

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2014SYE026</b>
<b>DA Number</b>	<b>DA-2014/65</b>
<b>Local Government Area</b>	<b>Willoughby</b>
<b>Proposed Development</b>	<b>Redevelopment and expansion of the existing Mowbray Road Public School to accommodate up to 1000 students.</b>
<b>Street Address</b>	<b>635 Mowbray Road West, LANE COVE NORTH NSW 2066.</b>
<b>Applicant/Owner</b>	<b>NSW PUBLIC WORKS</b>
<b>Number of Submissions</b>	<b>6</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Kate Drinan - Development Planner</b>

## 635 Mowbray Road West, LANE COVE NORTH NSW 2066.

**DA NO:** DA-2014/65

**ATTACHMENTS:** 1. PLANS AND ELEVATIONS

**DATE:** 24-MAR-2014

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**RECOMMENDATION:** APPROVAL

**LOCATION:** 635 MOWBRAY ROAD WEST, LANE COVE NORTH NSW 2066.

**APPLICANT:** NSW PUBLIC WORKS

**OWNER:** NSW DEPARTMENT OF EDUCATION AND COMMUNITIES

**PROPOSAL:** DEMOLITION OF 12 EXISTING SCHOOL BUILDINGS, CONSTRUCTION OF 2 THREE STOREY BUILDINGS, EXTENSION OF EXISTING HALL, REFURBISHMENT OF EXISTING HOMEBASE (CLASSROOM) BUILDINGS, UPGRADES TO SERVICE ROAD, LANDSCAPING, FENCING AND ASSOCIATED WORKS.

**DATE OF LODGEMENT:** 17-FEB-2014

**VALID APPLICATION DATE:** 17-FEB-2014

**REPORTING OFFICER:** KATE DRINAN ( DEVELOPMENT PLANNER)

**RESPONSIBLE OFFICER:** IAN ARNOTT (DEVELOPMENT PLANNING MANAGER)

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### DESCRIPTION OF PROPOSAL

The proposal seeks consent for the redevelopment and expansion of the existing Mowbray Road Public School to accommodate up to 1000 students from the 356 students which currently attend the school. Mowbray Public School caters for years K-6 with no high school or tertiary students.

The following works are proposed:

- Demolition of twelve existing school buildings;
  - Construction of 2 x three storey buildings.
    - Building A is a 3 storey building located adjacent to Mowbray Road between the proposed western car park and proposed Building B. The ground floor of Building A would include 3 classrooms, a special programs room, toilet facilities, staff room, staff annex and offices. Levels 1 and 2 will include 9 classrooms per level.
    - The ground floor of Building B is to include the main library area, storerooms, toilets, communication room and one classroom. Level 1 and 2 would each include 6 classrooms.
  - The extension of the existing hall;
  - Refurbishment of existing classroom buildings;
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- Landscaping works including:
  - The western courtyard to the north of Building A to include a number of handball courts, a half sports court and timber decking surrounding existing trees;
  - The eastern courtyard to the east of the hall is to be upgraded to include custom seating areas, timber decking for outdoor performances and increased shaded seating and play;
  - A shaded seating and play area is to be constructed to the north of the hall;
  - A new playground is to be constructed to the east of the eastern courtyard which will include a range of active play equipment.
  - Seating and planting is to be provided around the perimeter of the existing oval.
- Traffic, parking and access works including:
  - Upgrade the car parking area accessed from Willandra Street to accommodate 33 cars including 2 disabled car parking spaces.
  - Formalising/upgrading service road for small rigid vehicles to access the school hall from Willandra Street.
  - Main pedestrian entrance to be provided between Building A and Building B and is accessed from Mowbray Road. Pedestrian access is also to be provided from Hatfield Street and from Mowbray Road between Building B and the childcare centre.
  - Restricted parking along the Mowbray Road frontage for drop off/pick up (No parking in the AM peak, 10 minute parking in the PM peak). Restricted parking on the southern side of Mowbray Road (10 minute parking in the PM peak).
  - Western bus stop on Mowbray Road to be expanded to accommodate 2 buses.
  - Construction of new footpaths along the Mowbray Road frontage.

### Existing Building, Relevant History and Site Context

The subject site is identified as Lot 1 DP 859747, 635 Mowbray Road West, Lane Cove North. The school is located in a residential area along Mowbray Road, Lane Cove North, to the east of Epping Road. High density residential development is located opposite the site on the southern side of Mowbray Road (within Lane Cove Council area) and low density residential development surrounds the site to the north, east and west.

The site has three road frontages being Willandra Street to the west, Mowbray Road to the south and Hatfield Street to the east. The subject site is highlighted is outlined below.



The subject site currently comprises school buildings; shaded outdoor area; netball courts; playing fields; a childcare centre is located within the south-eastern corner of the subject site adjacent to three tennis courts. Vehicular access to the site is via Willandra Street to the west and Hatfield Street to the east. The Willandra Street car park is an informal car parking area used by staff of the school. Service access is also provided from Willandra Street. The Hatfield car park is a formalised car parking area which is predominately used by the childcare centre.

2 bus stops are located on the Mowbray Road frontage at the western and eastern ends of the school. 1 bus stop is located on the Hatfield Road frontage. A signalised pedestrian crossing is located on Mowbray Road near the western bus stop.

### Controls and Classification

- i) **Willoughby LEP 2012:** Yes
- ii) **Conservation Area:** No
- iii) **Zoning:** R2 – Low Density Residential
- iv) **Applicable DCP (SEPPs, REPs):** WDCP; SEPP (Infrastructure); SEPP 55; SREP – Sydney Harbour Catchment and associated DCP; Bushfire Prone Lane; Safer By Design; Crown Land
- v) **Developer's Contribution Plans:** Having regard to Clause 3.3.2 (b) of the Willoughby City Section 94A Development Contributions Plan 2011, Council may, at its discretion, waive the requirements of the Plan for applications submitted by community non-profit organisations which are for the provision of a public purpose. As such it is considered that the S94A contribution be waived given the proposal is to provide an expanded educational facility with a significant community benefit.

### Development Statistics

	Proposed	Standard	Compliance
a) Site Area (m <sup>2</sup> )	34,301m <sup>2</sup>		
b) Height	Building A - 13.35m Building B - 11.88m	8.5m	No <sup>(1)</sup>
c) Gross Floor Area (m <sup>2</sup> )	6,468m <sup>2</sup>	13,720m <sup>2</sup>	Yes
d) Floor Space Ratio	0.19:1	0.4:1	Yes
e) Setbacks - Mowbray Road Frontage - Willandra Street Frontage - Hatfield Street Frontage - Northern boundary setback - 7/7A Willandra Street - Ulm Street dwellings	14.5 – 18.2m 22.5m No change 7m No change	- - - - -	
f) Car Spaces	33 spaces including 2 disabled spaces	1 per 2 staff (60 Staff members) = 30 spaces 1 per 10 assembly seats (110 seats) = 11 spaces	Yes. See assessment section below.

## Compliance with Plans or Policies

- (1) The proposal is non-compliant with the height controls of the WLEP 2012. An objection under the provisions of Clause 4.6 of WLEP 2012 accompanies the development application. The consideration of this Clause 4.6 variation is discussed in a later section of this report.

## Referrals

### Building Surveyor

The application was referred to Council's Area Building Surveyor for comment who advised that the proposal is acceptable subject to conditions.

### Development Engineer

The application was referred to Council's Area Development Engineer for comment who advised that the proposal is acceptable subject to conditions.

### Willoughby Council Traffic Engineer

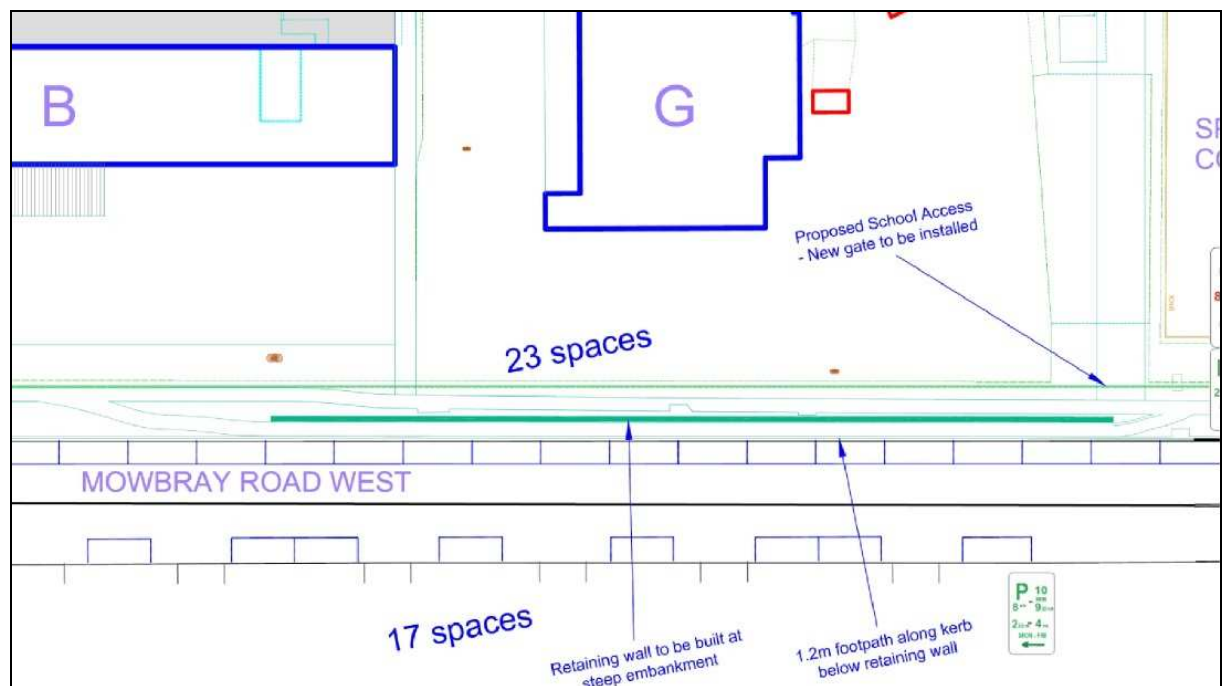
The application was referred to Willoughby Council's Traffic Engineer for comment who advised, amongst other things, the following:

- It would be desirable to have the applicant supply survey information from similar schools to substantiate the traffic report which states that given that most of the increase in student population will be generated from residential development activity within walking distance of the school, a low level of additional traffic will be generated. Notwithstanding, the additional traffic generated by the school is not seen as a critical issue in regards to approval of the development which is considered to be in the wider public interest.

*Comment:* To help inform future traffic and parking schemes, a condition is recommended requiring an amended Traffic Report which quantifies the projected trip generation of the development prior to the occupation of the development. The traffic report is to be submitted to Lane Cove and Willoughby Council for their information **(Condition 53)**.

- The applicant's traffic consultant has proposed that a low level footpath be constructed adjacent to the kerb along part of Mowbray Road. This work is necessary given the steeply sloping embankment on part of the frontage of Mowbray Road and the need to provide for a DDA compliant drop off and pick up zone for students at the school. This work would need to be designed and constructed at full cost to the applicant.

*Comment:* The proposed modification to the footpath as shown on DA-A04 is inconsistent with the recommendations shown in Annexure H of the traffic report. Having regard to consultations with Council's Traffic Engineer and Development Engineer, it is considered that the footpath works should be more consistent with Annexure H (shown below) of the Traffic Report noting that the proposed footpath works shown in DA-A04 will not sufficiently address the DDA.



Further, it was considered that having a footpath that loops from the existing footpath would be a more suitable outcome having regard to its functionality and visual appearance. Notwithstanding, it is noted that the footpath works shown in Annexure H would result in the removal of a significant gum. In this respect, it was noted on a site visit that the gradient in the vicinity of this tree would comply with the DDA and as such the tree should be protected. A condition has been recommended to address these modifications (**Condition 11**).

- The developer proposes some peak period school drop off and pick up restrictions along Mowbray Road. While supported by the officer, these restrictions would require approval through the Traffic Committee prior to implementation. It is considered that No Parking restrictions in both the before and after school period is more appropriate than the 10 minute restriction which is proposed by the Traffic Consultant. Experience at other schools has shown that 10 minute restrictions are more likely to be occupied by long term parking activity and those vehicles are more likely to be left unattended.

*Comment:* The matter was referred to Willoughby Council's Traffic Committee who recommended approval for the proposed modifications to the northern side of Mowbray Road. A condition is recommended requiring No parking restrictions on the northern side of Mowbray Road during AM and PM peaks (**Condition 51**).

- The installation of No Parking restrictions applying 8:00am to 9:30am and 2:30pm – 4pm School Days along the schools frontage on the western side of Hatfield Street is considered necessary to accommodate the drop off/pick up activity.

*Comment:* The matter was referred to Council's Traffic Committee who recommended approval for the proposed modifications to Hatfield Street. A condition is recommended requiring No parking restrictions along the schools frontage on the western side of Hatfield Street during AM and PM peaks (**Condition 51**).

- The traffic consultant suggests that it would be appropriate to move the Bus Zone and shelter currently sited to the west of Hatfield St to a new location to the east of Hatfield Street. The proposed location is adjacent to a steeply sloping embankment. Further, it would be located outside a residential address where it is unlikely to be supported by the residents who would lose their on-street parking. The proposed location would also be



further from the school requiring students catching or alighting from the bus to cross Hatfield Street to access the bus stop or the school.

*Comment:* Plans do not show the relocation of the bus stop. Notwithstanding, a condition is recommended which does not permit the relocation (**Condition 68**).

- An active transport travel plan should be prepared for the school to explore means by which students could be encouraged to travel to and from school by walking or cycling and to ensure ongoing participation in these healthy alternate modes of transport.
- *Comment:* A condition is recommended requiring an active transport plan to be prepared (**Condition 52**).

#### Lane Cove Council Traffic Engineer

The application was referred to Lane Cove Council's Traffic Engineer for comment noting that the proposal recommends restricted parking on the southern side of Mowbray Road (10 minute parking in the PM peak), being located within the Lane Cove Council Area. Lane Cove Council advised the following:

- Research carried out in a similar context (Lane Cove West Public School Travel Survey 2013) suggests that up to 70% of primary school children travel to school by car. If this same modal split is applied to the Mowbray Public School expansion this would result in up to 450 additional child trips by car once the school reaches full capacity. The subsequent localised impact on school drop off and pick up areas as well as traffic impacts on local streets and intersections should be quantified and appropriate mitigation measures implemented.

It is recommended that WCC include a condition of consent which requires the applicant to quantify the trip generation impacts (for all modes) of the first stage of development prior to subsequent stages proceeding. By extrapolating these figures it should be possible to quantify the trip generation for the whole development and devise suitable mitigation measures if necessary.

*Comment:* In addition to the parking restrictions proposed on Mowbray Road, Willoughby Council's Traffic Engineer is requiring parking restrictions for parental drop off/pick up on Hatfield Street. Willandra Street was not considered an appropriate location for parent drop off/pick up as the street is a narrow cul-de-sac making manoeuvring difficult. The Department of Education does not allow for drop off/pick up within school sites. Having regard to the above, there are limitations as to what else can be done to mitigate the traffic/parking impacts arising from the proposal apart from discouraging the use of cars. In this respect, Willoughby Council's Traffic Engineer has recommended a condition requiring the preparation of an active transport travel plan to encourage other modes of travel other than the car. There is no real option for limiting the numbers of children attending the school as it potentially means that parents/children will need to travel further to go to school, resulting in a greater number of car trips and increased congestion elsewhere. As such, while it is acknowledged there will be an increase in the amount of traffic in the area, this is considered acceptable.

Notwithstanding, to help inform future traffic and parking schemes, a condition is recommended requiring an amended Traffic Report which quantifies the projected trip generation of the development prior to the occupation of the development. The traffic report is to be submitted to Lane Cove and Willoughby Council for their information (**Condition 53**).

- The development relies heavily on the assumption of non-car travel to school in the future, in particular walking trips from the new high density residential development on the south side of Mowbray Road. In order to improve safety for school children and parents it is essential that the proposed traffic light installation at Hatfield St / Kullah

Parade / Mowbray Rd intersection is completed prior to the expansion of Mowbray Public School. In order to assist Lane Cove Council in delivering this project, in conjunction with Roads and Maritime Services, a monetary contribution from the Department of Education towards the proposed TCS scheme at Hatfield / Mowbray is required.

*Comment:* Currently there is no certainty that the lights at Hatfield /Mowbray will be approved by the RMS and, in the event of their approval, there is a possibility that the RMS may pay for the lights. Further, Willoughby Council's Section 94A plan makes no provision for the lights at this intersection and as such there are no grounds on which we can request a contribution.

- Requests support in writing to be submitted to Lane Cove Council from the Department of Education and Willoughby City Council for the proposed traffic light treatment.

*Comment:* This is not a matter for consideration in this development application.

- The MTE Report Annex H includes a recommendation to install 10 min parking during School Zone hours on the south side of Mowbray Road opposite Mowbray Public School. This would be subject to approval by the Lane Cove Local Traffic Committee and consultation with affected stakeholders, in particular Lane Cove residents in the adjacent properties.

*Comment:* A condition is recommended requiring the DEC to seek approval from the Lane Cove Traffic Committee for the parking modifications to the south side of Mowbray Road (**Condition 4**).

#### Waste Coordinator

The application was referred to Council's Waste Coordinator for comment who raised concern with noise and safety issues relating to waste collection from Willandra Street. As such it was proposed that a condition be imposed to restrict the hours of operation to reduce noise nuisance to the surrounding residential properties and at the same time ensuring that the waste collections do not interfere with schools drop-off/pick-ups.

It is recommended that the waste collection should be restricted to:

Mon-Fri – 6:00am-8:00pm

Saturday – 7:00am – 8:00pm

Sunday and Public Holidays – 8:00am – 8:00pm

**(Condition 81)**

#### Environmental Health Officer

The application was referred to Council's Environmental Health Officer for comment who requested an acoustic report to address potential impacts from the noise of the school, placing particular emphasis on the new active play area proposed in the north western area between building C and Block A. Also it was requested that consideration be given to noise generated from the proposed car park and any potential noise generated from the hall whether during school hours or after hours.

*Comment:* Subsequent to the above comments, the applicant has advised that they would be willing to accept a condition which limits the hours of operation and which requires a 3 metre high acoustic wall between the active play area and the driveway. Further, the applicant has advised that they will delete the basketball half court in the active play area. In this respect, Council's Environmental Health Officer has advised that to ensure the wall's



effectiveness in attenuating noise to the neighbouring houses, the design will need to be certified by an appropriately qualified acoustic consultant (**Condition 2**).

#### Children's and Youth Services

The application was referred to Council's Children's and Youth Services for comment who advised that the proposal is to be referred to the RFS for comment and that consideration should be given to the use of the child care centre and ensure that parking for the centre is not reduced. Further it was requested that a construction management plan be prepared to ensure the safety of the children at the child care centre.

*Comment:* The application was referred to the RFS and a condition has been recommended requiring a construction management plan. The proposal does not seek to utilise the car parking of the child care centre or alter the child care facilities in any way.

#### Landscape Officer

The application was referred to Council's Landscape Officer for comment who advised that the proposal is acceptable subject to conditions.

#### Rural Fire Service

The application was referred to the Rural Fire Service for comment who advised that an Asset Protection Zone is required and Emergency/Evacuation Plan is to be prepared.

#### NSW Police Force

The application was referred to the NSW Police for comment who raised the following concerns:

- Requests an emergency evacuation plan.

*Comment:* A condition is recommended requiring an emergency evacuation plan to be provided prior to the issue of the construction certificate to ensure that no changes to the school are required as a result of the plan (**Condition 5**).

- Requests details of the bus stop expansion and bus shelters proposed for Mowbray Road.

*Comment:* The bus shelters are to be standard Council bus Shelters. These are not likely to be an area of congregation for the children of the school and they will generally congregate on school grounds and be supervised. The bus stop expansion is to have capacity for an additional 1 bus.

- Secure fencing to be used around the perimeter of the site.

*Comment:* The Applicant advised that the community and the school voiced very strong opinions that they did not want a fence around the school. This was both for the visual impact, and the community use of the play equipment and oval. As such it was advised that security has been addressed by gates at the building line, stopping pedestrian traffic from crossing through the site and planting that has also been carefully selected to avoid screening, in order to allow passive surveillance by neighbours and passing traffic.

- Location of the cricket nets raises potential passive surveillance concerns.

Comment: Subsequent to the above comment, plans have been amended showing the cricket nets being retained in their current location on the south side of the site, to the north of the childcare centre.

- No privacy hedging is to be used around the perimeter of the street frontages.

Comment: Having regard to the Landscape Plan submitted with the application, no privacy hedging is proposed.

- Car parking areas are to be appropriately sign posted. Staff car park to be fully fenced.

Comment: A condition is recommended requiring the staff car park to be appropriately sign-posted and fenced (**Condition 54**).

- Mirrors are to be erected to enable visibility from the service road to the access paths of the nearest classrooms.

Comment: Subsequent to the above comment, the Applicant has advised that they are willing to accept a condition requiring an acoustic wall between the active play area and the service driveway. As such, pedestrians are not likely to be accessing the driveway on a regular basis, thereby limiting safety concerns.

### Roads and Maritime Services

The application was referred to the RMS for comment Pursuant to Clause 104 of SEPP Infrastructure. The RMS advised that no objection is made to the proposed development however Council is to have consideration to the proposed location of the parent pick up and drop off area on Mowbray Road and its impact on the operation of the current and future traffic control lights on Mowbray Road (pedestrian lights) and the intersection of Mowbray Road and Hatfield Street.

*Comment:* Willoughby Council's Traffic Engineer has advised that the length of the drop off and pick up zones can be adjusted as required to suit the RMS requirements having regard to No Stopping zones on the approach to, and departure from, the traffic signals. At this stage the length of those zones at the Hatfield Street intersection is unknown. Notwithstanding, it was advised that this issue is not critical to approval of the development.

### **Matters for Consideration Under S.79C EP&A Act**

**Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation-Demolition	✓
	• Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A

## Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Cumulative impacts</li> </ul>	✓
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> <li>Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Are the site attributes conducive to this development?</li> </ul>	✓
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> <li>Public submissions</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Submissions from public authorities</li> </ul>	✓
(e)	The public interest	
	<ul style="list-style-type: none"> <li>Federal, State and Local Government interests and Community interests</li> </ul>	✓

## Assessment

### Permissibility

The subject site is located in the R2 – Low Density Residential Zone. Development for the purpose of an educational establishment is prohibited in the R2 zone. However Clause 5.12 of the Willoughby Local Environmental Plan states that it "does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007". In this respect, having regard to Clause 28 of the State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of an educational establishment may be carried out, with consent, on land on which there is an existing educational establishment.

### *School Facilities Standards*

The SEPP provides that before a DA for a school can be determined, the consent authority must take into consideration all relevant standards in the School Facilities Standards. The SEPP also provides that the School Facilities Standards prevail over any inconsistency between them and a provision of a development control plan.

The applicant notes in the Statement of Environmental Effects that the School Facilities Standards listed in the SEPP are no longer current and that the school facilities have been designed in accordance with the current versions of these standards. It is recommended that a condition of development consent be imposed requiring the development comply with the current School Facilities Standards (**Condition 5**).

### *Traffic Generating Development*

The proposed development is traffic generating development as defined by the SEPP having regard to Clause 104 of the SEPP and such was forwarded to the Roads and Maritime Services (RMS) for comment. The RMS advised that no objection is made to the proposed development however Council is to have consideration to the proposed location of the parent pick up and drop off area on Mowbray Road and its impact on the operation of the current and future traffic control lights on Mowbray Road (pedestrian lights) and the intersection of Mowbray Road and Hatfield Street. In this regard, Willoughby Council's Traffic Engineer has advised that the length of the drop off and pick up zones can be adjusted as required to suit the RMS requirements having regard to No Stopping zones on the approach and departure to the traffic signals. At this stage the length of those zones at the Hatfield Street intersection is unknown. Notwithstanding, it was advised that this issue is not critical to approval of the development.

### *Impact of Road Noise*

Clause 102 of the SEPP requires consideration of the impact of road noise and vibration for an educational establishment on a road with an annual average daily traffic volume of more than 40,000 vehicles. In this regard, Mowbray Road has a daily traffic volume of less than 40,000 vehicles and as such the SEPP does not apply. Notwithstanding, a traffic noise assessment of the development was submitted with the development application. Based on the results of the assessment, the following recommendations were made:

- As internal noise levels from traffic noise intrusion cannot be achieved with windows open on southern and western facades facing Mowbray Road, alternative means of ventilation will need to be provided so that windows can be kept closed. This may include:
  - Natural ventilation supplied from the northern facade of Buildings A and B.
  - Natural ventilation supplied via acoustically treated louvres along the southern and western facades exposed to Mowbray Road traffic.
  - Mechanical services and air conditioning.
- With windows closed, internal noise levels from traffic noise are driven by the sound insulation performance provided by glazing which is typically the weakest element in the building envelope construction. In order to achieve internal design noise levels with windows closed, glazing constructions should be upgraded to 8.38mm laminated constructions for the following locations:
  - Level 1 Homebases along the southern facade of Building A and B.
  - Library and Special Programs rooms in Building B.

Having regard to the above, it recommended that conditions of development consent be imposed requiring the development comply with the requirements of Australian Standard

AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors (**Condition 12**).

#### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

This land has been subject to a preliminary contamination screening (Report on Preliminary Contamination Screening for Proposed School Re-Development at Mowbray Public School prepared by Environmental Investigation Services Dated 24 October 2013).

The contamination assessment concluded that no contaminants of concern are present and therefore the site is suitable for the proposed development provided that an “unexpected finds protocol” is implemented for the earthworks (**Condition 22**).

#### Willoughby Local Environmental Plan 2012

##### *Zone Objectives*

As noted above, the site is located in the R2 – Low Density Residential Zone. The proposed educational establishment is considered to be consistent with the objectives of the zone. The objectives of the R2 – Low Density zone are as follows:

- ***To provide for the housing needs of the community within a low density residential environment.***

*Comment:* This objective is not relevant to the development as the proposal is for an educational establishment.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

*Comment:* The proposed development will provide for the day to day educational needs of school aged residents.

- ***To accommodate development that is compatible with the scale and character of the surrounding residential development.***

*Comment:* The new 3 storey development has been sensitively located on the southern side of the site with open space and the existing lower scale (single storey) school buildings being located between the new development and the low density residential dwellings to the north. The new 3 storey elements adjoin the R4 High Density zoned land of Lane Cove Council located on the southern side of Mowbray Road which has a 17.5 metre height control. As such the proposal is considered to reasonably transition, having regard to its public benefit, between the low density residential development located to the north of the site and the future higher density development (currently being constructed) located to the south.

- ***To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.***

*Comment:* The proposal is not considered to unreasonably impact on the residential amenity of the neighbouring properties. The proposal will not have an impact on solar access noting the development is located to the south of residential dwellings. The proposal is not considered to unreasonably impact on views. The proposal is not

considered to detrimentally impact upon privacy subject to conditions detailed in the privacy section below.

- ***To retain the heritage values of particular localities and places.***

*Comment:* This objective is not relevant to the proposed development.

- ***To encourage self-sufficiency with respect to energy and food supply.***

*Comment:* This objective is not relevant to the proposed development.

#### *Clause 4.3 - Height*

Clause 4.3 of WLEP 2012 sets a maximum building height on the site of 8.5m. The maximum height of the proposed development (Block A) is 13.35m in height and Block B is 11.88 m. The applicant has submitted a request for an exemption from this standard pursuant to Clause 4.6 of WLEP 2012. The Applicant's reasons in support of the variation are as follows:

- The proposal consolidates the footprint of the school buildings thereby providing for a larger school courtyard and play area. This is achieved through replacing the existing buildings with two x 3 storeys buildings.
- The proposal is considered to meet the objectives of the zone as the works relate to an existing school and the proposal would provide the educational facilities to meet the day to day needs of both existing and future residents in the Willoughby and Lane Cove Municipalities.
- The proposed buildings on the subject site face Mowbray Road West and do not detrimentally impact on residential properties due to overshadowing or overlooking.
- The height, bulk and scale of the proposed buildings are acceptable and will be consistent with the future development of the area noting the land to the south of the subject site located on the opposite side of Mowbray Road is zoned R4 High Density Residential with a maximum building height of 17.5m.

Consideration of the objectives of the Height control is as follows:

- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,***

*Comment:* The non-compliant elements are located on the south side of the site adjoining the R4 High Density zoned land of Lane Cove Council with a 17.5 metre height control. As such the proposal is considered to reasonably transition, having regard to its public benefit, between the low density residential development located to the north of the site and the future higher density development located to the south.

- (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,***

*Comment:* The development has been sensitively located to minimise the amenity impacts to the immediate neighbours and to preserve trees and maximise open space.

- (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,***

*Comment:* The development has been sensitively setback from its northern neighbours with suitable landscaping to screen the bulk of the development. Further, the development has been setback 14.5m and 18.2m from Mowbray Road to minimise the visual impact to its southern neighbours. The generous setbacks, which are to be landscaped, will ensure a high visual quality of development when viewed from the street.

***(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,***

*Comment:* The proposal is not considered to significantly or unreasonably impact upon views or view sharing.

***(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,***

*Comment:* The development has been designed to minimise the building footprint and maximise open space. The proposal is compliant with the floor space ratio controls for the site and the building height is considered to be consistent with the redevelopment potential of the land.

***(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,***

*Comment:* The non-compliant elements are located on the south side of the site adjoining the R4 High Density zoned land of Lane Cove Council with a 17.5 metre height control. As such the proposal is considered to reasonably transition, having regard to its public benefit, between the low density residential development located to the north of the site and the future higher density development located to the south.

***(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,***

*Comment:* Not applicable.

***(h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.***

*Comment:* Not applicable.

Having regard to the above, the objectives of the height standard are considered to be met by the proposed development despite its non-compliance with the standard. The strict application of the standard is considered to be unnecessary and unreasonable in the circumstances of this application.

The proposed non-compliance is considered to result in a significant public benefit as it will provide for additional classrooms to accommodate the increasing number of school children in the surrounding area. This is also a matter of significance for State and Regional planning.



It is concluded that the Applicant's objection pursuant to Clause 4.6 is reasonable and the breach of the building height control can be supported in this instance.

#### *Clause 4.4 - Floor Space Ratio*

As shown in the development statistics above, the proposed development is compliant with the Floor Space Ratio controls of Clause 4.4 of the WLEP 2012. Further, the bulk and scale of the development has been sensitively located so as to minimise impacts on the amenity of the neighbouring properties and maximise the extent of open space. Its visual impact is considered acceptable having regard to the public benefit of the additional classrooms afforded by the development.

#### *Clause 5.9 – Preservation of Trees or Vegetation*

Clause 5.9 of the LEP includes requirements to obtain consent for the removal of trees. The landscaping plans indicate the removal of a number of trees on the western side of the site, mainly to accommodate the proposed car park. Generally, the proposal retains significant trees. It is considered that the proposed removal of the trees is acceptable.

#### Willoughby Development Control Plan

##### *Part C.4 – Car parking*

As shown in the development statistics above, the proposal complies with the car parking requirements for an educational establishment. In accordance with Part C.4 of the WDCP, 1 space is to be provided per 2 staff and 1 space is to be provided per 10 seats in the assembly hall. However, as noted in the WDCP the provision of the car parking spaces for the hall may be accommodated by the spaces provided for the staff subject to it not exceeding the requirements for staff parking. As such, the 11 spaces required for the assembly seats can be accommodated by the 33 spaces to be provided for the staff.

The proposal includes drop off and pick up zones on Mowbray Road. In this respect Council's Traffic Engineer has advised that an additional pick up/drop off zone should be located along the school frontage on Hatfield Street. Further it was advised that, subject to conditions, the proposed parking arrangements are acceptable having regard to the significant public benefit resulting from the expanded school.

#### Privacy

The proposal is considered to be acceptable from a privacy perspective subject to conditions. The visual privacy impact to its northerly neighbours is considered to be reasonable noting that the new development is located on the southern side of the site and is separated from the rear of the Ulm Street residences by over 100 metres.

Building A is located within 7.3 metres of the residential dwellings on Willandra Street. In this respect the northern elevation of Building A has limited openings towards the Willandra Street residential dwellings. Windows are shown on the north-western corner of Building A on the ground, first and second levels. These windows are to serve withdrawal rooms which are occasional use spaces for 1-5 people for separate learning or discussion and as such they do not present significant privacy concerns. Further these windows are surrounded by fin walls which will limit oblique views to the rear yard areas of the Willandra Street residences.

The balconies on each level of Building A do present privacy concerns noting that they will enable overlooking into the adjoining neighbours. In this respect a condition is recommended requiring privacy screens to be erected on the northern edge of the balconies

of Building A (adjoining 7 & 7A Willandra Street) to a minimum height of 1.5 metres above floor level (**Condition 2**).

A fence of approximately 2 metres in height is currently located on boundary between the proposed driveway and 7 and 7A Willandra St which will minimise overlooking at ground level. Further a condition is recommended requiring the setback between the driveway and the boundary to be planted with Lilly Pillies with a mature height of up to 4 to 5 metres or a comparable species (**Condition 2**).

Initial concerns were raised by the relocation of the cricket nets to the northern boundary adjoining 20-24 Ulm Street which would leave minimal opportunity for screening. Subsequent to discussions between Council Officers and the Applicant the cricket nets were relocated to the southern part of the site, away from residential properties. A condition is recommended requiring the landscape plan to be amended to show landscaping in the area where the cricket nets were originally proposed to provide increased screening for the northern Ulm Street properties (**Condition 2**)

### Solar Access

Shadow diagrams were provided for the development on the Winter Solstice between 9am and 3pm. Due to the favourable orientation of the site, the consolidated footprint and the generous setbacks, the proposal will not result in additional overshadowing to neighbouring residential dwellings. Shadows will primarily fall within the front setback area and onto Mowbray Road. As such the proposal is considered to be acceptable having regard to solar access.

### Noise Impact

As noted in the statement of environmental effects, as there is an increase of approximately 650 students, operational noise generated at the upgraded school is anticipated to increase above existing levels. The likely source of noise will be from children within the school grounds and after hours use of the school facility. In this respect, there should be a reasonable expectation that residents in close proximity to a school will experience some level of noise impact during school hours. Initial concerns were raised with the location of the active play area in close proximity to 7 and 7a Willandra Street, with no buffer to help attenuate the noise impacts. The current active play area is screened by the existing administration building which is to be removed as a result of this proposal. To address these concerns the Applicant has advised that they are willing to accept a condition requiring an acoustic wall to 3 metres between the active play area and the driveway and the deletion of the basketball half court (**Condition 2**). This is considered to be a reasonable outcome to limit the noise impact as it would be comparable to the existing situation.

The statement of environmental effects notes that, at times, the school hall would be used after school hours. In this respect, a condition is recommended to limit the hours of operation as follows:

- Sunday to Wednesday – 6am to 10:30pm
- Thursday to Saturday – 6am to 11pm

The library can operate until 11pm Monday to Sunday.  
(**Condition 67**)

It is noted in the Statement of Environmental Effects that the school hall is currently being used for after-hours activities. Further it is noted that the school hall is not being significantly enlarged and no additional openings are proposed on the northern elevation which directly face residential dwellings. As such, the noise generated from the school hall is considered to be comparable to the existing situation.

The noise generated by the use of the service way will be limited as it is only to be used on an occasional basis for vehicles requiring access to the school hall and canteen. The noise generated by the staff car park is considered to be comparable to the existing situation, albeit the use of the area would increase given staff numbers are to increase.

The noise impacts associated with the school are considered acceptable noting the significant public benefit of the expanded facility.

### **Neighbour Notification Issues:**

The application was notified in accordance with Part B.4 of the Willoughby Development Control Plan. 6 submissions were received objecting to the proposal from 15 Ulm Street, 7 Willandra St & 7A Willandra St, 22 and 24 Ulm Street and 50 Farran Street. These submissions are summarised and addressed below.

- Proposal could accommodate additional car parking spaces.

*Comment:* The proposal complies with the car parking requirements of Part C.4 of the WDCP.

- Speed limits to be imposed on surrounding streets for safety.

*Comment:* This has not been recommended by the Traffic Report submitted by the Applicant or Council's Traffic Engineers.

- Excessive height Building A on Willandra St which does not comply with the height control of WLEP 2012 and is not consistent with the streetscape.

*Comment:* The proposal is non-compliant with the height control however the non-compliance is considered reasonable as discussed in the body of this report. The non-compliant elements are located on the south side of the site adjoining the R4 High Density zoned land of Lane Cove Council with a 17.5 metre height control. As such the proposal is considered to reasonably transition, having regard to its public benefit, between the low density residential development located to the north of the site and the future higher density development located to the south.

- The non-compliance with the height control will impact on outlook and impact upon privacy of No.7 and 7A Willandra Street.

*Comment:* The proposal includes a 1.6 metre setback area for mass planting along the northern boundary shared with 7 and 7A Willandra Street. The width is sufficient to accommodate lilly pillies with a mature height of up to 4 to 5 metres. This would provide privacy and improve the outlook from the neighbouring properties. A condition is recommended requiring the landscape plans to be amended to include the above species selection (**Condition 2**). Further, a condition is recommended requiring privacy screens on the northern edge of Building A (**Condition 2**).

- Acoustic impact has not been properly considered and would be significant. Requests night-time hiring of the school facilities be prohibited and requests additional noise controls be implemented during the day.

*Comment:* Subsequent to the above comments, to address acoustic concerns the Applicant is willing to accept a condition requiring an acoustic wall to 3 metres high between the active play area and the driveway and the deletion of the basketball half court (**Condition 2**). This is considered to be a reasonable outcome to limit the noise impact as it would be comparable

to the existing situation. Further, a condition is recommended to limit the hours of operation as follows:

- Sunday to Wednesday – 6am to 10:30pm
- Thursday to Saturday – 6am to 11pm

**(Condition 67)**

It is noted in the Statement of Environmental Effects the school hall is currently being used for after-hours activities. Further it is noted that the school hall is not being significantly enlarged and no additional openings are proposed on the northern elevation which directly face the residential dwellings. As such, the noise generated from the school hall is considered to be comparable to the existing situation.

- Relocation of the main driveway and carpark entrance to alongside the boundary of properties 7 and 7a is unreasonable as it will significantly increase the noise impacts during the day and in particular after school hours.

*Comment:* The driveway has been located near the boundary of 7 and 7a Willandra Street to enable a small rigid vehicle access from Willandra Street to the school hall with limited impact on the amount of car parking provided. In the event that the driveway was relocated southward, additional significant trees would be required to be removed and/or a reduction in car parking would result having regard for the turning circles required for Small Rigid Vehicles. Notwithstanding, the noise impact of the driveway is considered reasonable noting that there is an expectation of increased noise resulting from an educational establishment.

- The proposed position of the waste disposal will lead to greater odour and unsanitary conditions to No. 7 and 7a.

*Comment:* The proposed location of the waste disposal is approximately 5.5m from the neighbouring property at 7 Willandra Street. The Applicant has advised that the location for the waste disposal area was determined due to the driveway entrance, existing trees and stormwater connections. It was advised that it could be moved further south although this would mean the removal of the two alternate trees that were deemed more significant than the ones being currently removed. It would also mean further movement of the bins outside along the footpath. As such it is considered that the proposed location for waste disposal is acceptable. A condition has been recommended by Council's Waste Coordinator requiring the garbage bins to be regularly cleaned (every 3-6 months) and maintained in good order **(Condition 80)**.

- Increased traffic congestion, safety concerns and reduced street parking will result in the surrounding streets.

*Comment:* Willandra Street is to be primarily used as an access way to the staff parking and not for parent drop off/pick up. The proposal includes parking restrictions on Mowbray Road to facilitate parent drop off/pick up to minimise the impacts to surrounding streets. Notwithstanding, there will be increased traffic as a result of the proposal but noting the significant community benefit arising from the development, the increased traffic is acceptable.

- The proposed small increase in parent drop off/pick up along Mowbray Rd will not be adequate given that student numbers are going to increase almost 3 fold.

*Comment:* Council's Traffic Section recommends, in addition to the Mowbray Road pick up/drop off, the installation of No Parking restriction along the schools frontage on the western side of Hatfield Street in the AM and PM peaks **(Condition 51)**.

- The traffic congestion and lack of parking is already a major issue after school times and this will become even worse as it is more than likely that larger facilities will be hired out to even larger groups after hours.

*Comment:* It is noted in the Statement of Environmental Effects that the school hall is currently being used for after-hours activities. Further it is noted that the school hall is not being significantly enlarged. As such, traffic and parking resulting from the use of the school hall is considered to be comparable to the existing situation.

- A smaller project that can extend existing buildings rather than demolishing them will cause less disruption to the local residents and for a shorter period of time.

*Comment:* The development has been designed to minimise the building footprint and maximise open space. The proposal is compliant with the floor space ratio controls. The proposal will result in a significant public benefit as it will provide for additional classrooms to accommodate the increasing number of school children in the surrounding area.

- Construction impacts.

*Comment:* Conditions are recommended to minimise construction impacts (**Conditions 9, 10, 18 & 26**).

- 'Community' meetings held during the development of plans involved parents with children attending the school and not neighbours sharing the boundary with the school.

*Comment:* This is not a matter of consideration in the assessment of the application. On submission of the development application to Council, the application was notified to surrounding neighbours in accordance with Part B.4 of the WDCP.

- Concerned by the location of the cricket nets directly adjoining residential properties.

*Comment:* Subsequent to the above comments the cricket nets were relocated back to their existing position on the southern side of the site away from the residents on Ulm Street.

## CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. It is considered that the proposal has been sensitively designed to minimise the building footprint and maximise open space. The proposal will result in a significant public benefit as it will provide for additional classrooms to accommodate the increasing number of school children in the surrounding area. It is recommended that the proposal be approved subject to the attached conditions noting the following circumstances for the variation to the Height control - Clause 4.3 of the Willoughby Local Environmental Plan 2012.

The non compliance with the building height control of Clause 4.3 of Willoughby Local Environmental Plan 2012 is acceptable for the following reasons:

- The objectives of the control are considered to have been met despite the numerical non-compliance.
- The proposal consolidates the footprint of the school buildings thereby providing for a larger school courtyard and play area.
- The area of non compliance is not considered to result in detrimental amenity impacts to neighbouring residential properties.

- The proposed non-compliance is considered to result in a significant public benefit as it will provide for additional classrooms to accommodate the increasing number of school children in the surrounding area.

#### **OFFICER'S RECOMMENDATION**

**THAT development consent be granted with the attached conditions and that the Clause 4.6 variation for the non-compliance with Clause 4.3 of the WLEP 2012 be accepted for the following reasons:**

- **The objectives of the control are considered to have been met despite the numerical non-compliance.**
- **The proposal consolidates the footprint of the school buildings thereby providing for a larger school courtyard and play area.**
- **The area of non compliance is not considered to result in detrimental amenity impacts to neighbouring residential properties.**
- **The proposed non-compliance is considered to result in a significant public benefit as it will provide for additional classrooms to accommodate the increasing number of school children in the surrounding area.**

## SCHEDULE

**Conditions of Consent:** (including reasons for such conditions)

### CONSENT IDENTIFICATION

**The following condition provides information on what forms part of the Consent.**

#### 1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA-A00	B	04.04.2014	07.04.2014	Public Works Government Architect's Office
Architectural	DA-A01	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Architectural	DA-A02	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Architectural	DA-A03	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Architectural	DA-A04	B	04.04.2014	07.04.2014	Public Works Government Architect's Office
Architectural	DA-A05	C	27.2.2014	28.02.2014	Public Works Government Architect's Office
Architectural	DA-A06	C	17.02.2014	28.02.2014	Public Works Government Architect's Office
Architectural	DA-A07	C	27.02.2014	28.02.2014	Public Works Government Architect's Office
Architectural	DA-A08	A	17.02.2014	17.02.2014	Public Works Government Architect's Office



Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA-A09	C	27.02.2014	28.02.2014	Public Works Government Architect's Office
Architectural	DA-A10	C	27.02.2014	28.02.2014	Public Works Government Architect's Office
Architectural	DA-A11	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Landscape	DA-L01	B	04.04.2014	07.04.2014	Public Works Government Architect's Office
Landscape	DA-L02	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H01	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H02	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H03	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H04	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H05	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Hydraulic	DA_H06	A	17.02.2014	17.02.2014	Public Works Government Architect's Office
Sketch Plan 1	-	-	-	10.04.2014	Public Works Government Architect's Office

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

## **PRIOR TO THE CERTIFICATION OF CROWN BUILDING WORKS**

**The following conditions of consent must be complied with prior to the certification of Crown building works.**

### **2. Amendments**

The proposal is to be amended in the following manner:

- (a) Plans are to include privacy screens on the northern most edge of the balconies of Building A which face 7A Willandra Street. The privacy screens are to be a minimum height of 1.5 metres above finished floor level.
- (b) Plans are to be amended to show a 3 metres high acoustic wall running from building A to the bend before the western garden bed of the school hall (Building C) as shown on Sketch Plan 1. The lower part of the acoustic wall may include openings for the purpose of allowing water to flow through. The opening is not to exceed the height recommended by the hydraulic engineer. The acoustic wall is to be designed and certified by an appropriately qualified acoustic consultant.
- (c) Plans are to be amended to delete the basketball half court located between Building A and the School Hall.
- (d) The landscape plan is to be amended to include planting of a species with dense foliage with a mature height of at least 3 metres between the sports courts and the northern boundary.
- (e) Plans are to be amended to show the mass planting area between the service driveway and the neighbouring properties at 7 and 7A Willandra Street to include a species such as a Lilly Pilly with dense foliage with a mature height of 4 to 5 metres and which can tolerate limited solar access.
- (f) Plans are to be amended to show the staff car park area to be fully fenced.
- (g) The proposed swing gates for the waste disposal area in Willandra Street shall be opened inward into the property or be replaced with sliding gates.

Plans detailing these amendments are required prior to the certification of the Crown building works.

(Reason: Ensure compliance)

### **3. Roof Material – Reflectivity**

The external finish to the roof shall be painted or treated in a neutral, recessive non reflective colour range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted to the Accredited Certifier/Suitably qualified person prior to the certification of crown building works.

(Reason: Amenity)

#### **4. Traffic Committee Approval**

Prior to the certification of the Crown building works, the Department of Education are to seek approval from Lane Cove Council's Local Traffic Committee for the parking restrictions on the south side of Mowbray Road shown in Annexure H of the McLaren Traffic Engineering Traffic, Parking and Service Impact Assessment dated 10.12.2013.

(Reason: Traffic and parking)

#### **5. Evacuation and Emergency Management**

Prior to the certification of the Crown building works an Emergency /Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'. Further, the Plan is to consider the following:

- The mobility of children and how this is to be accommodated during an evacuation;
- The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- The supervision of children during the evacuation and at the safe congregation area having regard to the capacity of the school.
- (Reason: Safety)

#### **6. Design and Construction Standards**

Prior to the certification of Crown building work, certification is to be provided that all proposed civil and structural engineering work associated with the development has been designed strictly in accordance with the current Schools Facilities Standards.

(Reason: Ensure compliance)

#### **7. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in the following manner:

- Stormwater runoff from Catchment No.1 shall be discharged to the street drainage system via the existing private interallotment drainage system.
- Stormwater runoff from Catchment No.2 shall be discharged to the street kerb in Willandra Street by using multiple 125mm x 75mm x 5mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 600mm x 600mm) provided within the property and adjacent to the boundary.
- Stormwater runoff from Catchment No.3 shall be discharged to the existing kerb inlet pit in Mowbray Road. The existing kerb inlet pit shall be upgraded with double grates a 3.6m lintel.

All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on plans prior to the certification of the Crown building works.

(Reason: Stormwater control)

#### **8. Detailed Stormwater Management Plan (SWMP)**

Submit for approval to the Accredited Certifier/suitably qualified person prior to the certification of the Crown building works, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development.

The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure Compliance)

## **9. Construction Management Plan (CMP)**

Submit to the Accredited Certifier/suitably qualified person, prior to the certification of the Crown building works, a detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

## **10. Traffic Management Plan**

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

## **11. Design of Works in Public Road (Roads Act Approval)**

Prior to the certification of the Crown building works, the Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- The construction of a lower level footpath for the “Kiss and Ride” zone in Mowbray Road. The new footpath shall have a maximum gradient of 1 in 14 and be linking the existing footpath to form a “loop”. The layout of the new footpath shall be designed generally in accordance with the plan in Annexure H of the Traffic Report prepared by McLaren Traffic Engineering except to retain the significant gum street on the nature strip located between the childcare centre and the sport court. Detailed site plan, long section and cross section at 5 metres interval for the nature strip, the new footpath and the associated retaining wall shall be provided.
- Structural drawings and certification from a practicing Structural Engineer for the new footpath and any retaining structures within the nature strip.
- The reconstruction of the existing kerb inlet sag pit in Mowbray Road. The new sag pit shall have double Class D grates with a 3.6m lintel.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the certification of crown building works.  
(Reason: Ensure compliance)

## **12. Internal Noise Levels**

To minimise noise intrusion from any external noise source onto the occupants of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

In this respect the Traffic Noise Assessment dated November 2013 prepared by Acoustic Studio is considered to satisfy this condition.  
(Reason: Amenity)

## **13. Hazardous Building Material Assessment**

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be prior to the certification of the Crown building works. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

## **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

## **14. Asset Protection Zone**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and

Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.  
(Reason: RFS condition)

**15. Waste Management Plan**

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Accredited Certifier/Suitably qualified person prior to the certification of crown building works.  
(Reason: Environment Protection/Waste Reduction)

**16. Licensee Details**

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Accredited Certifier/Suitably qualified person.

NB: Should changes be made for the carrying out of the work the Accredited Certifier/Suitably qualified must be immediately informed.  
(Reason: Information)

**17. Building Site Hoarding**

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.  
(Reason: Safety)

**18. Site Management**

A site Management Plan shall be submitted to and approved by the Accredited Certifier/Suitably qualified person. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Accredited Certifier/Council officers upon request. (Reason: Environment protection, public health and safety)

#### **19. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.  
(Reason: Protection of Council's infrastructure)

#### **20. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development



including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.

- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

## **21. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

## **22. Unexpected Finds Protocol**

An unexpected finds contingency plan should be incorporated into the site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

## **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

## **23. Hours of Work**

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Saturdays, and no work is to be undertaken on Sundays, Public Holidays or outside these work hours without notification to effected community, Council and EPA. Notification is to provide the following details:

- The nature of the proposed works;
- The time periods in which the works are to occur;
- The noise characters of any powered equipment likely to be used;
- Measures to be taken to reduced noise emissions; and
- Any other information the Council may request.

(Reason: Ensure compliance and amenity)

## **24. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

## **25. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

## **26. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

## **27. Suitable Screens**

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

**28. Suitable Barricades**

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Principal Certifying Authority and/or Council to protect pedestrians using the footpath.  
(Reason: Public safety)

**29. Demolition Work AS 2601**

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".  
(Reason: Safety)

**30. Access to Site**

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.  
(Reason: Environmental protection)

**31. Asbestos Sign to be Erected**

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.  
(Reason: Public Health & Safety/Ensure Compliance)

**32. Asbestos Removal**

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Committee 2002).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.  
(Reason: Public Health & Safety/Ensure Compliance)

**33. Asbestos Disposal**

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Accredited Certifier/Suitably qualified person with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.  
(Reason: Environmental Protection/Public Health and Safety)

**34. Survey Certificate**

Certification of the following shall be submitted to the Accredited Certifier/Suitably qualified person by a registered surveyor:

- a) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

**35. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

**36. No Storage on Foot/Roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

**37. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

**38. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

**39. Excess or Waste Concrete**

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

**40. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Accredited Certifier/Suitably qualified person.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

**41. Sweep & Clean Pavement**

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day.  
(Reason: Legal requirement)

**42. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of Public Assets)

**43. Tree Protection**

Retain and protect the following trees and vegetation throughout the demolition and construction period:

All tree not indicated for removal on the approved plans and the Arboricultural Impact Assessment report dated November 2013 prepared by NSW Public Works – Landscape Urban Environment Design

The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.

Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site. All structures are to bridge roots unless directed by a qualified Arborist on site.

Tree protection measures must comply with the Arboricultural Impact Assessment report dated November 2013 prepared by NSW Public Works – Landscape Urban Environment Design and AS 4970-2009 Protection of trees on development sites.  
(Reason: Tree Management)

**44. Public Tree Protection**

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.  
(Reason: Tree management)

**45. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.  
(Reason: Safety, environmental protection)

**46. Waste Classification – Excavation Materials**

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and Health Protection)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the occupation of the development.**

### **47. Surface Water Runoff**

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Accredited Certifier/Suitably qualified person.

(Reason: Health and amenity)

### **48. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

### **49. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure.

(Reason: Safety)

### **50. Bush Fire Construction**

The Building is not to be occupied until the Building works have been constructed in accordance with the appropriate Bush Fire Attack level (BAL) determined by the Bush Fire Assessment Report and/or Consent Conditions.

(Reason: Bush fire safety)

### **51. Street Signage**

Prior to occupation of the development street signage is to be erected on the north side of Mowbray Road in the restricted parking zone identified in Annexure H of the McLaren Engineering Traffic report dated 10.12.2013 and on the school frontage on the western side of Hatfield Street or as otherwise directed by Council's Traffic Engineers with the following parking restrictions:

8am – 9:30am – Monday to Friday – No Parking

2:30pm-4 pm – Monday to Friday – No Parking

(Reason: Ensure compliance)

**52. Active Transport Travel Plan**

Prior to the occupation of the development an Active Transport Plan is to be prepared for the school to explore means by which students could be encouraged to travel to and from school by walking or cycling and to ensure ongoing participation in these healthy alternative modes of transport.

(Reason: Traffic, Parking, Health and Safety)

**53. Traffic and Parking Assessment**

Prior to the occupation of the development and amended traffic and parking assessment is to be submitted to the Traffic Engineers of both Willoughby Council and Lane Cove Council. The amended traffic and parking report is to use traffic, parking and pedestrian survey information from an existing school of a comparable size (being 1000 students) and from a comparable residential location (being a mix of low and high density development) to inform the assessment.

(Reason: Traffic and parking)

**54. Staff Car Park**

Prior to the occupation of the development the car park which is accessed from Willandra Street is to be suitably identified to be for the use of the staff only during school hours.

(Reason: NSW Police condition)

**55. On-site Water Management System**

The stormwater runoff from the site shall be collected and disposed of via an approved rainwater retention and reuse system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**56. Rainwater Re-use – Major**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 150m<sup>3</sup> (10m<sup>3</sup> for Catchment No.1 and 140m<sup>3</sup> for Catchment No.2) in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

**57. Sign for Rainwater Retention and Reuse System**

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tanks.

The wording for the plaque shall state "*This is the Rainwater Retention and Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris*".



(Reason: Prevent unlawful alteration)

**58. Certification of Rainwater Reuse System**

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2.  
(Reason: Record or works)

**59. Works-As-Executed Plans – Rainwater Reuse**

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

**60. Vehicular Crossing**

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be constructed at right angles with no splays to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 520 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 3%. The nature strip and footpath is to be adjusted for a minimum distance of 6 metres on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Accredited Certifier prior to the occupation of the development.  
(Reason: Public amenity)

#### **61. Removal of Redundant Crossings**

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Accredited Certifier prior to the occupation of the development.  
(Reason: Public amenity)

#### **62. Turfing of Nature Strip**

In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.  
(Reason: Public amenity)

#### **63. Public Tree Maintenance**

The applicant's Arborist or landscape designer is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, Public Asset Management)

#### **64. Acoustic Treatment – Certification**

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.  
(Reason: Amenity)

## **ADDITIONAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

### **65. Erection Wholly within the Boundaries**

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

### **66. Bush Fire Control**

The Asset Protection zones (APZ) being maintained in accordance with the principles contained in the NSW Rural Fire Service's 'Planning for Bush Fire Protection'.

(Reason: Bush fire safety)

### **67. Hours of Operation**

The hours of operation of the premises are to be restricted to those times listed below, i.e.:

Sunday to Wednesday & Public Holidays	6:00am to 10:30pm
Thursday to Saturday	6:00am to 11:00pm

The library is permitted to operate from 6:00am to 11:00pm Monday to Sunday.

Any variation to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

### **68. Bus Zones**

The bus zone and bus shelter currently sited to the west of Hatfield Street on Mowbray Road is not to be relocated to the east of Hatfield Street.

(Reason: Ensure compliance and pedestrian safety)

### **69. Stormwater Kerb Outlet**

For stormwater runoff generated from Catchment No.2, new stormwater connection outlets at street kerb in Willandra Street shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of Public Asset)

### **70. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

**71. Underground Utility Services**

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact “Dial Before You Dig” Service” prior to commencement of any works.

All adjustments to public utilities’ mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

**72. Public Infrastructure Restoration**

Any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council’s specification and AUS-SPEC at the full cost to the Principal Contractor.

(Reason: Protection of Public Assets)

**73. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on neighbouring private land.

(Reason: Environmental protection)

**74. Noise Control – Offensive Noise**

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

**75. Dust Control**

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

**76. Construction Noise**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

**77. Waste Materials**

No waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

**78. Refuse Collection Point**

A suitable refuse collection point must be provided. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time.

(Reason: Health and amenity)

**79. Removal of Trade Waste**

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

**80. Garbage Bin Maintenance**

Garbage bins must be regularly cleaned (a minimum of every 3-6 months) and maintained in good order.

(Reason: Amenity and Health)

**81. Waste Collection Times**

Waste collection is to be restricted to the following times:

- Monday to Friday – 6:00am to 8:00pm
- Saturday – 7:00am to 8:00pm
- Sunday and Public Holidays – 8:00am to 8:00pm

(Reason: Amenity)

**PRESCRIBED CONDITIONS**

**The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.**

**82. Compliance with Building Code of Australia**

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.  
(Reason: Compliance)

**83. Support for Neighbouring Buildings**

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
  - a) protect and support the building, structure or work from possible damage from the excavation, and
  - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
  - c) 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.
- (2) 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.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)