment Operations Act 2007.

A condition has been imposed in relation to noise requiring that any noise, when measured at the site boundaries must not exceed that allowed under the Environment Protection Authority's NSW Industrial Noise Policy.

- **Litter**

Concerns have been raised that there will be an increase in litter in the area due to the increased school population.

Comment: The applicant has provided a Waste Management Plan that demonstrates the existing waste management facilities are sufficient to accommodate waste disposal across the site. 40 general waste bins and 4 recycling bins are placed around the school grounds and all indoor rooms are also provided with bins which is considered sufficient to minimise litter across the site. In addition, a condition is recommended requiring the Waste Management Plan to be amended to include the management and collection of litter on the street directly in front of the school.

- **Noise**

Concerns have been raised that the increased school population will result in unreasonable noise impacts on neighbouring residential properties.

Comment: Discussion in relation to acoustic impacts can be found under Clause D8 Privacy of WDCP 2011. In summary, it is considered noise impacts arising as a result of the development would not be so unreasonable as to warrant refusal of the application.

- **Privacy**

Concerns have been raised that the development is impacting on the privacy of adjoining land owners as security cameras have been erected at the front of the school.

Comment: Issues in relation to the impingement of privacy as a result of security cameras should be taken up with the school management by the complainant or forwarded to the police for investigation and are not a consideration for this development application.

- **Lighting**

Concerns have been raised that the development will result in disturbance as a result of lighting.

Comment: To address the concerns raised in relation to lighting, conditions are recommended requiring lighting to be designed in accordance with the relevant Australian Standard, AS4282 - Obtrusive Effects of Outdoor Lighting.

- **Insufficient Notification**

Concerns have been raised that the notification was inadequate and that it should have covered a wider net of properties due to the overall impacts of the development.

Comment: The application was notified in accordance with Clause A.7 of WDCP 2011. It is noted that the nominated notification area was wider than that required by WDCP 2011.

- **Determination of the Development Application**

Requests have been received that the development application should be referred to the Warringah Development Assessment Panel for determination.

Comment: There is no requirement for the application to be considered by the WDAP, hence the application will be determined by the Joint Regional Planning Panel in accordance with the Environmental Planning and Assessment Act 1979.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Works reviewed generally consist of the BCA and Access issues in relation to the demolition of an existing classroom building and the erection of new general learning areas (GLAs), staff facilities, student facilities, a covered outdoor learning area, car parking and ancillary amenities together with resultant increase in student and staff numbers.</p> <p>The demolition and construction works can generally comply with the requirements of the Building Code of Australia. The proposal raises issues in respect of Part C3.2 and C3.4 of the Building Code of Australia.</p> <p>A fire engineered 'Alternative Solution' is required with respect to protection of openings in certain external walls as follows having regard to the proximity of the proposed building to other existing buildings on the allotment. The following issues were noted:</p> <ul style="list-style-type: none"> a) Openings in the western elevation of the existing Hub building and new Administration Building (approved under DA 2012/0123) which are less than 6m from the proposed building and the new building/s ('COLA'). b) Openings in the external walls of the existing buildings to the west, north and east of the proposed COLA. c) Openings to the western, northern and eastern perimeter of the COLA that are situated less than 6m from the existing buildings. d) Openings in the southern elevation at Lower Ground and Ground Floor levels of the proposed building. e) Openings in the external wall of the existing building to the south of the proposed development. <p>Accordingly, a suitable condition has been drafted to enforce required upgrading (to the degree necessary) for the affected existing buildings .</p>
Development Engineers	<p>The submitted hydraulic design has been assessed and is considered satisfactory subject to some amendments. A condition has been provided below to provide the additional information prior to release of the construction certificate. The western carpark extension is proposed to be constructed partially over Council's drainage line within the site. Conditions relating to the security and</p>

Internal Referral Body	Comments
	<p>construction over this line have also been provided below.</p> <p>Development Engineers raise no objections to the release of the DA subject to the following conditions of consent.</p>
Environmental Health and Protection (unsewered lands)	<p>This proposal has been reviewed by Environmental Health and Protection. There are no objections subject to certain conditions.</p>
Landscape Officer	<p>The plans indicate removal of a number of trees in the centre of the site to accommodate the proposed works. An Arborist report has been provided identifying the trees. A landscape plan has been provided indicating replacement planting.</p> <p>No objections are raised to removals subject to concurrence of NEU regarding environmental issues and conditions.</p>
Natural Environment (Biodiversity)	<p>Council's Natural Environment Unit (Biodiversity) have assessed the application and raise no objections to the development subject to conditions.</p>
Traffic Engineer	<p>The applicant has provided a Sidra analysis of the intersection of Booralie and Echunga Road demonstrating that the additional traffic generated as a result of this proposal will not have an adverse impact. This intersection has recently been upgraded by Council to improve access for buses and enhance road safety.</p> <p>The school is currently operating with 193 parking spaces. It is proposed to increase this number to 255. Based on observations of the school the current parking provision is adequate to service the existing use.</p> <p>As the proposed additional parking spaces are proportionate to the current ratio of activity/parking it is accepted that the increase in students and staff can be adequately serviced by 255 parking spaces.</p> <p>The number of small parking spaces associated with this development has been justified by a survey of existing use. The small parking spaces must meet the minimum size requirement specified in AS2890.1:2004, which is 2.3m wide x 5.0m long.</p> <p>The applicant has stated that a Work Travel Management Plan will be incorporated into the future use of this site. No information on this plan has been provided as part of this application. There is not a reliance on this plan for this development to function effectively. However, the plan should be submitted to Council when it becomes operational.</p> <p>All schools experience peak periods associated with the arrival and departure of students. The afternoon peak is the more intense of these peaks as all children are released over a short period, rather than the staggered arrivals of the morning. The afternoon peak period is characterised by a period of intense activity with a duration of 30-45 minutes where children are loading onto buses and being picked up by parents.</p> <p>Staff members of Council's Traffic and Road Safety Section have observed the afternoon peak activity at this site. By comparison to schools of similar size to the Northern Beaches Christian School manage this process quite well. They have taken effective measures to mitigate the localised congestion and potential for vehicle pedestrian conflicts which are associated with this activity. The school has staggered the finishing times of students. This allows for a number of students to clear the site and spreads vehicle arrivals over time rather than requiring all vehicles to arrive at once.</p> <p>There is a dedicated student pick up area within the school grounds. The pick up and set down process is supervised by school staff and an identification system for vehicles has been implemented which minimises time and helps to reduce vehicle queues. This internal system allows for an orderly queue with a dedicated turnaround facility. School staff also monitor the traffic conditions on Echunga</p>

Internal Referral Body	Comments
	<p>Road to marshal buses and prevent the site entry/exit being blocked.</p> <p>Council acknowledges that vehicle queues do form on Echunga Road as a result of the vehicle movements created by the school. As the only access to the school is via Echunga Road, buses and private vehicles must wait in a queue to access either the pick up and set down area or the bus stop. During site inspections the vehicle queue did not extend onto Booralie Road.</p> <p>As the school is to prepare and submit a Travel Management Plan, the scheduling of bus services should form part of this plan. Public transport access is an important factor in school journeys as a single school bus can replace numerous vehicle trips by private vehicles.</p> <p>Echunga Road is a public road and as such Council is not able to effectively ban parents from using this road to drop off or pick up their children at schools. There is no provision under the Australian Road Rules or legal precedent that would allow for such a condition to be imposed on this development.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	<p>The NSW Roads and Maritime Services (RMS) have raised no objections to the development and have provided a number of recommendations as listed below that will be included as conditions if approval is granted.</p> <ol style="list-style-type: none"> 1. A Bus Management Plan shall be submitted to Council for review and approval prior to the issue of a construction certificate. The management plan should clearly identify bus waiting areas and pick up/drop off areas. It is noted that one of the proposed pick up/drop off area will hinder traffic movements to/from carpark. Echunga Road may need to be widened to accommodate future bus waiting area. 2. All vehicles shall be wholly contained on site before being required to stop. 3. All vehicles are to enter and leave the site in a forward direction. 4. During construction, all demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping. 5. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. 6. Car parking provision to Council's satisfaction. 7. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate. 8. Disabled car parking spaces are to be provided in accordance with Council's requirement and are to conform to Australian Standard 2890.6:2009. 9. The layout of vehicle parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1- 2004. 10. The required sight lines to pedestrians, other vehicles and cyclists shall not be compromised by landscaping, signage, fencing or display materials.

External Referral Body	Comments
	<u>Comments:</u> Council's Traffic Engineer has assessed the trafficable areas and is satisfied that there is adequate space for manoeuvring for service vehicles. As such, condition no.5, recommended by the RMS is not required and it is recommended it is not imposed if consent is granted.
NSW Police - Local Command (CPTED)	No response was received. It is therefore assumed that NSW Police raise no objections to the proposal and require no conditions of consent.
Integrated Development - NSW Rural Fire Service " head office	The NSW Rural Fire Service has raised no objections to the development subject to conditions requiring the development to comply with the relevant sections of Planning for Bush Fire Protection 2006.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

In response to the above requirements of the SEPP, the applicant has submitted a Preliminary Environmental Site Investigation dated September 2012 and prepared by Martens Consulting Engineers. In its conclusion, the investigation states:

The NBCS history and past NBCS works indicate that fill is likely beneath the site. Should fill be identified it is to be tested to confirm it is suitable to be retained on-site. Column 1 SILs from Appendix II of NSW EPA (2006) are to be used to assess the suitability of the fill for retention onsite. In addition 'no detection' of asbestos is to be used as an assessment criterion.

If contaminated the fill is to be either:

- 1. Classified in accordance with DECC (2009) and removed from the site; or*
- 2. A Remediation Action Plan (RAP) be prepared and approved by Council and material entombed on-site. We note that entombment is feasible at the site due the proposed building development levels being higher than existing development levels and the remaining area to be concrete sealed.*

Based on the completed contamination assessment it is concluded that the site shall be readily made fit for the intended use through simple engineering and civil works. We anticipate local filling and possible contaminants there within shall not pose a significant hindrance to the proposed development but represent a possible additional cost of works to be considered by the NBCS.

Therefore, as the investigation indicates that there is a potential for contaminants to exist on the site, Clauses 7(1)(b) and 7(1)(c) of the SEPP must be considered.

Clause 7(1)(b) stipulates that "*if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out*".

The Preliminary Environmental Site Assessment does not require the provision of a Phase 2 contamination report, but rather provides two simple options for dealing with the contamination if found. To support the recommendations of the preliminary report, a Phase 2 Land Contamination Assessment and Remediation Action Plan prepared by Martens Consulting Engineers and dated August 2006 has also been submitted. Subject to conditions requiring compliance with the recommendations of the preliminary report, and given that the site is already used for the purposes of a school, Council is satisfied that the land can be made suitable for the development.

Clause 7(1)(c) stipulates that "*if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose*".

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the recommendation of this report.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The site is located within the RU4 Primary Production Small Lots zone. Although the RU4 zone envisages development for rural and primary production purposes, a number of permissible uses in the zone would be of a commercial nature and subsequently require signage.</p> <p>The proposed signage is minimalist in its design and of a size and scale commensurate with the school buildings on the site. Visibility of the proposed signage from the public domain will be limited due to the vegetation surrounding the site. In this regard, the signage is compatible with the existing and future character of Duffys Forest.</p>	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There is no consistent theme for signage in the locality. However, as mentioned above, the proposed signage is considered compatible with the existing and future character of the area.</p>	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential	<p>The site is located in close proximity to the Ku-Ring-Gai Chase National Park and residential properties. However, due to the size, height and location of the proposed signage, it is not considered to detract from natural conservation areas or adjoining residential development.</p>	YES

Matters for Consideration	Comment	Complies
areas?		
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signs will be affixed to the building and a low height wall at the front of the property. Views and vistas will not be obscured or compromised as a result of the proposed signs.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs will not result in any changes to the skyline or quality of vistas	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not obstruct viewing rights of other current or future advertisers in the vicinity of the site.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are appropriate given the scale of the development and the use proposed.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs provide business identification for the Northern Beaches Christian School. The signs provide an appropriate level of visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs are complementary to the design of the development and do not result in any 'visual clutter'.	YES
Does the proposal screen unsightliness?	The proposed signs will be attached to a recently constructed building and proposed low wall and therefore will not screen any unsightly part of the building.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs will not protrude above the existing buildings or tree canopies in the area.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale of the proposed signs is considered to be commensurate with the size of the site and the development, building and structures to which it they are to be affixed.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is respectful of the existing and proposed built form.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are of a standard form. The design is considered satisfactory for the intended identification purposes.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The freestanding signage is to be affixed to a specially constructed low height concrete wall which will form an entry feature to the site.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed top hamper signs will be internally illuminated and the proposed freestanding sign is to be up-lit externally.. The level of illumination is considered to be passive and non-intrusive such that it would not have any adverse glare impact upon pedestrians or vehicles nor would it detract from the amenity of any residence within the development or in close proximity to the site. Given the above considerations, the illumination would not be required to be subject to a curfew.	YES
Can the intensity of the illumination be adjusted, if necessary?		YES
Is the illumination subject to a curfew?		YES

Matters for Consideration	Comment	Complies
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Due to the location of the site at the end of Echunga Road, the proposed signage would not reduce the safety of any public road, pedestrians or cyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure sightlines from public areas and therefore would not reduce the safety of pedestrians.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provision of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Division 3 Educational Establishments

Clause 28 of the SEPP allows for development for the purposes of education establishments on land where there is an existing educational establishment in a prescribed zone.

A 'prescribed zone' includes land zoned RU4.

As the SEPP prevails over WLEP 2011, although educational establishments are normally prohibited in the RU4 zone, the SEPP has the effect of making the works to the school permissible subject to development consent.

Clause 32(2) and (3) of the SEPP states:

- (2) *Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*
- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
 - (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006),*
 - (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*
- (3) *If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.*

Comment:

The applicant has submitted confirmation that the development has been designed having regard to the relevant School Facilities Standards referred to in Clause 32 of the SEPP. It is noted that the provided landscape plan includes species which differ to those contained within the Landscape Standard. However, the species proposed are native to the Duffys Forest locality and are considered an acceptable variation.

The School Facilities Standards have been considered in the assessment of the application and with the exception of the proposed plant species, the development is otherwise generally consistent with the relevant controls. Conditions are recommended to ensure compliance with the Schools Facilities Standards.

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Educational establishments	50 or more students	Not applicable

Note: Under Clause 104(2) of the SEPP, 'relevant size of capacity' is defined as meaning:

(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

Comment:

The application was referred to the RMS who did not raise any objection to the proposal. A number of recommendations were made in relation to the development which have been addressed earlier in this report under the referrals section.

Warringah Local Environment Plan 2011

Is the development permissible?	No (Permissible under SEPP (Infrastructure) 2007)
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	No

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	2000sqm	N/A	N/A	N/A
Height of Buildings:	8.5m	12.96m	52%	No

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
Part 6 Additional Local Provisions	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone RU4 Primary Production Small Lots

The proposed development is prohibited in the RU4 Primary Production Small Lots zone and is therefore inconsistent with the zone objectives. However, educational establishments are made permissible by SEPP (Infrastructure) 2007.

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	12.96m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	52%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of Buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of Buildings' of the WLEP 2011 are:

- a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment:

Surrounding development comprises a golf course to the north, dwelling houses to the south-east and the Sydney Japanese School to the south-west. It is noted that the buildings associated with these developments are substantially lower in height than the proposed development. Even so, the proposed development would not appear incompatible in its context. The subject site is somewhat separated from the surrounding developments and the height of the proposal is consistent with the finished roof levels of the existing gym building and the class room building in the south eastern corner of the site. The proposed building is therefore consistent with this objective.

- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

Comment:

Due to the location of the site being at the head of Echunga Road, the site is relatively isolated and as the site is surrounded by a buffer of vegetation, the proposed works are generally screened from the views of adjoining properties. The school can be seen from Echunga Road, however the elements of the proposal which result in the non-compliance are generally located in the centre of the site and are open structures thus minimising the visual prominence of the structures and their overall visual impact. Further, the works which exceed the height limit are located in the centre of the property, preventing any unreasonable loss of privacy, solar access or disruption of views.

- c) *to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment:

The proposed works are located in the centre of the site and are consistent with the school use. Although the development requires the removal of 43 trees, this is not a consequence of the height non-compliance and would not increase the visual prominence of the proposed buildings when viewed from surrounding areas. Due to the siting of the proposed works, the application would not adversely impact on the scenic quality of Warringah's coastal and bush environments.

- d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,*

Comment:

As mentioned above, the proposed works which exceed the height limit are centrally located within the site and generally comprise open structures. The finished roof line of the structure

is consistent with existing buildings on site. Consequently, the resultant visual impact of the proposal when viewed from Echunga Road and the adjoining National Park is considered minimal and is acceptable

What are the underlying objectives of the zone?

In assessing the developments non-compliance, consideration must be given to its consistency with the underlying objectives of the RU4 Primary Production Small Lots zone.

- *To enable sustainable primary industry and other compatible land uses.*

Comment:

Education establishments are prohibited in the zone, but the development is made permissible by the provisions of SEPP (Infrastructure) 2007. The proposed variation to the height limit would not in any way prejudice redevelopment of adjoining land for primary industry or other compatible land uses.

- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

Comment:

The proposed variation to the height limit would not limit redevelopment of adjoining properties for the purposes of primary industry enterprises, therefore diversity and employment opportunities will be maintained in the locality.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment:

As mentioned above, although educational establishments are prohibited in the zone, the development is made permissible by SEPP (Infrastructure) 2007. The proposed variation to the height limit would not result in any conflict with adjoining land uses.

- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*

Comment:

The alterations and additions which exceed the height limit are contained within the centre of the site and are consistent with the height of existing school buildings on the site. The proposed works would not appear visually dominant when viewed from the adjoining national park or the public domain and would not impact on long distance views of the area.

- *To maintain and enhance the natural landscape including landform and vegetation.*

Comment:

The proposed variation to the height limit is exacerbated by the changes in ground levels across the site and the continuation of the roof structure at one level (for functionality reasons) over the outdoor covered area. However, further articulation of the roof form to reflect the changing ground levels across the site is unlikely to result in significant enhancement of the largely disturbed landform where construction is proposed. Although not directly related to the height of the development, while 43 trees are earmarked for removal,

the proposal includes revegetation of the site, including the establishment of a regeneration area in the north western corner to enhance the bushland setting of the school. The proposal is considered to generally meet this objective.

- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*

Comment:

As mentioned above, although educational establishments are prohibited in the zone, the development is made permissible by SEPP (Infrastructure) 2007. The proposed height non-compliance is not considered to affect the intensity of the development in terms of its impacts on the surrounding environment.

- *To maintain the rural and scenic character of the land.*

Comment:

Although the height of the proposed outdoor covered area exceeds the building height development control, as the proposed structure is located in the centre of the site and amongst other existing buildings of a similar height, it is considered the rural and scenic quality of the land would be maintained.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

- (1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

Given the use of the site as an educational establishment is a prohibited use in the RU4 zone, the 8.5m Height of Buildings development standard is not envisaged to apply to school buildings in this location. Given the use is made permissible by SEPP (Infrastructure) 2007, in this instance it is appropriate to enact the provisions of clause 4.6 to allow for a building height that is appropriate to the intended use of the property as a school. Therefore, the variation allows for an appropriate degree of flexibility consistent with the above objectives.

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The Statement of Environmental Effects prepared by Don Fox Planning and dated November 2012 provides a written request for a variation to the building height development standard in accordance with Clause 4.6 of WLEP 2011.

- (4) Development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

As mentioned above, the commentary provided within the submitted Statement of Environmental Effects has sufficiently addressed the requirements of Clause 4.6 of WLEP 2011.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be as consistent as possible, given that the use is prohibited, with the objectives of the RU4 Primary Production Small Lots zone in the WLEP 2011.

(c) *the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the height of buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall height	7.2m	9m	No
B5 Side Boundary Setbacks	10m	East min 2.5m (parking encroachment) 89m to building West min 7m to parking 140m to building	No
B7 Front Boundary Setbacks	20m	3m to parking (existing) 9.84m to port cochere 20m to main building	No
B9 Rear Boundary Setbacks	10m	0m to parking 39m to building	No
D1 Landscaped Open Space (LOS) and Bushland Setting	30%	30.3% (13,433sqm)	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B5 Side Boundary Setbacks	No	Yes
Side Setbacks - RU4	No	Yes
Other land in RU4	No	Yes
B7 Front Boundary Setbacks	No	Yes
Front Boundary Setbacks - RU4	No	Yes
RU4 - Other land in RU4 zone	No	Yes
B9 Rear Boundary Setbacks	No	Yes
Rear Boundary Setbacks - RU4	No	Yes
All land other than that listed under exceptions	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D18 Accessibility	No	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	No	Yes
E1 Private Property Tree Management	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

Part B Built Form Controls

B1 Wall Heights

Description of non-compliance

Clause B1 limits the wall height of a building to a maximum of 7.2m. The proposed alterations and additions to the school involve wall heights up to a maximum of 9m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposed non-compliant wall heights relate to buildings located in the centre of the site which are not readily visible from adjoining properties. Therefore, they are unlikely to cause any significant visual impact.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The structures which breach the wall height control require the removal of the existing tree canopy within the development footprint with replacement planting proposed along the side and rear boundaries of the site. The existing tree canopy along the side and rear boundaries of the site will assist in screening of the development from adjoining properties.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The proposed non-compliance will not result in any unreasonable view impacts to and from public and private properties.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The proposed works which exceed the maximum wall height control are centrally located within the site with significant separation from adjoining properties. In this regard, the proposed non-compliance would not result in any unreasonable impacts on adjoining or nearby properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The non-compliance with the wall height control is a result of the varying ground levels across the existing outdoor areas of the site. No excavation is required to allow for the development, rather the height is a response to the existing buildings on the site and the need to provide a development that is cohesive, functional and accessible for the specific requirements of a school.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed roof design is of a varied pitch and form and will be a visually interesting structure.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B5 Side Boundary Setbacks

Description of non-compliance

Clause B5 requires a side setback of 10m to be maintained free of structures and car parking. The development proposes to locate car parking within 3.5m of the eastern boundary and 6.26m of the western boundary.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment:

Although the proposed car parking spaces will reduce opportunities for landscaping within the side setback areas, when considered in the context of the overall site, the loss of landscaped area is minor.

The eastern boundary is bordered by the Ku-Ring-Gai Chase National Park which provides a bushland setting for the school and will ensure the loss of landscaping along this boundary is of minimal impact.

Along the western boundary, only one tree and an existing grassed area is proposed for removal to facilitate the construction of additional parking. Over 80% of the western side boundary will be maintained as landscaped open space providing significant opportunities for future deep soil planting. Further, the western boundary is screened by existing vegetation associated with the neighbouring golf club and therefore impacts associated with the variation will be limited.

- *To ensure that development does not become visually dominant.*

Comment:

The non-compliance with the side boundary setback relates to open hardstand car parking only. In this regard, there will be no visual bulk associated with the variation. In addition, the proposal is heavily screened by existing vegetation along the side boundaries of the site further reducing the visual impact of the development.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposed non-compliance relates to open hardstand car parking only. As the car parking spaces do not require the construction of any physical structures, the variation would not result in any unreasonable visual bulk.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

As mentioned above, the non-compliance relates specifically to car parking within the side setback which is open hardstand car parking only. Consequently, the proposed variation with the side boundary setback control will not result in any impacts on the privacy, amenity and solar access enjoyed by the adjoining buildings.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The variation sought to allow car parking within the side setbacks would not result in any significant view impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

Clause B7 requires a front setback of 20m to be maintained free of structures and car parking. Existing car parking for the proposed development is located within 3m of the front boundary. However, reconfiguration of the existing car parking area to include additional parking along the

south western frontage proposes a front setback of between 7m and 19m. Additionally, construction of the port cochere and roof structure will result in a further non-compliance with a proposed front setback of 9.84m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense openness.*

Comment:

The non-complying element of the development are open hardstand car parking spaces and open style roof structures only and do not comprise enclosing walls or additional floorspace. Consequently, the proposed variation will maintain a sense of openness across the front elevation of the site.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

Due to the location of the site being surrounded by a variety of uses/developments including a school, residential dwelling house, national park and golf club, there is no established pattern of buildings and landscape elements present in the immediate context. Even so, the character of the area is clearly defined by a bushland setting.

The additional car parking and construction of a port cochere and roof structures within the front setback would not result in such substantial reduction of landscaped area that it would be of significant detriment to the bushland character of Duffys Forest.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

It is noted that the south western half of the front boundary adjoins the side boundary of the Japanese school, which limits its visibility from the public domain. The south eastern section of the front boundary adjoins Durumbil Road which is unformed and also provides a dense vegetation buffer between the public domain and the school. Only the central part of the front boundary at the head of Echunga Road is readily visible from public spaces.

When considered in the context of the existing situation, the reduced vegetation, inclusion of additional hard stand parking and construction of the port cochere and roof structure would not be of such detriment to the visual quality of the streetscape that a refusal could be sustained on this basis.

- *To achieve reasonable view sharing.*

Comment:

The proposed variation to the front boundary setback control will have no impact on the views of adjoining properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that

the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

Clause B9 of WDCP requires a setback of 10m to be maintained free of structures and car parking. While no structures are proposed to be located within the 10m rear setback area, parking for five vehicles is proposed adjoining the rear boundary of the site.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

Currently, a significant proportion of the rear setback area is occupied by a service road for vehicles and equipment associated with the maintenance of the school, with minimal deep soil landscape opportunities. Although a variation to the control is proposed, a significant area of landscaped open space which provides sufficient opportunities for deep soil planting is to be maintained within the rear setback. In fact the proposal will result in improved landscaping at the rear of the site with the inclusion of a regeneration area for the establishment of species native to the area.

- *To create a sense of openness in rear yards.*

Comment:

The site is occupied by a school and therefore does not have a rear yard. Also, given the rear boundary of the site adjoins a golf club and National Park, a sense of openness will be maintained across the rear of the property and the variation would not affect the rear yards of adjoining residential properties to the south east.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

As mentioned above, the rear boundary of the site adjoins Terrey Hills Golf and Country Club and the Ku-Ring-Gai Chase National Park. Consequently, the inclusion of parking within the rear setback would not result in poor building separation or amenity impacts on neighbouring properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

Due to the siting and location of the school, there is no evident pattern of buildings or rear gardens in this part of Terry Hills. The proposal does however seek to provide landscaping commensurate with the school buildings and the bushland character of the area and in this regard, is consistent with the intent of the objective.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Residential dwellings do not adjoin the rear boundary of the site. As such, there will be no impacts on the privacy of dwellings as a result of the proposed variation.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Part C Siting Factors

C2 Traffic, Access and Safety

Specific concerns have been raised in relation to the queuing of vehicles along Booralie, Echunga and Mona Vale Roads compromising traffic safety. Consideration of the development against the objectives of Clause C2 is provided below.

- *To minimise traffic hazards.*

Comment:

The application has been assessed by both the RMS and Council's Traffic Engineers and is not considered to result in any additional traffic hazards. While it is noted that some parents, carers and students do choose to park their vehicles within the road reserve rather than in the school grounds, an assessment of the application has concluded that sufficient parking is proposed to be provided on site to cater for the increased school population.

It is considered that the proposal effectively minimises traffic hazards through the provision of onsite parking, maintenance of the existing Traffic Management Plan and implementation of a Bus Management Plan which is recommended as a condition of consent.

- *To minimise vehicles queuing on public roads.*

Comment:

Please refer to the comments provided by Council's Traffic Engineer in relation to queuing of vehicles in the Referrals section earlier in this report. In summary, Council acknowledges that queues do occasionally occur along Echunga Road in the peak drop off and pick up periods. However, observations by Council officers have found that queues do not extend onto Booralie Road. With the effective operation of the bus stopping area, parent drop off area and onsite parking, the queues are not considered of such length and frequency that they significantly compromise traffic safety.

- *To minimise the number of vehicle crossings in a street.*

Comment:

The application proposes no additional vehicle crossings in the street.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

The increased number of vehicles in the area is limited to the peak morning and afternoon drop off periods. The school effectively manages the car and bus conflict at the entrance to the site by occasionally halting vehicles in Echunga Road to allow for buses to turn past the entrance gate of the school. The school encourages that children be dropped off within the

boundaries of the site through the provision of the existing 'kiss and drop' area to minimise any vehicle and pedestrian conflict in the roadway.

- *To minimise interference with public transport facilities.*

Comment:

As mentioned above, the existing Traffic Management Plan in place includes that staff of the school monitor the bus drop off area and if necessary, vehicles entering the site are halted in Echunga Road to ensure that queuing does not occur in front of the bus turning area.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

There will be no loss of 'on street' kerbside parking as a result of the proposal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Clause C2 of WDCP and on balance, the traffic impacts of the proposal are minimal.

C3 Parking Facilities

Description of non-compliance

The proposal provides sufficient car parking to service the proposed development including the increase in staff and students. In addition, the existing bus drop off area at the head of the cul de sac in Echunga Road is to be maintained. However, the proposal does not include bicycle parking in accordance with the clause.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street car parking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided
Educational establishment	1 space per staff member in attendance, plus as relevant, <ul style="list-style-type: none"> •adequate pickup/set down area on site, plus •adequate provision of bicycle racks, plus •adequate provision for student parking, plus provision of bus standing and turning area 	150 staff = 150 spaces plus set down and pick up areas, student parking and bus turning area.	255 parking spaces including staff parking, temporary parent parking, visitor parking, and student parking. existing bus drop off and turning area within the cul de sac of Echunga Road. no bicycle racks are provided.
Total			255

It is noted that specific concerns have been raised by neighbours in relation to students parking their vehicles on the street in Echunga, Durumbil and Booralie Roads, restricting

traffic flow, obstructing the bridal trail and obstructing the entrance to the national park. Concerns have also been raised in relation to parents and carers dropping off, and picking up their children by parking on the side of the road.

Based on surveys of the existing school, which included students parked in Durumbil Road, the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering, dated September 2012, demonstrates that there will be sufficient parking on site for the increased school population. The report also demonstrates that the drop off and pick up area is of adequate size to cope with the increased number of students.

Council's Traffic Engineer has reviewed the application and the submitted traffic report and is satisfied that the proposed increase in parking spaces across the site is sufficient to accommodate the increased school population. Council's Traffic Engineer also notes that *Echunga Road is a public road and as such Council is not able to effectively ban parents from using this road to drop off or pick up their children at schools. There is no provision under the Australian road rules or legal precedent that would allow for this condition on a development.*

There are currently no limits for parking in place along Durumbil Road, the southern part of Echunga Road and Booralie Road. Consequently, the parking of vehicles in the road reserve is legal. It is acknowledged that Booralie Road is narrow, however, given the amount of parking provided on site, the suggestion of prohibiting parking on Booralie Road up until 4pm school days is not considered necessary and is outside the scope of the development application. Further, the obstruction of bridal trails along Booralie Road is not a material planning consideration.

There is adequate capacity for the stopping of additional buses should they be required in the existing bus drop off area as approved under DA2006/0601. A Bus Management Plan is recommended to be completed prior to the increase in students occurring.

The proposal does not provide bicycle parking facilities on site in accordance with the WDCP. The applicant submits that due to the location of the site and the surrounding road network, cycling to the school is discouraged and therefore bicycle racks are not required. The justification for the lack of bicycle parking is accepted.

Given the above, the proposal provides sufficient parking to satisfy the needs of the development and is consistent with the objective of the clause.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The parking facilities provided are located primarily along the front and north eastern side boundary of the site. The parking area is primarily existing, however reconfiguration of the area is proposed to accommodate additional parking spaces and improve the functionality of the site. Visually, the street frontage of the school will be improved by the development through the creation of entry features including a low height wall and port cochere and the installation of landscaping to reflect the bushland setting of the area. In this regard, the proposal is considered to satisfy this objective.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As mentioned above, the parking area is already located across the street frontage.

However, the inclusion of additional landscaping and incorporation of architectural entry features will improve the appearance of the development when viewed from the street and ensure the site does not appear dominant when considered in its context.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Part D Design

D1 Landscaped Open Space and Bushland Setting

Concerns have been raised that the proposal results in an overdevelopment of the site. In the absence of a floorspace ratio control, the landscape open space control is an appropriate indicator of whether the development is excessive in terms of its size and site coverage.

Consequently, the development is considered against the underlying objectives of the control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Although there is a net loss of landscaped open space across the site, the loss of planting along the street frontage is minimal and inconsequential. Currently, the front of the site is mostly occupied by car parking and structures associated with the school. The proposal will result in a minor reduction of landscaped open space from the front setback area adjacent to the side boundaries. However, to ensure the current character and appearance of the streetscape is maintained, strategic planting of trees and shrubs have been incorporated into the design which will successfully preserve the bushland setting of the school and the locality.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The proposal requires the removal of 43 trees from the site, however 48 replacement trees are proposed to be planted in combination with shrubs and groundcovers. The proposal also includes a regeneration area at the rear of the site to maintain wildlife corridors between the golf course and national park. Conditions are also recommended requiring plant species to be consistent with the Duffys Forest Ecological Community.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

There are sufficient areas of landscaped open space across the site to accommodate planting of a size and density commensurate with the bulk and scale of the proposed development.

- *To enhance privacy between buildings.*

Comment:

Due to the location of the site, there is already significant separation between the school buildings and play areas and buildings on adjoining properties. There is a dense landscape buffer present around all boundaries which will be maintained and the privacy of adjoining residential properties will remain protected.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

As the proposal relates to a school, the preservation of the playing fields and other outdoor areas will cater to the outdoor and recreational needs of the staff and students.

- *To provide space for service functions, including clothes drying.*

Comment:

Not Applicable.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

On site detention is to be accommodated on site and the playing field is to be retained for the irrigation of wastewater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Clause D1, and will maintain a landscape setting consistent with the surrounding locality.

D3 Noise

Concerns have been raised in relation to noise generated by the onsite effluent management system. It is noted that the concerns raised are based on the existing noise generated by the system and the potential for that noise to increase with the increased capacity. Council's Environmental Health and Protection Officer has reviewed the application and is satisfied the system is appropriate for the proposed use. Even so, a condition will be imposed to ensure noise, when measured at the nearest residential boundary, does not exceed 5dB(A) above ambient background noise in accordance with the Environment Protection Authority's Industrial Noise Policy.

D8 Privacy

Concerns have been raised by objectors to the development that the proposal will result in unreasonable visual and acoustic privacy impacts. Consequently, an assessment of these impacts is provided below.

Visual Privacy

The subject site does not directly share any boundary with sites containing residential uses. Only to the south east, on the opposite side of Durumbil Road is there a residential property. The proposed works are therefore separated from the nearest residential lot by over 35m and from the nearest dwelling house by over 100m. In addition, Durumbil Road and the northern boundary of the nearest residential allotment are densely vegetated providing an effective screen which minimises visual intrusion.

Given the above, the proposal is not considered to result in any unreasonable impacts on visual privacy.

Acoustic Privacy

The site is surrounded by a golf course, national park and the Japanese School, with only the residential properties to the south east being affected. There is a buffer of vegetation between the school and adjoining residential properties and there is sufficient separation between the school buildings and playing fields to minimise noise transfer throughout the day. Further, any increased noise associated with the expansion of the school would be restricted to between the operational hours of 8am and 5.30pm, Monday to Friday.

The noise that may be generated by a school use is not believed to be unreasonable within the context of the RU4 Primary Production Small Lots zone which allows for primary industry uses and can include the use of machinery and associated noise generating activities.

Given the above, the proposed expansion of the school would not result in an unreasonable noise impact that would significantly affect the existing amenity enjoyed by nearby residential properties.

D9 Building Bulk

The objectives of Clause D9 - Building Bulk seeks to:

- *encourage good design and innovative architecture to improve the urban environment.*
- *minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The proposed development includes a number of variations to the built form controls contained within WLEP 2011 and WDCP 2011 including building height and wall height as discussed in detail throughout this report.

The additional buildings proposed include two storey office and classrooms which are accommodated under a large roof structure which also provides for outdoor recreation spaces and covered outdoor learning areas. The proposed roof structure is the key element of the proposal when considering building bulk as it has the effect of 'blanketing' the central section of the site and also a section of the school entrance.

However, despite the size and area of the proposed roof structure and all other elements of the proposal, the development has been carefully designed to provide an articulated facade which in combination with the openness of the roof structure and separation between individual buildings reduces the overall visual bulk. The proposed roof itself is visually interesting, adopting a combination of saw-tooth and skillion forms. Additionally, the development maximises the use of lightweight materials including extensive panels of multi-toned glass in combination with natural timbers and a polished concrete like cladding in colours that are respectful of the bushland setting of the site.

Through the use of good design, it is considered the proposal is successful in reducing the overall visual bulk of the development and given the institutional nature of the school use that the buildings are to accommodate, achieves an acceptable balance between functionality and remaining sensitive to its environment.

Having regard to the above assessment, it is concluded that the proposed development would not result in an unreasonable visual impacts when considered in its context and is consistent with the requirements of this clause.

D18 Accessibility

Clause D18 requires that development is to comply with AS1428.2.

A Disability Access Report prepared by Cheung Access and dated 25 September 2012 has been submitted with the application indicating that the development will meet the requirements of AS1428.1. However, to ensure consistency with Clause D18 of WDCP 2011, a condition is recommended requiring compliance with AS1428.2, details of which are to be provided prior to the issue of the Construction Certificate.

D21 Provision and Location of Utility Services

The subject site does not have a connection to Sydney Water's sewerage system and therefore makes use of an onsite effluent management system.

An Effluent Management Report prepared by Martens Consulting Engineers and dated 27 September 2012, has undertaken a review of the existing system and its capacity. The report has found that the system is capable of accommodating the additional staff and children on site. Council's Environmental Health and Protection Officer has reviewed the application and is also satisfied that the onsite system is of sufficient capacity to accommodate the increased school population.

It is noted that specific concerns have been raised by residents in relation to noise and odours from the existing system and the potential for the odours to increase with the increased school capacity. Concerns in relation to the existing system have been forwarded to Council's Environmental Health and Protection Unit for investigation. Any future increase in odours as a result of failed management of the system should also be forwarded to Council's Environmental Health and Protection Unit for investigation under the provisions of the Protections of the Environment Operations Act 1997.

In regards to noise, specific conditions will be imposed requiring that sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

D23 Signs

Description of non-compliance and/or inconsistency

Clause D23 requires that top hamper signs shall not exceed 600mm in height or have an advertising area of more than 5sqm. The proposed top hamper sign exceeds the control with a proposed height of 710mm.

Clause D23 requires that freestanding signs shall not exceed 2m in height above existing ground level and shall not have an area greater than 4sqm. Freestanding signs shall also not be illuminated. The proposed freestanding sign is in the form of an independently located concrete wall and is proposed to be 750mm in height and 6m long with a total area of 4.5sqm. In addition, the sign is proposed to be externally illuminated.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The proposed signage is considered to be in keeping with the existing and proposed built

form across the site and is appropriately located to allow for each identification of the school without unreasonable impacts on adjoining properties.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The proposed signs are well designed to complement the existing and proposed development on the site and when considered in their context are modest in their size and appearance. The proposed materials are appropriate to the development and its location.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

As mentioned above, when considered in the context of the site, the proposed signage is modest in size and would not appear visually dominant or obtrusive in the streetscape.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

The signage is well located over 20m away from adjoining residential properties, which in itself will successfully mitigate any unreasonable impacts on the amenity of adjoining properties.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

The site is not located adjacent to any heritage items, conservation areas or identified public open space. While the site does adjoin the Ku-Ring-Gai Chase National Park, the proposed signage is located over 100m from the shared boundary and is orientated toward Echunga Road. Therefore in this regard, the proposed signage would not result in any adverse impacts.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Part E The Natural Environment

E1 Private Property Tree Management

43 trees are proposed for removal to facilitate the proposed alterations and additions. However, 48 replacement trees are proposed to be planted and conditions are recommended requiring the trees be species consistent with the local Duffys Forest ecological community. Both Council's Landscape Officer and Environment Officer - Biodiversity have raised no objections to the loss of trees. In this regard, the proposal is consistent with Clause E1 of WDCP 2011.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report. In summary, the proposed development is not considered to have an unreasonable impact on threatened species or the natural environment.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

As mentioned previously, the application was referred to the NSW Police Force for comment. No response was received. It is therefore considered that no objection is raised. The proposal is considered to be consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 13,176,840		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 125,180
Section 94A Planning and Administration	0.05%	\$ 6,588
Total	1%	\$ 131,768

CONCLUSION

Development consent is sought for alterations and additions to the existing Northern Beaches Christian School, additional parking and landscaping works. The proposal also includes and increase in the school population from 1,050 to 1,325 students and from 115 to 150 staff.

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

Educational establishments are a prohibited use in the RU4 Primary Production Small Lots zone in which the site is located. However, the use is made permissible under the provisions of SEPP (Infrastructure) 2007. Variations are proposed to the building height development standard and a

number of the built form controls applicable to the site. Nevertheless, following a merit assessment of the development, the non-compliances are not considered to result in any unreasonable impacts and the overall bulk and scale of the proposal is appropriate in its context.

Following notification of the development, fourteen submissions were received. Thirteen submissions were received objecting to the development and one was received in support. A number of concerns were raised including amenity impacts such as privacy and noise disturbances, the affect of the proposal on vegetation and the adjoining National Park, litter, lighting, bushfire risk and effluent management. However, the key issue raised in all submissions related to the traffic impacts of the proposal and the adequacy of onsite parking.

Issues relating to traffic and parking have been considered by both the NSW RMS and Council's Traffic Engineer. It has been determined that the additional 62 parking spaces on site are sufficient to accommodate the increase in student and staff numbers, and the local road network has the capacity for the increased traffic movements associated with the development.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the DCP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Joint Regional Planning Panel grant Development Consent to Development Application No. DA2012/1361 for demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage on land at Lot 53 DP 774913, Yanderra Road, Duffys Forest, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA2-002(Rev B) Demolition Plan	21.09.12	WMK Architecture
DA2-003(Rev C) Proposed Site Plan	09.11.12	WMK Architecture
DA2-004(Rev B) Proposed Lower Ground Floor Plan	21.09.12	WMK Architecture
DA2-005(Rev B) Proposed Ground Floor Plan	21.09.12	WMK Architecture
DA2-006(Rev B) Proposed Roof Plan	21.09.12	WMK Architecture
DA2-007(Rev B) Proposed Elevations	21.09.12	WMK Architecture

Architectural Plans - Endorsed with Council's stamp		
DA2-008(Rev B) Proposed Sections	21.09.12	WMK Architecture
DA2-009(Rev B) Proposed Carpark Detail Plan	21.09.12	WMK Architecture
DA2-011(Rev B) Signage Details	21.09.12	WMK Architecture
Finishes Board	September 2012	WMK Architecture

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SW101(A)	15.06.12	Woolacotts Consulting Engineers
SW102	September 2012	Woolacotts Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report	Dated	Prepared By
Bushfire Report (as amended by letter dated 29 January 2013)	7 May 2012	Eco Logical Australia
Disability Access Report	25 September 2012	Cheung Access
Acoustic Report	September 2012	Acoustic Studio
Arborist Report (Rev C)	18 September 2012	Tree IQ
Flora and Fauna Assessment	September 2012	Cumberland Ecology
Wastewater Management Report (as amended)	27 September 2012	Martens Consulting Engineers
Traffic and Parking Impact Assessment (as amended by letter dated 25 January 2013)	September 2012	McLaren Traffic Engineering
Preliminary Environmental Site Assessment	September 2012	Martens Consulting Engineers
Geotechnical Assessment	June 2011	Martens Consulting Engineers
Lighting Standard Compliance	17 September 2012	Point of View

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

e) The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
LT01(A)	20.09.2012	Taylor Brammer
LT02(A)	20.09.2012	Taylor Brammer
LT03(A)	20.09.2012	Taylor Brammer
LT04(P1)	31.07.2012	Taylor Brammer
LT05(A)	13.09.2012	Taylor Brammer
LT06(A)	13.09.2012	Taylor Brammer

Waste Management Plan - Endorsed with Council's stamp		
Report	Dated	Prepared By
Northern Beaches Christian School – Project Barcelona Building Waste Management Plan	Undated	Unidentified

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Roads and Maritime Services (excluding recommendation No.5 contained within the referral response)	Referral Response - Roads and Maritime Services	5 December 2012
NSW Rural Fire Service	Referral Response – NSW Rural Fire Service	14 February 2013

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iv) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (v) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected

by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition.

Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 13,176,840		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 125,180
Section 94A Planning and Administration	0.05%	\$ 6,588
Total	1%	\$ 131,768

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

6. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$15,000 as security against any damage to Council's stormwater drainage infrastructure as part of this consent.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure. (DACENC09)

8. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Woolacotts Consulting Engineers Pty Ltd, drawing number 11-226 SW101A and SW102, dated 15.06.12 and September 2012 respectively.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. a minimum of 2 cross sections through the proposed detention tank and above ground detention basin are to be provided
- ii. an overflow pipe above the top water level within the proposed detention tank is to be provided connected to the downstream junction pit
- iii. step irons to all access pits within the detention tank are to be provided
- iv. the orifice plate within the detention tank is to be located directly under an access pit
- v. trash screens are to be provided over each orifice plate
- vi. an overflow weir is to be provided within the above ground detention basin to ensure the water ponding depth is limited to a maximum of 200mm over the control pit

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition) (DACENC20)

9. Pre-Construction Dilapidation Survey

A pre-construction Dilapidation Survey of Council's Stormwater Assets adjacent to the proposed extension to the western carpark is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx

The pre-construction dilapidation report must be submitted to Council (where Warringah Council is not the Certifying Authority) with acknowledgement of receipt provided in writing and then submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENCPC1)

10. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The location and operation of any on site crane;

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

11. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- i. Trees to be removed coloured or shaded in the colour red
- ii. Trees to be retained coloured or shaded in the colour green
- iii. Trees to be pruned coloured or shaded in the colour blue

- iv. Trees to be transplanted coloured or shaded in the colour yellow

(b) Existing trees which must be retained

All trees not indicated for removal on Landscape Site Plan -		
Drawing Number	Dated	Prepared By
LT01 A	20.09.2012	TaylorBrammer

(c) Tree Protection

All tree protection to be in accordance with the recommendations of the Arboricultural Impact Assessment Report and Tree Protection Specification (Rev. C) prepared by Tree IQ dated 18 September 2012 and AS4973-2009 Protection of trees on development sites.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

12. Landscaping

All plants used in the landscaping for this development must be local species as per the species list for Silvertop Ash-Brown Stringy Bark Forest (Duffys Forest Ecological Community (available on Councils website).

No Grevillea or Banksia hybrids are to be used in the landscaping for this development.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of remnant bushland. (DACNED03)

13. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

14. External Colours and Materials (Industrial, Commercial, Mixed & Apartment Buildings)

- (i) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).
- (j) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

15. School Facilities Standards

In accordance with Clause 32 of State Environmental Planning Policy (Infrastructure) 2007 with the exception of the species to be used in the landscaping of the site, the development shall be constructed in accordance with the relevant standards contained in the following State government publications:

- 5.3.1. School Facilities Standards—Landscape Standard—Version 22 (March 2002),
- 5.3.2. Schools Facilities Standards—Design Standard (Version 1/09/2006), and
- 5.3.3. Schools Facilities Standards—Specification Standard (Version 01/11/2008).

Compliance with the above mentioned Standards must be clearly demonstrated prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the SEPP (Infrastructure) 2007. (DACPLCPCC1)

16. Design for Access and Mobility

The approved works are to be designed in accordance with AS1428.2 Design for Access and Mobility - Enhanced and Additional Requirements - Buildings and Facilities.

Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide optimal disabled access and meet the requirements of Warringah Development Control Plan 2011. (DACPLCPCC2)

17. Small Car parking spaces

The small car parking spaces are not to be less than the size specified in AS2890.1:2004 (2.3m x 5.0m).

Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance to Australian Standards (DACTRBOC2)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Tree Protection

All trees specifically nominated to be retained within the Arboricultural Impact Assessment Report (Tee IQ 2012) shall be maintained and protected during demolition, excavation and construction on the site. Details of protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain and protect significant environmental features (trees on the site)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

20. Compliance with Environmental Site Assessment Report

Comply with the preliminary Environmental Site Assessment Report prepared by Martens Consulting Engineers P1103085TR04V03 (September 2012). On completion of the works provide certification from a suitably qualified environmental consultant confirming that the site is suitable for its intended use.

Reason: Environmental Protection (DACHPEDW3)

21. Requirement to Notify About New Contamination

Any new information revealed during excavation works that has the potential to alter previous conclusions about contamination shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

Reason: To protect the environment (DACHPEDW4)

22. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.

- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

23. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

24. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

25. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the unprotected portions of the existing buildings as identified /detailed and recommended in the Building Code of Australia Audit Report prepared by Blackett Maguire and Goldsmith Report, dated 24 September 2012 Revision 2, Project No. 120003 are to be carried out. The new and existing buildings are to be protected in a manner consistent with the requirements of the Building Code of Australia.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

26. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

27. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

28. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

29. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

30. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

31. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

32. Post-Construction Dilapidation Survey

A post-construction Dilapidation Survey of Council's Stormwater Assets adjacent to the proposed extension to the western carpark is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx

The post construction dilapidation report must be submitted to the Council (where Warringah Council is not the Certifying Authority) for written acceptance of the condition of the existing Council pipeline. Council's written acceptance is to be submitted to the Certifying Authority prior to the issue of the final Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENFPO1)

33. Food Premises

The canteen and any other areas used to handle food for sale shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

Reason: To ensure compliance with the applicable food standards. (DACHPFPOC3)

34. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on Landscape Plans LT 02 - LT 05 prepared by TaylorBrammer	As indicated on the Landscape Plans	As indicated on the Landscape Plan

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

35. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

36. Waste Management Plan

The Ongoing Waste Management Plan, written 2 February 2012 and reviewed 29 January 2013 is to be amended to include procedures for the management and collection of litter outside of the property where Echunga Road and Durumbil Road adjoin the front boundary of the site.

Reason: To ensure the amenity of the area is maintained.

37. Allocation of Spaces

255 car parking spaces shall be provided, made accessible and maintained at all times.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

38. Submission of a Staff Work Travel Plan

A Staff Work Travel Plan is to be prepared to reduce vehicle trips to and from the development site in accordance with the recommendations of the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering, dated September 2011.

Details are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To reduce vehicle movements resulting from this proposal. (DACTRBOC1)

39. On Site Waste Water Management Certification

Prior to the release of the occupation certificate, certification from a suitably qualified waste water consultant must be provided demonstrating that the on site waste water management complies with the waste water report and amended details prepared by Martens Consulting Engineers P1103085JC02V05 dated September 2012.

Reason: Health and Environmental Protection (DACHPFPOC4)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

40. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 12.00 midnight and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

41. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

42. Commercial Waste Collection (DACPLG18)

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

43. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

44. Student and Staff Numbers

The number of enrolled students, including the pre-school, is not to exceed 1325. Total staff numbers are not to exceed 150 at any given time on site.

The increase in student and staff numbers permitted by this consent must not proceed until condition no's 29, 37 and 39 have been satisfied.

Reason: To limit the intensification of the use and impacts on the locality. (DACPLGOG1)

45. Ongoing Waste Management Plan

Waste management across the site is to be in accordance with the Ongoing Waste Management Plan written 2 February 2012 and reviewed 29 January 2013 and as amended by condition no.34 above.

Reason: To prevent the spread of litter and waste across the site and into the public roadway.

46. Staff Work Travel Plan

The school shall operate in accordance with the staff work travel plan for the life of the development.

Reason: To minimise traffic impacts.

47. Bus Management Plan

The development shall operate in accordance with the bus management plan for the life of the development.

Reason: To minimise traffic impacts and meet the requirements of NSW Roads and Maritime Services.