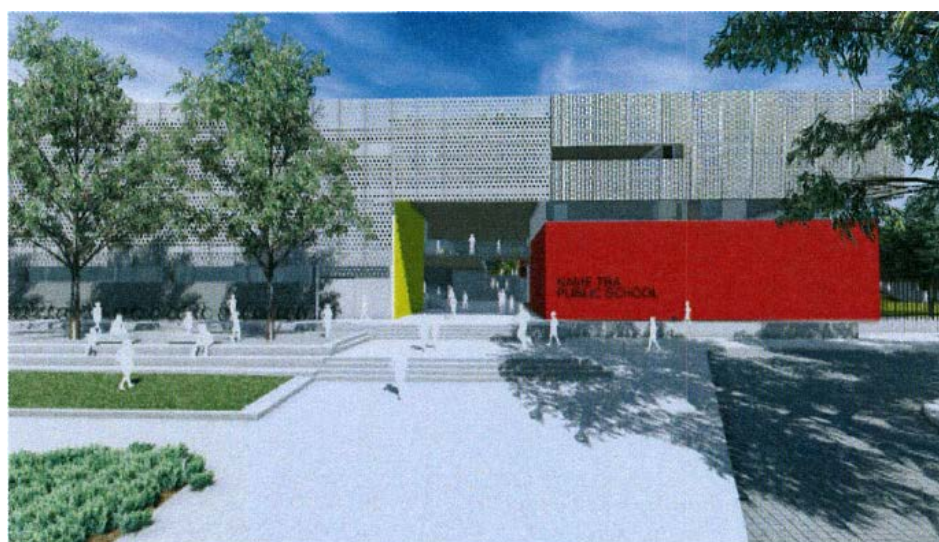


JRPP No:	2014SYE051 – 2 Anzac Avenue, Cammeray
DA No:	DA 128/2014
PROPOSED DEVELOPMENT:	Construction of 1000 place public primary school with associated playgrounds, landscaping and car parking
APPLICANT:	Public Works
OWNER(S):	North Sydney Council, Department of Education & Body Corporate of SP 80751
REPORT BY:	Kerry Gordon – Kerry Gordon Planning Services On behalf of North Sydney Council

Assessment Report and Recommendation



PERSPECTIVE - ERNEST AND ANZAC AVENUE FRONTAGE



PERSPECTIVE - NEW SCHOOL ENTRY

REPORT TO THE JRPP

ADDRESS: No. 2 Anzac Avenue, Cammeray

APPLICATION No: DA128/2014

PROPOSAL: Construction of 1000 place public school with associated playgrounds, landscaping and parking

PLANS REF: DA01.03-13, Issue D01, dated 17.4.2014, A124, Issue 3, dated 20.8.2014 and L124, Issue 01, dated 28.8.2014

OWNER: North Sydney Council, Department of Education & Body Corporate of SP 80751

APPLICANT: Public Works

AUTHOR: Kerry Gordon – Kerry Gordon Planning Services

DATE OF REPORT: 8 September 2014

DATE LODGED: 17 April 2014

AMENDED: 26 July 2014, 8 August 2014, 13 August 2014 and 28 August 2014

RECOMMENDATION Approval

EXECUTIVE SUMMARY

The proposal is for a 1000 place public primary school in a location experiencing significant growth of student population and is considered to be generally appropriately designed in terms of height, bulk and scale for the site having regard to the larger surrounding residential buildings.

However, due to the location and density of surrounding residential properties, care must be taken in the design and operation of the school to ensure the traffic and noise impact does not detrimentally impact the amenity of the surrounding residents. Agreed traffic calming measures are to be provided in Anzac Avenue to address the traffic impacts of the development.

In order to achieve an appropriate level of acoustic amenity a combination of physical acoustic barriers and management requirements is recommended. I am of the opinion that unless the entire suite of recommended noise mitigation measures are adopted for the proposal, the use of the site as a school for 1000 children is unsuitable and the number of school children should be significantly reduced.

LOCATION MAP



DISCUSSION OF APPLICATIONS

The proposed development is undergoing two separate but concurrent assessment processes, with the development on the subject site (ie Lot 2) being the subject of a development application process and with the works proposed on the Crown Land and within Anzac Avenue being the subject of a Part 5 approval process.

In order to understand the subject application a short description of the works under the Part 5 assessment is provided following.

The Part 5 application includes removal of trees and landscape works to the Crown Land fronting Anzac Avenue in a series of tiered levels, together with provision for bicycle storage, access stairs and ramp. Seven parallel “kiss and drop” spaces are proposed on the western side of Anzac Avenue opposite the administration section of the building and a “kiss and drop” zone is proposed opposite the hall and playground, containing a drive-thru lane with 8 drop-off spaces (including 1 accessible), with an additional 14 parking spaces in perpendicular form adjacent to the “kiss and drop” zone. The eastern side of Anzac Avenue is proposed to contain 2 parking areas located either side of a “wombat” crossing, with largely perpendicular parking for 33 cars. As such a total of 45 parking spaces are provided, with an additional 15 “kiss and drop” spaces.

DESCRIPTION OF PROPOSAL

This application is seeking consent for the construction of a public primary school for 1000 children, with associated car parking, landscaping and infrastructure. The proposed development is described following.

Construction of a part 3 and part 4 storey perimeter school building around a central courtyard to contain 41 homebases (classrooms) – including 2 special education classrooms.

Level 1 is to contain the hall and COLA on the northern side, administration, staff room, teacher’s offices, sports store and electrical equipment rooms fronting Anzac Avenue and the library, toilets, stores and canteen along the western side of the building. The school is entered at this level from Anzac Avenue between the hall and administration areas via a set of stairs and an accessible ramp which are partially located on the Crown Land. A central courtyard is provided at this level which is to contain play equipment. Level 1 is constructed over two levels with the southern part at RL 71.6 and the northern at RL 70.7, with a lift providing an accessible path of travel between the two. Terrace 3, between the building and the northern boundary is also proposed at RL 70.7 and is to contain an artificial turfed free play area.

Level 2 is to contain class rooms along the eastern and western sides, with the amenities and stairs core to the south and two more class rooms and a second COLA to the north. Level 2 is constructed at RL 75.2 and is connected by a walkway to the Terrace 1 area which is located in the south-west corner of the site and is to provide for active play space. Terrace 1 is to be constructed at RL 74.3 and an accessible path of travel is provided to this terrace. The staff parking area is located along the western boundary adjoining the building and provides 15 car spaces (including 1 accessible). An additional 9 informal, stacked parking spaces are proposed in the driveway to the garbage collection area fronting Ernest Street.

Terrace 2 is located at the north-western corner of the site and is to contain an artificial turfed free play area, constructed at RL 73.5. This area is accessed from the Terrace 1 area by stairs and accessible ramps and is also connected to the Terrace 3 area by stairs, though not by an accessible ramp. Terrace 2 also leads to a vegetable garden and green house located in the far north-western corner, accessed by an accessible ramp. Finally, Terrace 2 provides access to a pathway within a right-of-way that connects to Miller Street. It is noted that this pathway does not provide an accessible path of travel.

Level 3 is to contain class rooms along the eastern, western and northern sides and the amenities and stairs core along the southern side and is to be constructed to RL 78.5.

Level 4 is to contain class rooms along the western side and the amenities and stairs core along the southern side, with a landscape roof terrace to the northern and eastern side and is to be constructed to RL 81.8.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 – High Density Residential
- Land subject of Part 5 application zoned RE1 – Public Recreation (Crown Land) and R4 – High Density Residential (Anzac Avenue)
- Not heritage item or in conservation area
- In Vicinity of Item of Heritage – North Sydney Bus Shelters

Environmental Planning & Assessment Act 1979

SEPP No. 55 - Contaminated Lands

SEPP No. 64 - Advertising Signs

SEPP (Infrastructure)

SREP (Sydney Harbour Catchment)

POLICY CONTROLS

DCP 2013

DESCRIPTION OF SITE AND LOCALITY

The site is a large irregular shaped parcel of land with frontage to Ernest Street, known as No. 2 Anzac Avenue and having a legal description of Lot 2 in DP 1080152, with an area of 9,885m². The site has no frontage to Anzac Avenue, with a number of Crown Land allotments separating the subject site from Anzac Avenue. The site is currently vacant, having recently been occupied by the Anzac Club, a multi-level building constructed over car parking, which covered a large portion of the site, but which has subsequently been demolished. Adjoining the northern and the rear half of the western boundary are 2 x tennis courts, 2 x basketball courts and bowling greens. Consent was granted for the demolition of the building (DA 30/2014) but the courts and green are to remain and be used as the base for the proposed playgrounds.

The surrounding development is largely residential in nature, with multi-level residential apartment buildings located to the west and north and detached dwellings located to the north-west. Across the road in Anzac Avenue is Anzac Park, with residential apartments located to the north of the park. Opposite the site in Ernest Street is a mixture of detached dwellings, semi-detached dwellings, shop top housing, townhouses and residential apartments.

RELEVANT HISTORY

The application was lodged on 17 April 2014 and an initial assessment revealed concerns with the following matters, which the applicant was notified of by way of letter dated 23 June 2014.

- Lack of onsite parking for staff – whilst noting compliance with DCP 2013, concern was raised at the lack of parking given the on-street parking constraints of the area
- Concern with the façade treatment and more information was requested
- Concern that the property had no legal access from Anzac Avenue from where the main entrance of the school was proposed
- Inadequate information on the intended use of the right-of-way to Miller Street and works proposed to it
- Inadequate information was provided in relation to accessibility throughout the school
- Concern was raised about security to the bicycle parking area
- Clarification was required about whether the substation onsite was subject to an easement
- Clarification was sought as to whether lighting was being retained for the sports fields/playground (noting it existed for the Anzac Club uses)
- Clarification was sought as to the intended relocation of the taxi parking in Anzac Avenue
- Clarification was sought as to why natural ventilation was not provided to the amenities blocks
- Provision for solar panels of the roof
- Certification that the proposed school satisfied the Schools Facilities Standards was requested
- Concerns were raised with the acoustic assessment, indicating that a separate consultant was reviewing the acoustic report and additional concerns may be raised
- Concerns were raised with the traffic assessment, indicating that a separate consultant was reviewing the traffic report and additional concerns may be raised
- The major concerns raised in the submissions were summarised and a response requested addressing them

A meeting was held with the applicant after receipt of the reports which peer reviewed the traffic and acoustic reports to discuss the above concerns and concerns raised in the peer reviews. Additional information and amended plans were lodged on 26 July 2014 and 8 August 2014. A response to the traffic concerns, including agreed (between the traffic experts) conditions was received on 13 August 2014 and a response to the acoustic concerns was received 28 August 2014. The application, as amended by the information is the subject of this application.

The most significant amendments to the design were as follows:

- Increased onsite provision for staff parking to 15 spaces (including 1 accessible), plus 9 informal stacked spaces within the service driveway;
- Installation of a 2.1m high lapped and capped fence along the right-of-way to provide acoustic attenuation;
- Confirmation that the lighting to the existing sports fields is to be removed;

INTERNAL REFERRALS

Engineering/Stormwater Drainage

No objections raised subject to standard conditions.

Comment: The recommended conditions should be included in any consent issued for the development.

Social Planning

The following recommendations were provided by Council's Social Planner.

The significant growth in the number of pre-school and primary aged children living in the local area, coupled with the limited capacity of the existing public primary schools to accommodate such numbers, clearly demonstrates the value of establishing a new public primary school in the area. Consequently, the Development Application 128/14 at 2 Anzac Avenue, Cammeray (otherwise known as the ANZAC Club) for a new public primary school is strongly supported.

Concern was raised at the lack of information about the provision of out of school care and the potential for use by community groups.

Comment: Noted. The applicant was asked to provide information about the potential for out of school care to be run from the site and in response indicated that the opportunity will exist for the school to provide such a facility and that the areas that would be available for such a use would be the hall, special program rooms on level 1, level 1 courtyard, roof terrace on level 4, covered outdoor learning area, vegetable garden and external play areas under supervision. The likely hours of use would be 7.30am to 9.00am and 2.30pm to 6.30pm Monday to Friday during school term and 7.30am to 6.30pm Monday to Friday in school holidays.

Community groups use would be subject of a plan of management and would potentially use the hall, special programs rooms on level 1, level 1 courtyard, library, level 1 covered outdoor learning area, vegetable garden and external areas under supervision.

EXTERNAL REFERRALS

As the Council has a pecuniary interest in the development it was considered appropriate to have the application assessed by a consultant town planner, traffic engineer and acoustic engineer. The assessment of the traffic engineer and acoustic engineer are summarised following.

Traffic

Initial comments received from Bitzios Consulting after their peer review of the traffic report are summarized following:

- There is a question why there is a no right turn from Rosalind Street to Miller Street in the surveys, this will impact on the traffic distribution assumptions;
- It is not explained why parking demand increases between 10pm and 5am. This seems counter intuitive but may have an explanation;
- No information is supplied on the predicted traffic distribution assumptions;
- Intersection analysis (Sidra) details are not provided. Worst movement should be reported in accordance with RMS Guidelines. It is unclear from the report what the impacts will be on side street movements;
- Lack of information to assess the queuing;
- The proposed school set-down/ pick-up area will not meet the predicted demand and the justification does not take account of increased demand from staff parking;
- It is likely the proposed pick up area arrangement would create u-turn movement at Anzac Avenue/ Cammeray Avenue intersection;
- There are no mitigation measures to off-set the low number of staff parking spaces and to reduce impacts of staff occupying on street parking spaces;
- The aisle width and the disabled parking design in the car park are not in accordance with the Australian Standard 2890.1 and 2890.2 due to narrow aisle widths and clear space for disabled parking;
- It is unclear how a service vehicle would access the garbage bins and no swept path analysis been undertaken. There is a concern that service vehicles will have to reverse across footpaths and onto Ernest Street;
- The report did not address the implementation of a school zone; and
- The green travel plan and transport access guide were generally acceptable. It is recommended that the need for additional cycling road signs for students is addressed.

Comment: The concerns expressed in the above comments were referred to the applicant and discussed in a meeting. At the meeting clarification was provided in relation to a number of the concerns and discussions were undertaken to identify suitable traffic calming and other measures necessary to ensure parking and traffic impacts were appropriately addressed. Amended plans were also submitted increasing the onsite parking provision for staff by a redesign of the parking area and utilization of the drive through garbage collection area off Ernest Street for stacked, informal staff parking, increasing the onsite provision to 24 spaces. An agreed set of traffic measures was prepared by the applicant's traffic engineer and form part of the recommended conditions.

Acoustic

Initial comments received from Acoustic Consulting Engineers after their peer review of the acoustic report are summarized following:

- mitigation and management measures are required to minimise noise from outdoor activities;

- noise from normal classroom activities will comply with the recommended assessment objectives;
- noisy activities would need to take place in classroom away from the residences;
- noise from air-conditioning equipment would readily be controlled with appropriated equipment selection based on acoustic performance and siting;
- additional road traffic noise on public roads generated by the development will comply with the recommended assessment objectives;
- external road traffic noise intrusion into the school playgrounds are within the recommended assessment objective;
- windows/doors of classrooms/hall/library/offices on the northern, southern and eastern façade will need to be upgraded and installed with acoustic rated seals.
- Mechanical ventilation/air-conditioning will be required to ensure the windows/doors can remain closed to control the indoor noise levels; and
- mitigation and management measures are required to minimise noise and vibration levels during demolition and construction.

Comment: The concerns expressed in the above comments were referred to the applicant and discussed in a meeting. As a result additional noise readings were taken and an amended acoustic report was provided. The acoustic report was referred to Acoustic Consulting Engineers who carried out a peer review and made the following comments (summarized):

Indoor Noise Environment for Classrooms

- The maximum indoor design noise level of 45dB(A) L_{Aeq} adopted by Acoustic Logic significantly exceeds the recommended satisfactory level of 35dB(A) L_{Aeq} for school classrooms, by AS2107:2000. The maximum noise level reflects the level most people would become dissatisfied with the level of noise.
- The NSW EPA Road Noise Policy (RNP), which is not used by Acoustic Logic, is considered more appropriate for setting indoor road traffic noise level for school classrooms than AS2107:2000 as AS2107:2000 is applicable to steady state and quasi-steady state sounds, such as plant noise.
- the maximum design noise level adopted by Acoustic Logic significantly exceeds the:
 - NSW EPA Industrial Noise Policy (INP) recommends indoor noise levels of not more than 35dB(A) $L_{Aeq,1hr}$ (acceptable) and 40dB(A) $L_{Aeq,1hr}$ (maximum) for school classrooms.
 - NSW EPA Road Noise Policy (RNP) recommends indoor road traffic noise level of not more than 40dB(A) $L_{Aeq,1hr}$ for school classrooms.
 - Association of Australian Acoustical Consultants' (AAAC) *Technical Guideline Acoustic Design of Schools* recommends indoor noise levels of 30-35dB(A) L_{Aeq} for teaching spaces. (We note that Acoustic Logic uses other AAAC guidelines in *Section 3.3.1* of their letter for the noise assessment).

Noise Impact upon Adjoining Properties

Acoustic Logic's assessment has been based on higher background noise levels; lower predicted noise levels; duration of outdoor activities being not more than two (2) hours per day; and restrictions of outdoor activities which are not considered practical/ representative of school operations with a capacity of 1,000 students. These factors add uncertainties to the predicted noise impacts from the proposal.

It is recommended that Council require the developer to investigate feasible and practical control measures and take account of the residents' views to minimise environmental noise impacts from the proposed development. Although it may not be feasible/practical to comply with noise assessment objectives at the highest floors of the residential apartment buildings, Acoustic Consulting Engineers' opinion is that it would be feasible/practical to comply with noise assessment objectives at the lower floors.

- Given the heavy rain occurring in Sydney during the period of noise measurements, concern is raised that the background noise levels measured were increased by the noise of the rain, as they are higher than anticipated.
- Acoustic Logic adopts environmental noise assessment objectives of background level plus:
 - 10dB for total outdoor playing time of not more than two (2) hours per day; and
 - 5dB for total outdoor playing time of more than two (2) hours per dayIt is not clear how the total outdoor play time is more than two (2) hours per day and then not more than two (2) hours per day.
- For a school with a capacity of 1,000 students, typical outdoor activities would include students playing during recess, lunch, sport lessons and before and after school care. Acoustic Consulting Engineers' opinion is that these activities would add up to more than two (2) hours per day and noise assessment objectives of 5dB above the background levels should be adopted as the total noise would exceed two hours a day.
- For a school with a capacity of 1,000 students, it is questionable how it is possible to limit the number of students during sport lessons to 50 or less in the outdoor areas as indicated in Acoustic Logic's assessment.
- Acoustic Logic states that in the event noise compliance cannot be achieved, the number of apartments impacted will be presented. Acoustic Consulting Engineers' opinion is that control and management measures should be investigated and implemented where feasible and practical to minimise the noise impact.
- Acoustic Consulting Engineers Pty Ltd does not agree that exceedances of 2dB above the noise assessment objective of background levels plus 10dB will not be perceptible. Noise exceedances of 2dB will result in 12dB above the existing background levels and will be clearly noticeable by the neighbouring residents.
- To minimise noise levels from outdoor activities at the neighbouring residences, it is recommended that acoustic barriers along the school/residential property boundaries be considered. To be effective, the barriers will need to be constructed above the existing retaining walls and consisted of brick, masonry, Perspex or equivalent materials with a weighted sound reduction of not less than Rw30 so that sound transmission through the barriers does significantly degrade the acoustic performance of the barriers. The barriers will need to overlap adequately at the access way to Miller Street and a gate should be provided to manage access for use before and after school only. Net or plants/trees

should be provided in front of the barriers on the school side to prevent secondary noise sources from students kicking/throwing balls against the barriers/walls.

- Cantilevered barriers of up to 6m high recommended by Wilkinson Murray would reduce noise levels from outdoor playing during recess and lunch time to within the assessment objectives for the majority of the residential receivers. There would be slight exceedances for the top floor units of the multi-level residential buildings. However, considering the total time for recess and lunch will be less than two (2) hours and noise from school playground being more acceptable than industrial type noise, the slight exceedances (against the assessment objective of background level + 5dB) would not be considered significantly.
- For the residential building at 33 Anzac Avenue to the east, a barrier in the order of 2.5m high along the site boundary would be adequate.

With the implementation of the above control measures and the fact that outdoor activities such as sport lessons and after school care would involve fewer students and the activities would normally be supervised, noise levels would comply with the recommended assessment objectives. It is recommended that the barrier types, heights and locations be determined, taking account of others factors including:

- community's and residents' views;
- feasibility and practicality;
- other environmental effects; and
- community benefits and social worth of the proposed development.

As the design criteria chosen for noise levels within classrooms and the noise assessment for impact upon adjoining properties is not concurred with, it is recommended that conditions of consent be included which:

- Require that indoor ambient noise levels for teaching spaces shall not exceed 40dB(A) $L_{Aeq,1hr}$. For students with learning difficulties, indoor ambient noise levels for teaching spaces shall not exceed 35dB(A) $L_{Aeq,1hr}$.
- Reverberation times for indoor teaching areas shall not exceed 0.4-0.5 second and for the school hall shall not exceed 1.1 seconds.
- School activities outside normal school hours cease by 10:00pm and the events shall be limited to a number of times a year.
- $L_{Aeq,15min}$ noise levels from activities/events/functions unrelated to school activities shall not exceed the background L_{A90} levels by more than 5dB.
- Where applicable, trees shall be planted in front of the acoustic barriers/fences on the school side to prevent secondary noise sources from students kicking/throwing balls against the barriers/walls.
- An operational noise management plan shall be prepared and implemented to ensure noise from the proposed school is minimized.

Comment: It appears from reading the acoustic reports and peer review reports that there is no agreement between the acoustic experts in terms of the suitable criteria to apply in relation to either the indoor or the outdoor noise assessments and there are discrepancies between the noise readings taken by both experts.

As the indoor classroom noise environment is critical for learning, particularly for children with disabilities and learning difficulties, I am of the opinion that it is appropriate to err on the side of caution and to ensure that classroom noise levels are minimized to ensure the best possible learning environment is achieved. In order to achieve this it is recommended that lower noise levels are provided for special learning classes (which has been agreed by the applicant) and that a plan of management require the school to locate classes containing children with sensitivity to noise within the class rooms that achieve a greater level of noise attenuation (which has been agreed to by the applicant).

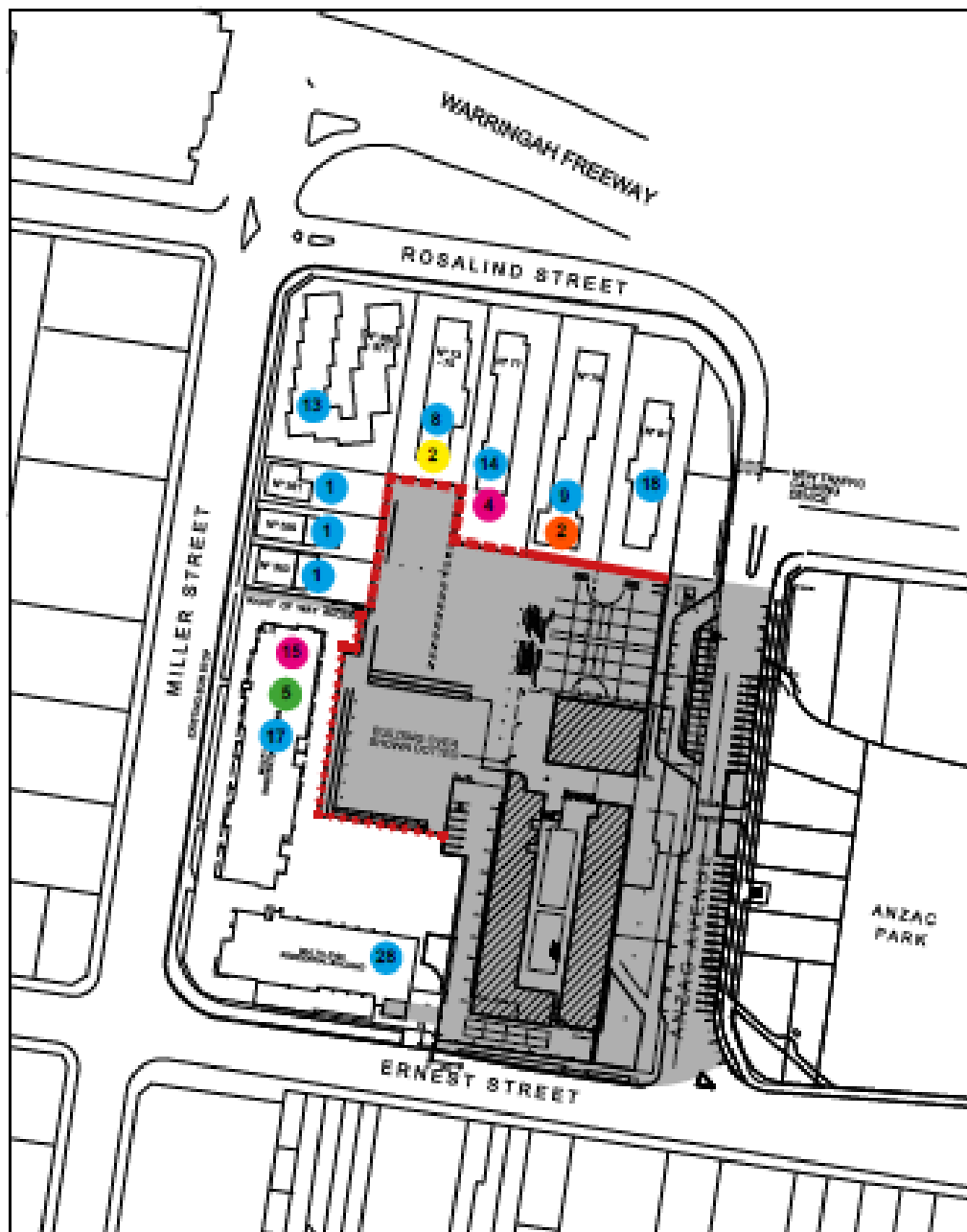
With regard to outdoor noise levels impacting upon adjoining properties it would appear that two criteria can be applied dependent upon the length of time the noise will be experienced. The consultants appear to agree that if outdoor noise levels can be limited to less than two hours a day then a background plus 10dB(A) criteria is reasonable, however if noise exceeds two hours a day a 5dB(A) criteria should be applied. The concern is that the two hour time period will be exceeded given the potential need for split lunch periods as the play area may not be sufficient for 1000 children to use at once and due to the potential need to split sports periods (for the same reason). As such the two hour period would need to include all outdoor use including before and after school play (including by onsite before and after school care groups), recess, lunch and sport/PE lessons.

Notwithstanding the disagreement between the experts on the criteria to apply, it appears that neither criteria can be achieved for all surrounding residents, with noise levels predicted of up to 13dB(A) above background (see plan provided by applicant on the following page for a detail of the number of properties and locations where compliance is achieved/not achieved based on the fixed measures accepted by the applicant). It is also agreed by the experts that physical sound attenuation devices such as acoustic walls may only practically be provided to attenuate the noise at lower levels, such as for the single dwellings and the lower levels of surrounding apartment buildings. No physical measures can reasonably be applied to mitigate impacts at the upper levels as acoustic barriers would need to be too tall. As such, it would be necessary to require acoustic barriers to be erected to a reasonable height and to rely upon management measures to limit the amount of time and/or number of children using the outdoor areas, with greater use occurring in the areas that can be better protected with physical devices and less use of other areas where physical devices cannot achieve protection. Conditions of consent are recommended which are considered to reach a reasonable solution which maximizes protection for surrounding neighbours using a mixture of fixed screens and management measures, whilst ensuring that fixed screens are of reasonable height with regard to visual impacts and the level of amenity of the playground areas.

Ausgrid

The application was referred to Ausgrid pursuant to SEPP (Infrastructure) as there is a substation existing onsite. In response Ausgrid advised as follows:

The finished surface levels over existing underground electricity cables in Ernest St must not be altered without permission from Ausgrid. If the existing levels (footway or roadway) are to be lowered in Ernest St, the developer will be required to contact Ausgrid to determine whether or not relocation/lowering of existing underground cables will be required in this vicinity.



Predicted noise level	No. of units	% of total
Complies with BG+10 goal	110	79.7
Exceeds BG+10 by 3dBA, but bedrooms affected only	5	3.6
Exceeds BG+10 goal by 1dBA	2	1.5
Exceeds BG+10 goal by 2dBA	2	1.5
Exceeds BG+10 goal by 3dBA	10	13.7
	138	100

Acoustic barriers
 4m
 2.5m
 Existing

**NEW PUBLIC SCHOOL
2 ANZAC AVE, CAMMERAY**

Predicted noise levels

11.09.14

Not to scale



Public Works
Government Architect's Office

Ausgrid has an existing substation located on the premises of this development. Prior to construction works commencing on the site, the developer must arrange for the decommissioning and removal of the existing substation equipment on the site as well as the relocation of the associated underground cables.

The developer must make arrangements for the establishment of a new substation on the site. It may be necessary for the developer to arrange for installation of a temporary substation on the site prior to establishment of a permanent substation in order to supply site construction loads and maintain existing street network loads.

Electrical supply arrangements

The supply arrangements to the development will be confirmed upon receipt of a formal Connection Application from the developer. It is likely that the establishment of a substation on the property will be required in order to provide supply to the development. It appears from the DA drawings that no space has been allocated for a substation on the site. This may need to be addressed by the developer.

Comment: The above comments are noted and relevant conditions are included in the recommendation.

Roads and Maritime Service

The application was referred to the Roads and Maritime Service (RMS) pursuant to the provisions of SEPP (Infrastructure) and the following comments (summarized) were received.

- Requests that the existing pedestrian right-of-way be closed on road safety grounds to discourage school students directly accessing Miller Street as it is a major arterial road which carries a high volume of traffic. Pedestrian access should be limited to Anzac Avenue.
- School zones need to be installed along all roads with a direct access point (either pedestrian or vehicular) from the school and approval of speed changes on those roads requires the approval of RMS.
- Consideration should be given to increasing the number of parking spaces available at the proposed drop-off and pick-up area in Anzac Avenue given the number of students.
- Consideration should be given to the design of the drop-off and pick-up area to enforce the left in, left out operation.
- Consideration should be given to the intersection of Anzac Avenue and Ernest Street to enhance pedestrian safety and highlight to motorists they will be entering a high pedestrian activity area.
- Consideration should be given to traffic calming measures in Anzac Avenue to keep the speed to a minimum due to potential conflicts between pedestrians and vehicles.

RMS also included a series of requirements which are appropriate to place upon any consent as conditions.

Comments: The above concerns were addressed at the meeting with the applicant and a series of agreed conditions are included in the recommendation to address the above requirements. It is noted that it was agreed between the traffic experts that retaining the pedestrian access to the bus services on Miller Street in a manner controlled by staff was preferable to allowing children to travel along Anzac Avenue and then Ernest Street without supervision to access the Miller Street bus services. This opinion was forwarded to RMS for comment and RMS replied indicating that whilst it was still the preference of RMS that the access be closed, should council determine it should remain open RMS would not object. RMS also noted that this would require the school zone to also apply to Miller Street. As the traffic experts all agree that retaining the access is preferable, subject to provision of a barrier opposite the accessway to prevent children running onto the road, the accessway is recommended to remain open and be operated under supervision by teachers for morning and afternoon periods, with gates being locked at other times. Conditions of consent reflect this requirement.

OTHER REFERRALS

Design Excellence Panel Comments

The application was referred to Council's Design Excellence Panel at its meeting of 13 May 2014. The Panel provided the following comments:

The Panel commended the architect on the overall design of the school and generally had few concerns. The Panel suggested that the Ernest Street end of the building at ground level could possibly be more permeable to allow viewing of the courtyard space from the street that would create more sense of building activity and filtered surveillance from the street.

The Panel had concern about the Anzac Avenue works with the change to the landscape area with additional parking areas and how this might diminish the civic and landscape qualities. The Panel felt that the area was dangerous for children. Angled parking was a major concern particularly on the western side. The footpath should remain in a straight line along Anzac Avenue and the new trees planted to create the Avenue. It was suggested that the angled parking adjacent to the drop off area be made parallel parking. This would allow the footpath to follow a straight line of the kerb and the canopy trees to be planted further west on the eastern edge of the drop off.

Comment: It is noted that the comments about the parking area in Anzac Avenue relate to the Part 5 process and cannot be considered in relation to this application. The comments of the panel in relation to the provision of more openings at ground level to the Ernest Street frontage were considered but determined to be unsuitable. Opening the ground level Ernest Street façade would not result in better visual connectivity due to the change in levels with the ground level courtyard being below the level of the Ernest Street footpath by half a storey. Further, opening the Ernest Street façade would result in the loss of acoustic protection to the ground level courtyard and classrooms facing that courtyard and as such was considered an unacceptable option.

SUBMISSIONS

The application was notified to surrounding owners and residents and all precincts from 2 May to 16 May 2014. Twenty eight submissions have been received from residents and precincts raising concerns with the proposal. The concerns are addressed later in the report.

CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act* 1979, are assessed under the following headings:

DISABILITY DISCRIMINATION ACT

The Disability Discrimination Act (DDA) requires Council to have regard to the equity of access to development when assessing a development application. In order to achieve equitable access, an appropriate accessible path of travel would need to be provided to and throughout the school, appropriate accessible facilities would be required and appropriate accessible parking would be required.

In response to a request for additional information about the accessibility of the proposed design the applicant provided correspondence from Morris Goding Accessibility Consulting addressing accessibility in general, the need for a management plan for drop-off and pick-up of students with mobility issues and the need for a hearing augmentation system.

In summary, the correspondence confirms:

- There is a continuous accessible path of travel to and within the school built environment;
- The proposed lift is of reasonable distance to Terraces 2 and 3 to be considered to be part of a continuous path of travel between the terraces;
- There is an accessible path of travel from the staff car park to the lift;

The correspondence makes a series of recommendations for compliance with the Disability Access to Premises Standards 2010, the Building Code of Australia 2014 – Parts D3, E3 and F2, Accessibility Standards AS1428.1 2009, AS 1428.4.1:2009, AS 2890.6:2009, AS 1735.12 and School Facilities Standard, Design Standard Version 1/7/2012. A condition of consent is recommended require the design to be certified as being compliant with these standards prior to commencement of work and that the works have been carried out in accordance with the standard prior to occupation of the school.

SEPP 55

The provisions of SEPP 55 require consideration as to whether the site is contaminated and requires remediation. A Preliminary Contamination Screening was prepared for the site with the application for demolition by Environmental Investigation Services to determine the likelihood of onsite contamination of soil/ The report found that the use of the site prior to its use by the club was generally residential. Samples were taken from 4 sampling points (it being noted that sampling could not be taken from the parts of the site containing the club buildings).

The sampling was not sufficient to satisfy the requirements for a Stage 2 assessment but found that the site contained benzo(a)pyrene which will need appropriate remediation. The report recommended a Phase 2 assessment be completed, including additional sampling points and groundwater sampling and then a remediation strategy be prepared based on the findings of the Stage 2 assessment. The consent for demolition was conditioned to this effect and required that any necessary remediation works was to be completed and an independent Site Audit Statement issued. Accordingly, a condition of this consent is recommended requiring that a Site Audit Statement be issued for the site prior to commencement of works.

SREP 23 & DCP

The SEPP applies to the subject site as identified on the Sydney Harbour Catchment Map. The site is not identified:

- (a) within the Foreshores and Waterways Area;
- (b) as a strategic foreshore site;
- (c) as a heritage item;
- (d) within the wetlands protection area;

and therefore only Part 1 is applicable. Part 1 identifies aims of the plan from (a) to (h). The aims set out in Part 1 of the SEPP have been considered and the application is consistent with these aims, it being noted that the site is located some distance from the foreshore and waterways and the development will not be visible from either the foreshore or the waterways.

SEPP 64

SEPP 64 applies to applications including advertising structures/signage that will be visible from any public place and the subject application includes school identification signs as are detailed following:

- School name signage on the Anzac Avenue frontage adjacent to the entrance, constructed of laser cut aluminium; and
- School name signage on the Ernest Street frontage adjacent to the corner with Anzac Avenue, constructed of laser cut aluminium.

There is no indication that the signage will be illuminated and as such a condition of consent will require the signage not be illuminated.

Clause 8 requires that signage must not be granted consent unless the signage is consistent with the objectives of the Policy and satisfies the assessment criteria specified in Schedule 1. The objectives of the Policy of relevance to this application are:

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*

The proposed signage is suitably located and provides for effective communication. The design and finish of the proposed signs is acceptable.

The Schedule 1 assessment criteria are addressed following.

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The signs are generally compatible with the desired character of the area. There is no relevant theme for outdoor advertising in the area.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The site is not located in a sensitive or heritage area, however the signage will be visible from residential areas. The signage is of reasonable size and design such that it is compatible with the design of the building and will not detract from the visual quality of the area.

3 Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage has no negative impacts upon important views. The proposed signage will not dominate the skyline or reduce the quality of vistas. The proposed signage will not have a negative impact upon the viewing rights of other advertisers.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The signage is of appropriate scale, proportion and form for the streetscape setting. The signage will contribute positively to the streetscape. The proposed signage will not add to advertising clutter. The proposed signs do not screen unsightliness. The proposed signage will not protrude above buildings or tree canopies. The signage will not require ongoing vegetation management.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage is compatible with the scale, proportion and other characteristics of the building. The signage will be appropriate but is not particularly innovative or imaginative.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The signs are not general purpose signs and as such there are no logos of advertising companies.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

No illumination of the signs is proposed.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is unlikely to impact the safety of the adjacent roads. The signage is located such that it will not screen any pedestrians or cyclists from the view of drivers. The signage will not obscure any sightlines from public areas.

SEPP INFRASTRUCTURE

Division 3 addresses educational establishments and clause 28 provides that educational establishments may be carried out on land zone R4 High Density Residential with consent. Subclause (3) also indicates that educational establishment may be carried out for any community purpose with development consent.

Clause 32 requires a consent authority to take into consideration all relevant standards in the following publications prior to determination of a development application:

- (a) School Facilities Standards – Landscape Standard – Version 22;
- (b) School Facilities Standards – Design Standard (Version 1/09/2006); and

(c) Schools Facilities Standards – Specification Standard (Version 01/11/2008).

The applicant was requested to provide certification of compliance with the above standards and by letter dated 8 August 2014 confirmed that the design is “generally in accordance” with the updated versions of the above standards. A schedule of variations to the standards was submitted and the variations substantiated.

The only variation of concern was the lowering of sill height for windows on upper levels and the applicant was requested to address the safety implications of the lowered sill with regard to the potential for students to fall from the windows. In response the applicant advised that the windows are effectively enclosed by the sunshade devices at the upper levels and the ground level windows will have security mesh, ensuring students cannot fall out of the windows.

The variations are considered to be acceptable in the circumstances of the case.

Clause 45 requires consultation with Ausgrid as the proposed development involves removal of its substation. Details of Ausgrid’s response have been provided previously and conditions of consent are recommended in relation to the removal and replacement of the substation.

Clause 104 applies to the application and requires referral of the application to RMS. The response from RMS has been addressed previously in this report and the recommendations of RMS have been included as conditions of consent.

NORTH SYDNEY LEP 2013

North Sydney Local Environmental Plan 2013 (NSLEP 2013) was made and published on 2 August 2013 and commenced on 13 September 2013. NSLEP 2013 zoned the subject site R4 High Density Residential. Educational establishments are prohibited within the R4 zone, however are permissible with consent pursuant to the provisions of SEPP (Infrastructure). The provisions of SEPP (Infrastructure) indicate that where another environmental instrument is inconsistent with the Policy, the policy prevails to the extent of the inconsistency.

The objectives of the R4 zone are addressed following:

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

N/A

- *To provide a variety of housing types within a high density residential environment.*

N/A

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

The school provides a facility that would meet the day to day needs of residents of the area.

- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

N/A

- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

N/A

Clause 4.3 sets a maximum height for the subject site of 12m. The proposal is generally compliant with the height control but breaches in relation to the northern portion with a height of up to 13.55m due to the topography of the site. The variation is considered acceptable given the distance separation between the school building and surrounding properties.

As the development breaches the height controls, normally a clause 4.6 variation request would be required in order to permit the variation of the height control. However, clause 5.12 of LEP 2013 states that *“This Plan 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”*. As the height control would restrict development of an educational establishment permissible under SEPP (Infrastructure), the control is not applicable to the application.

The provisions of clause 5.10 apply as the proposal is within the vicinity of a heritage item, being a bus shelter on Miller Street. As the proposal will not be visible from the bus shelter it is not considered to have an unacceptable impact upon the heritage significance of the item.

DEVELOPMENT CONTROL PLAN 2013

NSLEP 2013 is applicable to the application and the relevant controls are addressed following.

Relevant Planning Area (Cammeray)

The site is located in the Anzac Neighbourhood of the Cammeray Planning Area and the Anzac Club is identified within the Identity/Icons sections, however there are no controls of relevance to the application.

The only other sections of NSDCP 2013 of relevance to the application are Section 3 – Non-Residential Development in Residential Zones, Section 10 - Car Parking and Transport, Section 14 – Contamination and Hazardous Building Materials and Section 17 – Erosion and Sediment Control.

Section 3 addresses non-residential uses in residential zones and the compliance of the application with the controls is addressed in the following table.

Section 10 addresses car parking and transport and educational establishments are to provide parking at a rate of 1 space per 6 staff and with 60 staff that would equate to 10 parking spaces. Whilst the original proposal satisfied this level of provision, given the demands on the surrounding on-street parking, the provision was considered to be seriously deficient. The applicant was asked to provide more parking and in response is now proposing 24 parking spaces in formal and informal layouts. This is considered to be a more appropriate level of parking provision.

Section 14 addresses soil contamination, which has been addressed previously in this report in relation to SEPP 55. The application contains an acceptable erosion and sedimentation control plan.

Control	Proposed	Complies
3.2.1 Topography Development should not result in a finished ground level greater than 500mm from existing ground level	The ground level is proposed to be below the level of Ernest Street but is above the ground level of Anzac Avenue and as such is considered acceptable notwithstanding it is more than 500mm above existing ground level (due to previous excavation for car park)	No, but acceptable
3.2.5 Noise Specifies noise criteria for assessment of noise impacts from uses in residential zones	The noise impact of the proposal is discussed at length throughout this report and subject to conditions, it has been determined that the likely noise impact can be suitably mitigated.	No, but acceptable subject to conditions
3.2.7 Artificial Illumination Requires the glare impact of illumination to be minimised	No information is provided in relation to proposed lighting.	No, but a condition of consent is recommended requiring the minimisation of light spill.
3.2.8 Views Developments are to protect views from residential properties	The proposal will not result in any view losses.	Yes
3.2.9 Solar Access Development shall not overshadow the solar panels, windows of living areas, communal open space or principal areas of private open space such that solar access is reduced below 3 hours between 9am and 3pm at midwinter.	The proposal does not result in unacceptable shadow impacts.	Yes
3.2.12 Visual Privacy Developments are required to be designed to maintain the privacy of neighbours	The school building is located some distance from all neighbouring residential properties other than the adjoining residential flat building fronting Ernest Street. Privacy screens/sunshades are proposed to the windows to ensure privacy is maintained.	Yes

3.3.5 Siting Buildings are to be sited to relate to neighbouring buildings and are to be within a single built form addressing the street, with walls parallel to the boundaries.	The form of the proposed building is similar to that of the Anzac Club which it replaces. The setback of the building to Ernest Street generally aligns with the adjoining residential flat building and the walls are all parallel with the adjoining boundaries. Due to the nature of schools, the building cannot be in a single built form, however the perimeter style building around the courtyard is considered appropriate.	In part, but satisfactory
3.3.6 Setbacks Front setbacks are to match adjoining buildings. Side setbacks on R4 land are to be a minimum of 1.5m, but must comply with a building height plane commencing at 3.5m above ground level at the side boundaries and projecting into the site by 45°. The building height plane applies to the rear setback.	The front setback (ie to Ernest St) is consistent with the adjoining residential flat building. The proposal complies with the building height plane from the site and rear of the property and satisfies the side setback controls.	Yes
3.3.7 Form, Massing & Scale Requires the apparent length of a building to be broken down using articulation, the use of high quality materials, use of materials and finishes that relate to surrounding buildings.	Whilst the bulk and scale is similar to surrounding residential flat buildings, the architectural design and materials are necessarily different due to the different function of a school building. Notwithstanding this, the streetscape presentation is considered acceptable. The materials and finishes are acceptable.	Yes
3.3.8 Entrances and Exits Requires main entrances to be visible from the street and be provided with a continuous accessible path of travel.	The main entrance is from Anzac Avenue and has a continuous accessible path of travel	Yes
3.3.9 Colours and Materials Colours and materials are to be reflective of those in the area, using natural colours and tones, with a high proportion of masonry to glass.	The materials and colours reflect the use of the building and are not consistent with those used in the area. Notwithstanding this it is considered that the colours and materials are satisfactory.	No, but acceptable
3.3.10 Front Fence Fences should be characteristic of those in the area and should not include tall security fencing.	Due to the nature of the use a security fence is needed. In this regard a 2.1m high security fence is proposed along the Ernest Street frontage and between the building and the rear boundary to the Anzac Avenue frontage.	No, but acceptable
3.4.1 Accessibility The building is to be designed with appropriate accessibility for persons with disabilities	Recommended conditions are proposed.	Yes subject to conditions
3.4.2 Safety and Security Buildings are to be designed for casual surveillance	The proposed building incorporates windows overlooking both streets, allowing for natural surveillance.	Yes
3.4.3 Vehicular Access & Car Parking Should be provided underground or screened from public view and designed to allow entrance and exit in a forward direction.	The parking is either located along the side of the building or in the setback to Ernest Street, but screened with landscaping.	Yes
3.4.4 Site Coverage Site coverage is to be a maximum of 45% of the site	The proposed building has a site coverage of 33%	Yes

<p>3.4.5 Landscaped Area A minimum landscaped area of 40% and maximum unbuilt upon area of 15% applies.</p>	<p>Whilst the proposal complies with the site cover requirement, it is significantly deficient in landscaping and provides a surplus of unbuilt upon area. This relates to the nature of the use where playgrounds must be surfaced with appropriate materials to ensure suitable safety and amenity. Notwithstanding this, appropriate landscaping has been provided around the perimeter of the site.</p>	<p>No, but satisfactory.</p>
<p>3.5 Efficient Use of Resources Requires buildings to be constructed in an ecologically sustainable manner.</p>	<p>The stormwater management plan incorporates OSD tanks, rainwater harvesting for use in irrigation and vegetable patches, a piped system, enviropods for gross pollutant and bio-retention trenches for water treatment. The applicant was requested to provide solar panels to assist with ongoing running costs of mechanical ventilation required to achieve appropriate internal noise levels for learning but has indicated they are unwilling to do so, A condition of consent is recommended requiring the design to be suitable to retrofit solar panels on the roof in terms of the ability of the structure to support the load and the ease with which such a system could be connected in the future.</p>	<p>In part. Appropriate subject to conditions</p>

SECTION 94 CONTRIBUTIONS

No section 94 contribution is applicable to the application which is for social infrastructure that supports the needs of the residents of the area.

APPLICABLE REGULATIONS

All applicable regulations have been considered in this assessment.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|--|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |

4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTORS CONCERNS

The following concerns have been raised in the submissions and are addressed following.

- *Traffic turning into Anzac Avenue from Ernest Street will prevent traffic turning right out of Lytton Street*
- *People will drop kids off and then use Lytton Street to access the freeway Falcon Street onramp*
- *Lytton Street should be blocked to thru-traffic*
- *“Kiss and drop” area should be moved closer to Ernest Street*
- *Need for traffic management*
- *Anzac Avenue should not be made 1 way*

These concerns all relate to traffic movements through and around the area as a result of the proposed school. A meeting was held with the applicant’s traffic expert and the independent traffic expert assessing the application and it was agreed that the traffic impact would be acceptable if the following series of traffic management measures were implemented. Given the proposed regularization of movement in a single direction in the “kiss and drop” area it was not considered necessary or desirable to make Anzac Avenue one way. Whilst it was generally supported by the experts that Lytton Street could potentially be provided with a half road closure, such measure would need support by the North Sydney Traffic Committee and was not considered likely to be necessary until the school was at capacity and as such this component was not conditioned.

- Extend the bus zone in Miller Street to accommodate two buses north of the regular bus zone for school buses;
- Construct a 600mm wide median island opposite the entrance and opposite the exit to the drop-off/pick-up bay to prevent traffic movement other than in a south-to north direction and to prevent U-turns back towards Ernest Street;
- Provide a raised pedestrian crossing at the school entrance and a speed hump further to the north in Anzac Avenue to regulate the speed of traffic;

- Give consideration to a half road closure of Lytton Street to restrict northbound traffic turning into Ernest Street but allow westbound traffic to turn left into Lytton Street (not to be implemented upon opening of school, but may be necessary when school reaches capacity).
- *Parking impact in Lytton Street*
- *Inadequate onsite parking*
- *Placing time limits on parking in Anzac Avenue will place more demand on other spaces in the area*
- *Don't want parking meters in Lytton Street*
- *Parking spaces in Anzac Avenue should be parking permit allowed for residents*

These concerns all relate to parking provision and the use of on-street parking and were discussed by the traffic experts at the previously mentioned meeting. It was considered that additional staff parking was required and an amended proposal provides parking for 24 staff cars onsite which is considered acceptable, being significantly more than required by the DCP. The following controls are recommended to best manage the use of the parking proposed as part of the Part 5 application. The sign-posting of the remaining parking spaces would be at the discretion of Council and could potentially permit extended parking hours during the day or time limited parking and could exempt residents via a resident parking permit scheme, however such controls are outside the matters to be considered in this application.

- Provide 15 x parallel parking drop-off/pick-up bays on the western side of Anzac Avenue to be sign-posted "No parking 7.30am-9.30am and 2.30pm-4.30pm School Days Only". These spaces would also be sign-posted as 2 hour parking at other times to accommodate visitors to the school.
- Provide 6 x 90 degree angled parking spaces signposted as "1/4 hr parking 7.30am-9.30am and 2.30pm-4.30pm School Days Only" on the eastern side of Anzac Avenue south of the pedestrian crossing to allow parents to quickly talk to a teacher when dropping-off or picking-up a child or to collect more than one child.
- *Hours of operation are too long and would impact residents*
- *Noise*
- *Noise management plan required*
- *Outdoor areas should be limited to a maximum of 2 hours a day*
- *Bamboo planting and lapped and capped fencing is inadequate for noise attenuation and brick fencing should be provided*

These concerns all relate to noise and have been addressed in the body of the report. It is agreed that there is a potential for the school use to have an unacceptable impact upon the acoustic environment of surrounding residents unless an appropriate mix of physical and management mitigation measures are included in the proposal. The following requirements are recommended by the acoustic consultant and have been included as recommended conditions.

- Provision of acoustic fencing along adjoining boundaries with residential properties
- Requirement of the preparation and implementation of a Noise Management Plan for the operational phase of the school which will identify restrictions on the use and hours of use of different areas of the school to minimize noise impacts.

- *Need for safe crossing of Ernest Street*
- *Safety of pedestrians accessing the school*

The above concerns in relation to pedestrian safety have been considered by the traffic expert and the following measures are proposed. It is noted that the safest place for crossing Ernest Street is at the traffic lights and it was considered inappropriate to introduce a pedestrian refuge in Ernest Street as it would discourage crossing at the lights.

- Wombat crossing of Anzac Avenue opposite the school entrance
 - Provision of a barrier fence opposite the exit to the accessway to Miller Street to prevent children running onto Miller Street
- *Loss of trees on Crown Land*

The trees of concern are located on the Crown land and the removal of those trees is subject to a separate Part 5 approval and is not a matter that can be considered in the assessment of this application.

- *Concerned students will throw rubbish over the fence*

The fences, which are to be located on top of the existing retaining walls are to be of sufficient height such that this is unlikely to occur.

- *Buildings should be planned to allow community use*

The proposal has been designed to allow for potential community uses of some of the areas of the school as has been discussed throughout the report. It is noted that limits on the hours of use by community groups are recommended by conditions of consent in order to ensure noise impacts are appropriately minimized.

- *The use of red for the hall is too strong and a softer colour should be used*

The use of primary colours to emphasis elements of a primary school is not considered unacceptable, it being noted the use of red is limited to feature elements, with the overall colour choices being more subdued.

- *Construction impacts*

Construction impacts will need to be mitigated with an appropriate noise and vibration management plan and dust controls and conditions to this effect is recommended.

- *Security*

The site will be secured by 2.1m high security fences along the Ernest Street frontage and from the building to the rear boundary on the Anzac Avenue frontage.

- *Site is too small*
- *School is too large and should be for between 500 and 750 children*

The site provides appropriate classrooms and facilities for up to 1000 children and whilst the provision is in the form of a building of greater height than is generally experienced for primary schools, the height and bulk of the building can be supported on this site due to its high density residential zone, whereby surrounding buildings also have a greater height and bulk.

CONCLUSION

The proposal is for a 1000 place public primary school in a location experiencing significant growth of student population and is considered to be generally appropriately designed in terms of height, bulk and scale for the site having regard to the larger surrounding residential buildings.

However, due to the location and density of surrounding residential properties, care must be taken in the design and operation of the school to ensure the traffic and noise impact does not detrimentally impact the amenity of the surrounding residents. Agreed traffic calming measures are to be provided in Anzac Avenue to address the traffic impacts of the development.

In order to achieve an appropriate level of acoustic amenity a combination of physical acoustic barriers and management requirements is recommended. The acoustic consultant is of the opinion that unless the recommended noise mitigation measures are adopted for the proposal, the use of the site as a school for 1000 children is unsuitable and the number of school children should be reduced.

OWNER'S CONSENT

It is noted that at the time of writing this report, owner's consent for the proposed works within the right-of-carriageway over No. 331 Miller Street had not been provided. The applicant has advised that the matter is to be considered at a meeting of the 12 September 2014 and as such, should owner's consent be agreed to by the owners, it will be available prior to the matter being determined by the JRPP.

Should owner's consent not be granted, the JRPP will be advised by way of a late addendum to this report which would include a change to the conditions of consent to delete the works to the right-of-carriageway.

NEGOTIATION OF CONDITIONS OF CONSENT

As the application has been lodged by Public Works, the JRPP cannot impose conditions without the agreement of Public Works. The JRPP cannot refuse the application or impose conditions that are not agreed to and can only make a recommendation to the Minister to refuse the application or to impose conditions that are not agreed to.

Due to the above restriction on the power of the JRPP, negotiations have been undertaken with Public Works in an attempt to come to an agreed position in relation to the recommended conditions. The following recommendation and conditions is generally an agreed position with Public Works, however there are 3 conditions which are pursued without the agreement of Public Works.

In such circumstances the JRPP will need to decide whether to recommend to the Minister that those conditions be included upon any consent, if granted or whether to agree to the alternative conditions requested by Public Works. For ease of reference the conditions are stated following, together with the requested changes by Public Works (bolded) which have not been agreed and a comment is provided in relation to each condition.

Recommended version

Acoustic Attenuation

B2. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- indoor ambient noise levels for teaching spaces shall not exceed 40dB(A) $L_{Aeq,1hr}$. For students with learning difficulties, two teaching spaces shall be provided with indoor ambient noise levels that shall not exceed 35dB(A) $L_{Aeq,1hr}$. These spaces are air conditioned and do not rely on passive ventilation through open windows.
- reverberation times for indoor teaching areas shall not exceed 0.4-0.5 second.
- reverberation time for the school hall shall not exceed 1.1 seconds (unoccupied state) as required by the State Government publication "*School Facilities Standards – Design Standard – Version 1/9/2006*"

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To ensure a suitable learning environment for students)

Public Works Requested Version

Acoustic Attenuation

B2. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- indoor ambient noise levels for teaching spaces shall be **within a range of 39-45dB(A) $L_{Aeq,1hr}$** . For students with learning difficulties, two teaching spaces shall be provided with indoor ambient noise levels that shall not exceed 35dB(A) $L_{Aeq,1hr}$. These spaces are air conditioned and do not rely on passive ventilation through open windows.
- reverberation times for indoor teaching areas shall not exceed 0.4-0.5 second.
- reverberation time for the school hall shall not exceed 1.1 seconds (unoccupied state) as required by the State Government publication "*School Facilities Standards – Design Standard – Version 1/9/2006*"

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To ensure a suitable learning environment for students)

The independent acoustic consultant has recommended the higher performance criteria for internal noise for the following reasons.

The NSW EPA Industrial Noise Policy (INP) recommends indoor noise levels of not more than 5dB(A) $L_{Aeq,1hr}$ (acceptable) and 40dB(A) $L_{Aeq,1hr}$ (maximum) for school classrooms. The NSW EPA Road Noise Policy (RNP) recommends indoor road traffic noise level of not more than 40dB(A) $L_{Aeq,1hr}$ for school classrooms. The Association of Australian Acoustical Consultants' (AAAC) Technical Guideline Acoustic Design of Schools recommends indoor noise levels of 30-35dB(A) L_{Aeq} for teaching spaces. Maximum indoor design noise level of 45dB(A) L_{Aeq} significantly exceeds the satisfactory level of 35dB(A) L_{Aeq} for school classrooms recommended by AS2107:2000. AS2107:2000 states that the maximum noise level is the level above which most people become dissatisfied with the noise.

Public Works has provided the following justification for the lower performance criteria for internal noise.

The appropriate standard to apply to the design of the teaching spaces is "AS2107 Acoustics - Recommended design sound levels and reverberation times for building interiors", which recommends a maximum design sound level of 45dB(A) L_{Aeq} . The figure of 40dB(A) L_{Aeq} is based on the EPA Road Noise Policy for classrooms. It is not appropriate to adopt this policy in this situation, as the policy relates to the assessment of noise generated by the proposed construction of new roads or changing traffic conditions on existing roads, and is used to generate designs for acoustic treatment to the road itself (e.g. acoustic barriers), not for buildings.

Recommended version

B3. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- a) show acoustic barriers/fences with the following minimum heights:
 - 4m to the western boundary adjoining the Miller Street residential apartment building, measured from the ground level of that property;
 - 2.5m to the northern and western boundaries adjoining the Miller Street residential dwellings, Rosalind Street townhouses and 73-77 Rosalind Street residences, measured from the ground level of those properties; and
 - 4m to the northern boundary adjoining 79-81 Rosalind Street residences measured from the ground level at the rear yard of those properties.
- b) The acoustic barriers/fences shall be constructed with a weighted sound reduction of not less than Rw25.

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To minimise noise impact to neighbours)

Public Works Requested Version

B3. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- c) show acoustic barriers/fences with the following minimum heights:
 - 4m to the western boundary adjoining the Miller Street residential apartment building, measured from **Terrace 1**;
 - 2.5m to the northern and western boundaries adjoining the Miller Street residential dwellings, Rosalind Street townhouses and 73-77 Rosalind Street residences, measured from **Terrace 2**; and
 - 4m to the northern boundary adjoining 79-81 Rosalind Street residences measured from **Terrace 3**.
- d) The acoustic barriers/fences shall be constructed with a weighted sound reduction of not less than Rw25.

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To minimise noise impact to neighbours)

The independent acoustic consultant has recommended the taller acoustic fences for the following reasons.

4m high acoustic barrier relative to Terrace 1 which is up to 3m below ground level of the residential building will result in the barrier being un-effective. Acoustic barriers relative to Terraces 2 and 3 which are below ground level at the rear of the residential buildings will result in the barrier being less effective.

Public Works has provided the following justification for the lower acoustic fences.

4m acoustic barriers/fences constructed above the ex. retaining walls interfere with apartment views north-easterly breezes and generally have an unfavourable impact on the apartments' terrace amenity. Use of Perspex material is limited by it's (non-compliant) Rw rating and reliance on it's long term opacity. Unknown structural integrity of existing walls and restricted access, constructability and disruption to neighbouring properties prohibit suggested brick and masonry materials.

Comment

It is noted that all of the above recommended conditions seek to protect the amenity of surrounding properties or to ensure a suitable acoustic environment for learning for the children who will attend the school. The sound attenuation achieved for the internal space is assessed based on providing natural ventilation. The level of external noise attenuation for adjoining properties should also be considered in relation to the impact of the noise attenuation devices upon the amenity of the adjoining properties.

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the Joint Regional Planning Panel, recommend that the Minister grant consent to Development Application No. 128/2014 for construction of a 1000 place public primary school with associated playgrounds, parking and landscaping at No. 2 Anzac Avenue, Cammeray, subject to the attached conditions:-

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
DA01	D01	Drawing Schedule and Sheet Location Plan	Government Architect's Office	17.04.14
DA03	D01	Site Plan	Government Architect's Office	17.04.14
DA04	D01	Floor Plan Level 1	Government Architect's Office	17.04.14
DA05	D01	Floor Plan Level 2	Government Architect's Office	17.04.14
DA06	D01	Floor Plan Level 3	Government Architect's Office	17.04.14
DA07	D01	Floor Plan Level 4 & Roof Plan	Government Architect's Office	17.04.14
DA08	D01	Elevations	Government Architect's Office	17.04.14
DA09	D01	Sections	Government Architect's Office	17.04.14
DA10	D01	Landscape Plan Level 1	Government Architect's Office	17.04.14
DA11	D01	Landscape Plan Level 4	Government Architect's Office	17.04.14

DA13	D01	3D View and External Finishes	Government Architect's Office	17.04.14
A124	03	Landscape Plan Ernest Street Car Park	Government Architect's Office	20.08.14
L124	01	Landscape Miller Street Path	Government Architect's Office	28.08.14

In the case of an inconsistency between the plans above, the plan with the later date prevails to the extent of the inconsistency. In the event of an inconsistency between the plans and a condition of this consent, the condition of consent prevails to the extent of the inconsistency.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and those required to be prepared prior to commencement of works) must be kept on site at all times so as to be readily available for perusal by any officer of Council. All documents kept on site in accordance with this condition must be provided to any officer of the Council upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

B. Ancillary Matters to be Completed Prior to Commencement of Works

Remediation

- B1. Prior to commencement of works, the validation and/or monitoring report required by Development Consent No. 30/2014 is to be independently audited and a Site Audit Statement issued. A copy of the Site Audit Statement is to be provided Council. The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.

(Reason: To ensure the land is suitable for its intended purpose)

Acoustic Attenuation

- B2. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- indoor ambient noise levels for teaching spaces shall not exceed 40dB(A) $L_{Aeq,1hr}$. For students with learning difficulties, two teaching spaces shall be provided with indoor ambient noise levels that shall not exceed 35dB(A) $L_{Aeq,1hr}$. These spaces are air conditioned and do not rely on passive ventilation through open windows.
- reverberation times for indoor teaching areas shall not exceed 0.4-0.5 second.
- reverberation time for the school hall shall not exceed 1.1 seconds (unoccupied state) as required by the State Government publication "*School Facilities Standards – Design Standard – Version 1/9/2006*"

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To ensure a suitable learning environment for students)

B3. Prior to commencement of works, certification is to be provided by a suitably experienced and qualified acoustic engineer indicating that the plans satisfy the following criteria:

- a) show acoustic barriers/fences with the following minimum heights:
 - 4m to the western boundary adjoining the Miller Street residential apartment building, measured from the ground level of that property;
 - 2.5m to the northern and western boundaries adjoining the Miller Street residential dwellings, Rosalind Street townhouses and 73-77 Rosalind Street residences, measured from the ground level of those properties; and
 - 4m to the northern boundary adjoining 79-81 Rosalind Street residences measured from the ground level at the rear yard of those properties.
- b) The acoustic barriers/fences shall be constructed with a weighted sound reduction of not less than $Rw25$.

At completion of works, and prior to occupation of the school, certification is to be provided by a suitably experienced and qualified acoustic engineer that the school complies with the above requirements.

(Reason: To minimise noise impact to neighbours)

Construction Management Program

B4. A Construction Management Program must be prepared prior to commencement of works by a suitably qualified and experienced traffic consultant. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighboring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing structural engineer and must not involve any permanent or temporary encroachment onto Councils property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 2) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee.

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

Construction Noise and Vibration Management Plan

B5. A Construction Noise and Vibration Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- (a) Identification of noise/vibration affected receivers near to the site.
- (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) Where noise levels are likely to exceed the noise affected level for more than 5 consecutive work days (ie excludes non-work days), the plan is to identify respite periods.
- (d) A prediction as to the level of vibration that is likely at receivers
- (e) Details of work schedules for all demolition phases;
- (f) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
- (g) Representative background noise levels should be submitted in accordance with the ICNG.

- (h) Compliance with the recommendations of the approved Demolition Noise and Vibration report.
- (i) Confirmation of noise and vibration monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver or property likely to be impacted by vibrations. An acoustic engineer shall monitor the results and provide amelioration recommendations in the case of excessive noise or vibration being recorded.
- (j) What course of action will be undertaken following receipt of a complaint concerning offensive noise or vibration.
- (k) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- (l) Details of any vibration mitigation measures proposed
- (m) If there is a reasonable likelihood that vibration could impact adjoining properties a dilapidation report is to be prepared for the properties likely to be affected, along with that required by Condition B4 of 331 Miller Street.
- (n) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- (o) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

A copy of the Construction Noise Management Plan must be submitted to Council prior to the commencement of work.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Dilapidation Report

- B6. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the works. The developer may be held liable to damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure damaged as a result of the works. A copy of the dilapidation report must be lodged with North Sydney Council prior to the commencement of works.

(Reason – To ensure protection of existing built infrastructure)

Dilapidation Survey Private Property (Neighbouring Buildings)

- B7. A photographic survey and dilapidation report of adjoining property at No. 331 Miller Street, Cammeray detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE prepared prior to the commencement of works. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council and the owner of No. 331 Miller Street prior to the commencement of works.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, copy to be provided to Council, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Provision of Accessible Paths of Travel

- B8. The building must be designed and constructed to comply with the provisions of Disability Access to Premises Standards 2010, the Building Code of Australia 2014 – Parts D3, E3 and F2, Accessibility Standards AS1428.1 2009, AS 1428.4.1:2009, AS 2890.6:2009, AS 1735.12 and School Facilities Standard, Design Standard Version 1/7/2012.

Further, the right-of-ways shall be upgraded to provide handrails on both sides in accordance with AS1428.2, indicative contrast strips on each step nosing in accordance with AS1428.1 and tactile ground surface indicators at top and bottom of the stair in accordance with AS1428.4.1.

Finally, a level landing is required from the staff car park level for a wheelchair user to be able to turn and use the 1:20 ramp. This landing should be designed in accordance with AS1428.1.

Certification shall be provided from a suitably qualified and experienced accessibility expert that the design satisfies this condition prior to the commencement of works. At the completion of works and prior to occupation of the school, a suitably qualified and experienced accessibility expert shall certify that the works have been carried out in accordance with this condition.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Public Liability Insurance – Works on Public Land

- B9. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Geotechnical Report

B10. Prior to the commencement of works a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:-

- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydro geological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Work Zone

- B11. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the commencement of works.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

There approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Required Infrastructure Works –Roads Act 1993

B12. Prior to the commencement of works engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

Road Works

- a) Construction of a fully new replacement concrete footpath and grass verge is required across the entire site frontage in Ernest Street and Anzac Avenue. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) Existing vehicular crossings reconstruction is required in Ernest Street (more details can be found in a special condition for vehicular access).
- c) Wombat crossing construction in Anzac Avenue as proposed on plan DA03- issue D01 produced by "Public Works" on 16/04/2014.
- d) Construction of a fully new kerb and gutter is required across the entire site frontage in Anzac Avenue as proposed on plan DA03- issue D01 produced by "Public Works" on 16/04/2014. Partial construction of new kerb and gutter on opposite side of Anzac Avenue as also proposed on plan DA03- issue D01 produced by "Public Works" on 16/04/2014. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- e) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

- f) Construction of a fully new road asphalt and unit paving where new “kiss and drop” temporary parking zone and new car parking spaces (layby existing kerb line) are proposed.

Drainage Works

Connection of the site stormwater system must be made directly to existing grated gully pits, to front the site on Ernest Street and Anzac Avenue. To accommodate this requirement, the following drainage infrastructure works must be carried out considering the pipeline within the footpath area shall have a minimum cover of 300mm.

Plans and specifications which comply with this condition must be prepared prior to commencement of works and approval of Council (as Roads Authority) under the Roads Act 1993 shall be obtained.

The required plans and specifications are to be designed in accordance with North Sydney Council’s current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

***Note:** A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council’s adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council’s Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.*

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

Obtain Driveway Crossing and associated works permit

- B13. Prior to the commencement of works, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a ‘*Vehicular Access Application*’ form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant’s Civil Engineer to verify design details and enable permit issue. The civil design drawings shall detail **the following infrastructure construction requirements of Council in relation to the consent:**

- a) The proposed vehicular access ways shall comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) The width of the vehicular laybacks shall be 8.0m and 6.5m (including the wings).
- c) The vehicular laybacks shall be set square to the kerb.
- d) The boundary footpath levels and gutter invert levels at the crossings shall match the existing levels and shall not be altered unless agreed to by Council.
- e) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
- f) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.
- g) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
- h) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
- i) The sections shall show the calculated clearance to the underside of any overhead structure.
- j) All details of internal ramps between parking levels.
- k) A swept path analysis is required demonstrating that an 85th percentile vehicle can maneuver in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".
- l) Any footpath panel on Anzac Avenue and Ernest Street disturbed for the purpose of stormwater connection shall be reconstructed as a whole panel.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified on the permit.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Management and Disposal Design Plan – Construct.

B14. Prior to commencement of works, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.

- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pits in Ernest Street and Anzac Avenue as proposed on stormwater concept plan prepared by "Public Works" on 14/04/2014. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- c) All civil and drainage works within the road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- d) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- e) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- f) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- g) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- h) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- i) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- j) Provide subsoil drainage to all necessary areas with pump out facilities as required.

(Reason – To ensure controlled stormwater management and disposal without nuisance)

On-Site Stormwater Detention

- B15. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Generally, on-site detention storage requirements and permissible site discharge shall be determined as proposed on stormwater concept plan prepared by “Public Works” on 14/04/2014 and calculations in appendix – 4 of “Statement of environmental effects” for DA application prepared by BBC-consulting planners.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practicing Civil Engineer.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council’s care and control is not overloaded)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

B16. Prior to the commencement of works, a security deposit or bank guarantee must be provided to Council to the sum of \$836,000.00 to be held by Council for the payment of cost for any/all of the following:

- a. making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c. remedying any defects in any such public work that arise within 6 months after the work is completed.

The security in accordance with the schedule contained later in these conditions must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of 6 months from the date the applicant notifies Council of the completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council’s Engineers. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Security Deposit/ Guarantee Schedule

- B17. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to commencement of works.

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	
Infrastructure Damage Bond	\$388,000.00
Drainage Construction Bond	
Engineering Construction Bond	\$448,000.00
Others	
TOTAL BONDS	\$836,000.00

Note: The following fees applicable

(Reason: Compliance with the development consent)

Sediment Control

- B18. All approved sediment control measures are to be installed prior to the commencement of demolition works and are to be retained in working condition on the site during the demolition and remediation work and until the site is redeveloped or any exposed soil is stabilized by non-invasive vegetation.

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

Sydney Water Approvals

- B19. Prior to the commencement of any works, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped.

Note: For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. (Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works Notice

- B20. Construction work in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Garbage and Recycling Facilities

B21. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street;

Plans and specifications which comply with this condition must be prepared prior to commencement of works.

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

C. During Building Work

No External Service Ducts

C1. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations..

(Reason: To ensure quality built form of the development)

Accessible parking spaces to be provided

C2. A total of one accessible parking space shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Waste Management Plan

- C3. The approved Waste Management Plan must be complied with at all times in the carrying out of the works.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Cigarette Butt Receptacle

- C4. A cigarette butt receptacle is to be provided on the site for the duration of demolition process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Public Safety and amenity in vicinity of works

- C5. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: To ensure public amenity and safety during works)

Parking Restrictions

- C6. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Service adjustments

- C7. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Temporary Disposal of Stormwater Runoff

- C8. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge.

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

- C9. During the works on public infrastructure reverting to Councils care and control, Councils development engineer must undertake inspections of the works at the following hold points: -
- a) Vehicular access; and associated road civil works in Ernest Street and Anzac Avenue.
 - b) Stormwater connections to Council's infrastructure.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Dust Emission and Air Quality

- C10. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.

- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Special Permits

- C11. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

No Placement of Building materials on the Public Road

C12. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and suitable sign to this effect shall be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Applicant's Cost of Work on Council Property

C13. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

Noise and Vibration

C14. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Compliance with Construction Noise and Vibration Management Plan

C15. All works conducted on site which form part of this development must be carried out in accordance with the Construction Noise and Vibration Management Plan and all conditions of consent.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Construction Hours

C16. Construction works must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays. For the purposes of this condition:

- 1) “Building construction” means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

Out of Hours Work Permits

C17. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include;
 - the erection of awnings,
 - footpath, road and other infrastructure works which can not be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours

- works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

- C18. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and can only be removed when development activities have been completed and the site fully stabilised.

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

Sediment and Erosion Control Signage

- C19. A durable sign, must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Community Information

- C20. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Site Amenities and Facilities

- C21. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Notification of Affected Residents

- C22. A minimum of 7 days prior to the commencement of construction works likely to exceed the noise level, the developer shall notify surrounding residents in writing of the dates of such work, the hours of works, scheduled respite periods (if required by the Construction Noise and Vibration Plan of Management) and a contact number for complaints. The notification is to be sent to all properties in the street block bordered by Miller Street, Rosalind Street, Anzac Avenue and Ernest Street, along with properties opposite this street block in Ernest Street and Anzac Avenue.

(Reason: To ensure the amenity of the community)

Health and Safety

- C23. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

School Bell and Loudspeakers

- C24. Any school bell installed shall be an electronic, rather than a manual, bell where the sound output can be adjusted to minimise impact upon neighbours. Any loudspeakers provided in the hall are to consist of a number of small speakers distributed evenly, with speakers located close to listeners with sound output adjusted to ensure noise spill is minimised.

(Reason: To minimise acoustic impact upon neighbours)

Provision for Solar Panels

- C25. The design and construction of the building shall ensure it is capable of being retrofitted with solar panels having regard to the ability to support the load and the ease with which a system could be connected in the future.

(Reason: To allow for retrofitting of solar panels)

External and Security Lighting

C26. External and security lighting shall be designed and located to minimize light spill onto neighbouring residential properties.

(Reason: To protect residential amenity)

Illumination of Signage

C27. The approved signage shall not be illuminated.

(Reason: To minimise impact upon neighbours)

D. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation*

Site Sign

- D1. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Protection of Public Places

- D2. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

E. Ausgrid Requirements

- E1. The finished surface levels over existing underground electricity cables in Ernest St must not be altered without permission from Ausgrid. If the existing levels (footway or roadway) are to be lowered in Ernest St, the developer will be required to contact Ausgrid to determine whether or not relocation/lowering of existing underground cables will be required in this vicinity.
- E2. Prior to construction works commencing on the site, the developer must arrange for the decommissioning and removal of the existing substation equipment on the site as well as the relocation of the associated underground cables.

The developer must make arrangements for the establishment of a new substation on the site. It may be necessary for the developer to arrange for installation of a temporary substation on the site prior to establishment of a permanent substation in order to supply site construction loads and maintain existing street network loads.

Note: The supply arrangements to the development will be confirmed upon receipt of a formal Connection Application from the developer. It is likely that the establishment of a substation on the property will be required in order to provide supply to the development. It appears from the DA drawings that no space has been allocated for a substation on the site. This may need to be addressed by the developer.

- E.3 The developer shall establish all necessary easements pursuant to the provisions of Section 88B of the Conveyancing Act 1919, as amended. It is also subject to Ausgrid's Policy for ASP/1 Premises Connections, available on our website.

F. Roads and Maritime Service Requirements

- F1. The applicant shall obtain written authorisation from Roads and Maritime Service to install School Zone signs and associated pavement markings and/or remove/relocate existing Speed Limit signs. To obtain authorisation, the applicant must submit the following for review and approval by Roads and Maritime, at least six (6) weeks prior to student occupation of the site:
- a) A copy of the conditions of development consent;
 - b) The proposed school commencement/opening date; and
 - c) Two sets of detailed design plans showing the following:
 - School property boundaries
 - All adjacent road carriageways to the school property
 - All proposed school access points to the public road network and any conditions imposed/proposed on their use
 - All existing and proposed pedestrian crossing facilities on the adjacent road network
 - All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings)
 - All existing and proposed street furniture and street trees
- F2. School Zone signs and pavement marking patches must be installed in accordance with Roads and Maritime approval/authorisation, guidelines and specifications.
- F3. All School Zone signs and pavement markings must be installed prior to student occupation of the site.
- F4. All School Zone signs and pavement markings are to be installed at no expense to Roads and Maritime.
- F5. The applicant must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.
- F6. Following installation of all School Zone signs and pavement markings the applicant must arrange an inspection with Roads and Maritime for formal handover of the assets to Roads and Maritime. The installation date information must also be provided to Roads and Maritime at the same time.
- Note: Until the assets are formally handed-over and accepted by Roads and Maritime, Roads and Maritime takes no responsibility for the School Zones/assets.
- F7. All vehicles must enter and leave the site in a forward direction.
- F8. All vehicles should be wholly contained onsite before being required to stop.

- F9. Should any additional bus services be warranted to meet the additional students in the area, the existing bus zones on Miller Street shall be extended to meet the demand. The extension of signage should be implemented prior to the commencement of additional bus services. Prior to the extension of signage the applicant is to contact Roads and Maritime Network and Safety Section on (02) 8849 2295 for a Work Instruction.
- F10. The signage associated with the proposed new pedestrian crossing on Anzac Avenue has to comply with TDT 2002/12c – Stopping and parking restrictions at intersections and crossings.
- F11. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- F12. The applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- F13. Vegetation and proposed landscaping must not hinder sight lines to/from the proposed access driveway to pedestrians/and other motorists.

G. *Prior to Occupation*

Infrastructure Repair and Completion of Works

- G1. Prior to occupation of the school any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired;

To the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council upon completion of the development works and prior to occupation of the school.

- b) An appropriately qualified and practicing Civil Engineer must certify that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council, upon completion of the development works and prior to occupation of the school.

(Reason: Compliance with the Consent)

Utility Services

- G3. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

Covenant & Restriction (Stormwater Control Systems)

- G4. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form prior to occupation, providing for:
- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening the site at 2 Anzac Avenue requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
 - b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
 - c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the “Work-as-Executed” (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council’s official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration

The Instrument creating the restriction and/or covenant under s 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to occupation of the school. Typical wording for the Instrument can be sourced from Council’s “Specification for the Management of Stormwater”.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to occupation of the school.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

Noise from Plant and Equipment

G5. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
- (b) Contribute an LAeq(15min) which will cause the total LAeq(15min) noise levels from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed 55dB(A) (Day, 7am-7pm), 45dB(A) (Evening, 6pm-10pm) and 40dB(A) (Night, 10pm-7am) when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
- (c) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Control Plan of Management

G6. A noise management plan shall be prepared by a suitably experienced and qualified acoustic engineer and a copy submitted to Council prior to occupation of the premises detailing how the use of the premises shall comply with the following:

Outdoor Play Area

- (a) Up to 2 hours (total) per day - The LAeq(15 min) emitted from the outdoor play area shall not exceed the RBL by more than 10 dB at the boundary of any affected residence.

- (b) More than 2 hours per day - The Leq(15 min) emitted from the outdoor play area shall not exceed the RBL by more than 5 dB at the boundary of any affected residence.

Use of Premises by School Outside Normal School Hours

- (c) Identify that noise emission goals from designated activities such as sports carnivals, market days and performances are permitted to exceed compliance with the background + 5dB noise emission goal for a maximum 6 days per calendar year.

Community Use of Premises

- (d) Identify the activities and areas which can be used which comply with the background + 5dB noise emission goal.

Out of School Care

- (e) Identify the activities and areas which can be used which comply with the background + 5dB noise emission goal.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Accessibility Plan of Management

G7. An accessibility plan of management shall be prepared by a suitably experienced and qualified accessibility expert and a copy submitted to Council prior to occupation of the premises detailing the method of assisting the following students:

- a) Students with mobility issues who are dropped-off and picked-up at the Anzac Avenue entry by private vehicles and/or special transport; and
- b) Students with mobility issues who need to catch public transport from Miller Street

(Reason: To ensure suitable and equitable accessibility)

Operational Transport Management Plan

G8. An operational Transport Management Plan for delivery and garbage vehicles, for the proposed on-site tandem parking for staff vehicles, and for the operation of the on-site pick-up/ drop-off zone and to address pedestrian access and safety for staff and students walking to the site, shall be prepared and submitted to Council for approval by Council's Traffic Committee prior to the occupation of the school.

(Reason: To ensure vehicular and pedestrian safety)

Traffic Calming Devices

G9. The following traffic calming devices and pedestrian safety devices shall be installed prior to occupation of the school. The traffic calming devices and pedestrian safety devices should be approved by the North Sydney Traffic Committee and Council prior to installation.

- a) “Stop-Give Way to Pedestrian” signage shall be installed at the driveway exits.
- b) A 600mm wide median strip shall be provided in Anzac Avenue opposite the entrance and exit of the drop-off/pick-up bay;
- c) A raised pedestrian crossing, with kerb extensions shall be provided on the eastern side of Anzac Avenue at the school entrance;
- d) A pedestrian fence at the kerb line in Miller Street opposite the school right-of-way entrance;
- e) A speed hump to the north of the entrance to the school in Anzac Avenue; and
- f) A threshold treatment at the entrance to Anzac Avenue near its intersection with Ernest Street.

(Reason: To ensure vehicular and pedestrian safety)

Parking Sign-Posting

G10. Application shall be made to North Sydney Local Traffic Committee for approval of the following parking signage and extension of the Bus Zone in Miller Street. All approved signage shall be installed at the cost of the developer prior to occupation of the school.

- a) “No Parking 7:30am-9:30am and 2:30pm-4:30pm School Days Only” signage for the 15 parking spaces contained in the “kiss and drop” zone on the western side of Anzac Avenue.
- b) “¼ Hour Parking 7:30am-9:30am and 2:30pm-4:30pm Monday-Friday, 2 Hour Parking 9:30am-2:30pm Monday-Friday” signage for 6 of the 90 degree angle parking spaces on the eastern side of Anzac Avenue, south of the proposed pedestrian.
- c) “Bus Zone 2:30pm-4:30pm School Days Only” signage provided to an extended Bus Zone in Miller Street.
- d) Provision of parking restriction signage to the remaining parking spaces in Anzac Avenue as required by the Committee.

(Reason: To provide for adequate parking and bus access to the school)

Underground Electricity and Other Services

G11. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia.

Sydney Water

- G12.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation of the school.

Notes:

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site
www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

Damage to Adjoining Properties

- G13.** On completion of the development the subject of this consent and prior to occupation of the school, a report is to be prepared by an appropriately qualified consultant and a copy provided to Council certifying:

1. whether any damage to adjoining properties has occurred as a result of the development;
2. the nature and extent of any damage caused to the adjoining property as a result of the development;
3. the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
4. the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
5. the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the occupation of the school.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Compulsory Acquisition

- G14. The compulsory acquisition commenced by the Department of Education & Communities of the Crown Lands known as Lots 602-606, SP 752067 shall be completed prior to occupation of the school.

(Reason: To ensure legal access to the school)

Landscaping of Sound Attenuation Fences

- G15. Trees/tall shrubs shall be planted in front of the acoustic barriers/fences on the school side (or equivalent control measures) to prevent secondary noise sources from students kicking/throwing balls against the barriers/walls prior to the occupation of the school.

(Reason: To minimize noise impact to neighbours)

Sportsfield Lighting

- G16. The existing lighting for the sports grounds associated with the Anzac Club shall be removed prior to occupation of the site as a school.

(Reason: To minimize light glare on neighbours)

H. Conditions Relating to Use of the School

Hours of Operation

- H1. The hours of operation of uses other than normal school operations of the premises are restricted to:

Out of School Care

Monday to Friday during school periods: 7.30am-9am and 2.30pm-6.30pm

Monday to Friday outside of school periods; 7.30am-6.30pm

No use on weekends or public holidays

Use of Premises by School Outside Normal School Hours

Must cease by 10pm on any day and 8pm on Sundays

Must not commence prior to 9am on a Saturday or 10am on a Sunday

Events going until 10pm are limited to a maximum of 1 per calendar month

Notwithstanding the above, activities may commence from 7.30am on a Saturday for a maximum of 4 calendar days a year for special events.

Use of Premises for Community Purposes

Must not occur outside the following hours:

9am-8pm Monday to Saturday
10am-4pm Sundays
No use on public holidays

Notwithstanding the above, community groups may use the Library and Special Program Rooms only (ie no use of external spaces) up until 10pm for a maximum of 1 day per calendar month. Such use is limited to uses which do not generate any noise likely to be heard at any boundary with a residential property.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Garbage

H2. All garbage collection must be carried out wholly within the confines of the site, and outside the times of normal school operation.

(Reason: To ensure that garbage collection does not conflict with the use of the informal staff parking spaces)

Gate to Right-of-Way

H3. The gates to the right-of-way (both ends of right-of-way) shall remain locked at all times other than between 7.30am-9am and 2.30pm-6.30pm for children to come to and leave school. At all times that the gates are open, the area is to be supervised by a school representative or accompanying adult.

(Reason: To ensure the safety of children and the amenity of the neighbours)

Plans of Management

H4. The school shall be operated in accordance with the approved plans of management at all time.

(Reason: To ensure the safety of children and the amenity of the neighbours)

Removal of Trees on Public Property

H5. Permission is granted for the removal of the 3 x *Lophostemon confertus* (Brush Box) Trees growing in the verge area of Ernest Street outside the property as indicated on the approved Landscape Plan. The proposed 4 x 100 litre *Tristainia Laurina* replacement trees are to be planted along the Ernest Street frontage of the property in accordance with the approved Landscape Plan prior to the occupation of the school.

Council shall be notified by phone on 99368100 of the intention to remove the trees 24 hours prior to the activity being carried out.

(Reason: Reinstatement of lost public amenity and public awareness)

Kerry Gordon, Kerry Gordon Planning Services
CONSULTANT TOWN PLANNER
