

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

<b>JRPP No</b>	<b>2014SYW021</b>
<b>DA Number</b>	<b>367/13</b>
<b>Local Government Area</b>	<b>Ku-ring-gai Council</b>
<b>Proposed Development</b>	<b>Redevelopment of Mollie Dive Field to incorporate car parking accommodation, terrace to aquatic and fitness centre, new piazza and connecting avenue between Lang House and Goodlet House - DA0367/13 lodged pursuant to the Minister for Planning &amp; Infrastructure Concept Approval SSD 5314 MOD 1, Staged Consent to Major Works at Pymble Ladies College (Stage 2)</b>
<b>Street Address</b>	<b>20 Avon Road, Pymble</b>
<b>Applicant</b>	<b>Pymble Ladies College, David Sexton</b>
<b>Owner</b>	<b>The Uniting Church In Australia Prop Trust (NSW)</b>
<b>Number of Submissions</b>	<b>Two (2)</b>
<b>Recommendation</b>	<b>Approval</b>
<b>Report by</b>	<b>Janice Buteux-Wheeler, Senior Assessment Officer</b>

## **EXECUTIVE SUMMARY**

<b>Primary Property Lot &amp; DP</b>	20 Avon Road PYMBLE NSW 2073 Lot 5 DP 3532 Lot 1 DP 69541 Part Lot 26 DP 7131 Lot 1 DP 7131 Lot 2 DP 567503 Lot 3 to 25 DP 7131
<b>Additional Property(/ies) Lot(s) &amp; DP (s) Proposal</b>	N/A No related land Redevelopment of Mollie Dive Field to incorporate car parking accommodation, terrace to aquatic and fitness centre, new piazza and connecting avenue between Lang House and Goodlet House - DA0367/13 lodged pursuant to the Minister for Planning & Infrastructure Concept Approval SSD 5314 MOD 1, Staged Consent to Major Works at Pymble Ladies College (Stage 2)
<b>Development application no. Ward Applicant Owner</b>	DA0367/13 COMENARRA Pymble Ladies College - David Sexton The Uniting Church In Australia Prop Trust (NSW)
<b>Date lodged Issues Submissions Land &amp; Environment Court Recommendation Assessment Officer</b>	27/09/2013 Traffic, acoustic impacts, contamination Yes (2) N/A Approval Janice Buteux-Wheeler

### **LEGISLATIVE REQUIREMENTS:**

<b>Zoning</b>	SP2 Infrastructure – Educational Establishment
<b>Permissible under Relevant legislation</b>	KLEP (Local Centres) 2012 SEPP 55, SEPP Infrastructure SREP (Sydney Harbour Catchment) 2005 KLEP (Local Centres) 2012 K (Local Centres) DCP 2013 Schools Development Control Code
<b>Integrated development</b>	Yes (s100B Rural Fires Act)

## **PURPOSE FOR REPORT**

To determine development application No. 0367/13, which seeks consent for Redevelopment of Mollie Dive Field to incorporate car parking accommodation, terrace to aquatic and fitness centre, new Piazza and connecting avenue between Lang House and Goodlet House - DA0367/13 lodged pursuant to the Minister for Planning & Infrastructure Concept Approval SSD 5314 MOD 1, Staged Consent to Major Works at Pymble Ladies College (Stage 2).

The application is required to be reported to the Joint Regional Planning Panel as the stated cost of works (CIV) of \$7.7 million exceeds \$5 million and relates to an educational establishment purpose.

## **HISTORY**

### **Site history:**

The site has historically been used for educational purposes.

### **Background:**

The site is the subject of Concept Approval SSD 5314 – Staged consent to major works at Pymble Ladies College, 20 Avon Road Pymble. The combined Concept Approval and Stage 1 Consent was granted by the Department of Planning and Infrastructure on 9 July 2013.

This approval includes:

A concept proposal for the redevelopment of school facilities over four stages including:

- demolition of existing swimming pool
- construction of three new buildings on site with a combined GFA of 5596m<sup>2</sup>; including an aquatic and fitness centre, a dining and function centre, and a healthcare centre
- use of aquatic and fitness centre by school and community
- use of dining and function centre by school and community
- minor upgrade of existing Jeanette Buckham PE Centre
- relocation of existing Mollie Dive field with car parking below for 232 vehicles and removal of 36 existing car parking spaces
- landscaping and utilities
- no increase in staff or student numbers

### **Stage 1**

The approved Stage 1 works include:

- demolition of existing swimming pool

- construction of an aquatic and fitness centre
- landscaping and utilities
- relocation of existing Mollie Dive field
- use of new aquatic and fitness centre by the school and community
- minor upgrade of existing Jeanette Buckham PE Centre

Conditions A3 and A4 of the Concept Approval specify the requirement for Stages 2, 3 and 4, being generally in accordance with the concept approval, to obtain development consent.

#### SSD 5314 MOD 1: Modification of the maximum height of Mollie Dive field

The modification to raise the maximum height of the Mollie Dive field to RL119.80m AHD was approved under delegation of the Minister for Planning and Infrastructure on 15 October 2013.

#### **Development application history:**

27 September 2013	Development Application was lodged.
17 October 2013	Additional (amending) information was provided by the applicant.
27 October 2013	Letter to applicant requesting integrated development fee was sent.
1 November 2013	Application was notified/advertised for 30 days.
21 December 2013	Information request letter was sent to applicant.
2 January 2014	Bush Fire Safety Authority was provided by NSW Rural Fire Service.
27 February 2014	Amended stormwater information was provided by the applicant.
20 March 2014	Council staff briefed the Joint Regional Planning Panel.

#### **THE SITE AND SURROUNDING AREA**

##### **The site:**

Visual character study category:	1920/1945
Easements/rights of way:	No
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	Yes (1,5,11 and 19 Avon Road and 11 Arilla Road)

Bush fire prone land:	Yes (Category 1 bushfire prone vegetation and bushfire prone vegetation buffer)
Endangered species:	Yes (Blue Gum High Forest)
Urban bushland:	Yes (Sheldon Forest)
Contaminated land:	No

The site comprises an educational establishment known as Pymble Ladies College which consists of a junior school and a high school.

The site has an area of 20 hectares and comprises lots 1 DP 69451 and lots 1-26 DP 7131. Vegetation on the site includes a mixture of planted exotic trees, open lawn areas, remnant canopy trees and forest areas.

The site contains areas mapped as category 1 bushfire prone vegetation and bushfire prone vegetation buffer.

### **Surrounding development:**

The site is bounded by Avon Road to the immediate north-east and north-west. More broadly, to the north-east is the railway corridor and to the north-west are residential properties.

To the south-east of the site are residential properties with access from Pymble Avenue. To the south-west of the site is Avondale Golf Club.

## **THE PROPOSAL**

The application proposes Stage 2 works of Concept Approval SSD 5314 – Staged consent to major works at Pymble Ladies College. The works include:

### Stage 2

Redevelopment of the Mollie Dive field to raise the finished level to provide car parking for 232 vehicles, new terrace to the aquatic and fitness centre, new piazza and connecting avenue between the existing Lang House and Goodlet House. The existing at grade car park directly to the north-west of the Mollie Dive field is to be reduced in size to accommodate 36 vehicles.

The works proposed are generally consistent with the Concept Approval, with the following modifications:

- revised layout to accommodate 232 cars in compliance with AS 2890.1 2004
- revised entrance and exit locations to the car park
- revised layout of open car park in accordance with Condition B7 of the Concept Approval
- re-orientation of Mollie Dive field - moved closer to the aquatic centre by approximately 1.0m (amendment reduces volume of earthworks and retains the existing retaining wall)
- the provision of player shelters as detailed on the plans

- inclusion of feature wall with signage at the north-western corner of the car park at same height as 4m high mesh screen around the playing field
- the area and dimensions are as follows:
  - basement area - 6,660m<sup>2</sup>
  - dimensions - 100m x 64.2m
- the area at the north-eastern end of the Mollie Dive field (approved as future dining hall location) to be filled to form a grass spectator mound (clean fill used with the finished level the same as the playing field surface and grassed in the interim before Stage 3).
- two bridges connecting the spectator embankment to the field
- trees identified for removal as part of the Stage 3 works are to be removed at Stage 2

### **Amended plans and documentation received 17 October 2013**

The amended plans proposed the following changes to the application:

- Increase in the maximum height of the field from RL119.10 AHD to RL119.80 AHD

### **COMMUNITY CONSULTATION**

In accordance with the notification provisions of Ku-ring-gai Local Centres Development Control Plan, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *R. C. Morgan, 49 Avon Road, Pymble 2073*
2. *M J & W Carver, 77 Pymble Avenue, Pymble 2073*

The submissions raised the following issues:

***Concern regarding additional heavy traffic to Avon Road, with two way parking causing conflict with heavy vehicle movements, resulting in congestion, request that during the construction period parking on one side of Avon Road only be allowed***

Council's Team Leader Traffic Operations and Council's Development Assessment Engineer inspected Avon Road and determined that an appropriate parking restriction/works zone should be imposed as a condition of consent **(Condition 9)**.

***No heavy vehicle traffic prior to 7am***

A recommended condition of consent will limit work on site and deliveries to the site prior to 7am and it can be reasonably assumed that in the majority of cases heavy vehicle movements will occur after that time **(Condition 41)**.

***Safety concerns in relation to lack of footpaths in Pymble Avenue, request that PLC provide a footpath on the school side of Pymble Avenue***

The works proposed do not generate an increase in student or staff numbers, and, as such, do not generate an increase in pedestrian traffic.

The development includes changes to the arrangement and configuration of vehicle movements on site and to and from the site. These changes in traffic or vehicle movements will be confined to Avon Road. Council's Team Leader Engineering has advised that she is not aware of any existing safety issues. The provision of additional footpath works in Pymble Avenue is not directly related to the works proposed and cannot reasonably be required.

**INTERNAL REFERRALS**

**Heritage**

Council's Heritage Advisor commented on the proposal as follows:

***" Heritage status***

*The site is not listed as a heritage item and not located within a HCA.*

*The site is within the vicinity of several heritage items including; Nos 1, 11 & 19 Avon Road, and is within the vicinity of several draft items including; Nos 40 57 & 67 Avon Road and the draft Avon Road North HCA (in draft KLEP 2013).*

*Clause 5.10 of the Local Centres LEP requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage item, nearby items or conservation area concerned.*

***Comment on heritage issues***

*The proposed works are to the southern part of the school site and located a substantial distance from Avon Road. The site is screened from Avon Road and the draft item at No 40 (golf course) and No 47 Avon Road and separated from the proposed North Avon Road HCA by existing school buildings and vegetation. It is considered the proposed works would have minimal impacts on those draft items and the draft HCA.*

***Conclusion***

*From a heritage perspective there is no objection to the proposed works and no heritage conditions are considered necessary."*

**Landscaping**

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

***"Tree impacts***

*An arborist report prepared by Raintree Consulting, dated April 2013, has been submitted with the application. Tree numbers refer to this report.*

*To accommodate the works, fifty (50) trees have been approved to be removed as part of the Concept Approval. The trees required to be removed for Stage 2 have been approved to be removed within Stage 1 to allow for construction. Similarly, 14 trees required to be removed for Stage 3 are proposed to be removed within Stage 2. Trees have been identified for protection as part of the Stage 1 works and conditions requiring tree protection plan in accordance with a tree protection plan has been included in the Stage 1 conditions of consent. Similar conditions will be applied to the Stage 2 works.*

### **Landscape plan**

*The landscape design for Stage 2 is to be generally consistent with the approved landscape plan Landscape Concept, 11 October 2011, Taylor Brammer Landscape Architects (Condition A4 and A5 of Part A of Schedule 2, Concept Approval SSD 5314 MOD 1, Staged Consent to Major Works at Pymble Ladies College (Stage 2)).*

*The SOEE includes a Schedule of Changes which includes*

- revised entrance and exit to the carpark,*
- revised layout of open carpark,*
- new 4m high feature wall and signage at the north-western corner of the car park*
- creation of a grassed mound at the northeast end of the Mollie Dive Field, having the same finished level as the playing field surface and two bridges connecting the grassed area to the playing field*
- removal of trees required for Stage 3 to be removed at this stage*

*A landscape plan of the Stage 2 works, prepared by Taylor Brammer, dated 18/09/13, has been submitted. The landscape plan includes detailed landscape plans identifying vegetation to be removed and the location of any additional landscaping as required by Condition B5 or Part A or Schedule 2.*

*The plan incorporates the proposed modifications to the concept approval as listed in the Schedule of Changes.*

### **Conclusion**

*The proposal is supported, subject to conditions.”*

## **Ecology**

Council's Ecological Assessment Officer commented on the proposal as follows:

*“A watercourse is located along the northern boundary of the School adjacent to Avon Road. The remnant native vegetation within the watercourse and within the School grounds comprises Blue Gum High Forest (BGHF) a Critically Endangered Ecological Community (CEEC) listed under the Threatened Species Conservation Act 1995.*

*The BGHF within the watercourse contains significant weed blooms intermixed within native species. Weed management is currently being undertaken within the watercourse by a bush regeneration company.*



*The area of vegetation proposed to be removed as result of the proposal is mostly planted trees within an exotic understorey. Planted native trees include Eucalyptus saligna (Sydney Blue Gum) & Eucalyptus microcorys (Tallowood).*

*As no areas of Blue Gum High Forest are proposed to be removed as part of the proposal, no 7-part test (impact assessment) in accordance with section 5a of the Environmental Planning & Assessment Act 1979 is warranted.*

*A vegetation management plan (VMP) has been prepared by Footprint Green for a small area of land on the northern side of the proposed development. The implementation of the VMP will enhance a small area of critically endangered Blue Gum High Forest.*

### **Conclusion**

*The application is supported on ecological grounds with conditions. (Conditions 2, 5 and 59)"*

## **Engineering**

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

### **"Stormwater disposal**

*The stormwater disposal system and treatment of stormwater drainage is a combination of Stages 1 and 2 works assessed in accordance with the requirements of Ku-ring-gai Local Centres DCP Volume C Part 4 'Water Management'.*

*An existing OSD tank, located within the existing maintenance shed, currently drains the wider PLC site. For design purposes, the sizing of the new detention facility is calculated based on the total site catchment rather than the new works in isolation. As a result, the total storage required is approximately 642m<sup>3</sup>. From existing drawings obtained by the consulting engineers, the existing OSD tank has been calculated to have an existing storage of 505m<sup>3</sup> therefore requiring 137m<sup>3</sup> of additional site storage.*

*The design provides for a surface detention in the order of 100m<sup>3</sup> located in the corner of the Mollie Dive carpark with the overflow connected to the existing stormwater drainage network. The ponding depth for the surface detention has been restricted to less than 150mm. The remaining 37m<sup>3</sup> will be stored within the existing tennis court which will require a new bund wall of maximum height 300mm around the court to contain ponding.*

*"Water quality measures were determined using MUSIC modelling software as required in Part 4B.6 Water Management of KDCP 2013. As part of the assessment, the playing fields and the terrace areas are designed to drain to the treatment device (Rocla CDS) whereas the landscaped area for Stage 2 will be bypassed due to existing site constraints and services.*

*The targets for pollution reduction outlined within the DCP have only been satisfied for gross pollutants. The amount of variation between the required target for Nitrogen and Phosphorous outlined in the DCP and the*

values calculated for Nitrogen and Phosphorous is minimal and considered to be acceptable. Given the nature of the site being predominately roof and impervious areas, there would be no scope for adopting treatment measures such as bioretention or the like.

In summary, the Stage 2 works of terraces and playing fields all drain to a detention system and drain to a GPT unit, with the exception of the landscaped area and aquatic centre (Stage 1 works) that connects into the existing stormwater network. The point of discharge of the existing stormwater system is to be directed to an open swale with headwall within the site's boundary, which is acceptable. The design in principle deals appropriately with on-site detention and water quality measures and are in line with the objectives of Ku-ring-gai Local Centres DCP Volume C Part 4 'Water Management'.

It will be conditioned that the stormwater plans are to include cross sections of the on-site stormwater detention system, including orifice size and to show location, size, invert level and surface levels of the pits along with the location and size of all pipes entering and leaving the pits.

#### **Traffic & parking assessment**

A Stage 2 report has been submitted summarising the traffic and parking aspects for car parking during Stage 2, parking provisions, access arrangements, internal circulation and servicing. The proposed works do not result in an increase in student and staff numbers at the college.

The proposal involves a new sports field with 232 parking spaces located under the field together with a reduction of the adjacent existing at-grade car park from 57 spaces to 36 spaces, to accommodate separate entry and exit driveways of 5m in width.

The parking provisions of Ku-ring-gai Local Centres DCP Volume C Part 2R.2 'Car Parking Rates' are as follows:

- 1 space per full time employee
- 1 space per 8 year 12 students

According to the traffic report, there are 250 students in year 12 with some 300 staff, comprising permanent/part-time teaching and administration present on any given day. The number of parking spaces required would be in the order of 335 spaces. The total parking on the college premises including the new car park beneath the sports field is some 470 spaces. The overall parking spaces are well in excess of Council's minimum parking requirements.

The car park also allows on-site provision for maintenance vehicles / service deliveries to cater for the aquatic centre and fitness centre. Similarly, a loading area has been provided to accommodate small commercial vehicles and small rigid trucks. A 3.6m head clearance has been provided.

The proposed access arrangement, circulation aisle, parking space dimension including disabled space dimensions and height clearances are compliant with the requirements of the Australian Standards for Off-

*street car parking facilities AS2890.1:2004 and for Off-street parking for people with disabilities AS2890.6:2009.*

*The traffic generation will be unchanged from the approved Masterplan and Stage 1 and will remain in force during Stage 2 construction with the exception of the new carpark resulting in the redistribution of traffic.*

#### **Construction management**

*The Construction & Traffic Management Plan (CTMP) has been prepared with the intention of both Stages 1 and 2 being constructed as one project. The CTMP submitted is acceptable for DA purposes, however, based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site. This is conditioned.*

*The CTMP should include all swept paths for the heavy rigid vehicles (HRV) entering and exiting the site in a forward manner, site entry points and any tree protection fencing. Furthermore, a detailed Traffic Control Plan (TCP) will need to show traffic controllers at the entry/exit points and all relevant signage as per the RMS 'Guide to Traffic Generating Developments'.*

#### **Conclusion**

*From an engineering perspective, there are no objections to approval of this application, subject to conditions of consent."*

### **Building**

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

*" Class 7a Carpark  
Type C construction*

*The proposed building design complies in general with the Building Code of Australia (BCA) requirements. Detailed BCA assessment will be undertaken by the Principal Certifying Authority at the CC assessment stage. Conditions requiring compliance with the BCA and the furnishing of a copy of a fire safety certificate have been recommended.  
**(Conditions 40 and 72)"***

### **Health**

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

*"I have noted the letter from Vipac dated 26 September 2013 which indicates that there are no significant changes to the Final Stage 2 design that are likely to affect the outcome of the existing report by Vipac in August 2012 and the existing report is considered sufficient with this submission. I have not viewed the original report and understand it would have been considered in the original consent process. Conditions of consent are recommended **(Conditions 18, 26, 35, 60, 61, 62, 64, and 74).**"*

Planner's comment: The Vipac report, dated August 2012, was submitted with the Development Application. This report details the noise criteria to be met with regard to mitigation of mechanical plant noise impacts from use of the hockey field and car park. The supplementary report, dated September 2013, clarifies that no specific design changes are required in order to allow the development to meet the criteria set in the earlier report.

The subject development application includes a Construction Noise and Vibration Impact Assessment Report. The report identifies potential construction noise and vibration impacts to nearby sensitive receptors. The report provides recommendations to manage noise and vibration impacts. Ongoing vibration monitoring and dilapidation reports for nearby properties will be required (**Condition 18, 22, 26, 42, 60, 61, 62, and 64**).

## **EXTERNAL REFERRALS**

### **Rural Fire Services**

Under the provisions of section 91 of the Environmental Planning and Assessment Act 1979, the proposal is Integrated Development. On the basis that a bush fire safety authority from the Commissioner of the NSW Rural Fire Service is required under the provisions of s.100B of the Rural Fires Act 1997, due to the proposal relating to a special fire protection purpose (school) over bush fire prone land.

Accordingly, the development has been referred to the Commissioner of the NSW Rural Fire Service. A bush fire safety authority as required under section 100B of the Rural Fires Act 1997 was issued on 2 January 2014, without any specific conditions.

### **Roads and Maritime Services**

The application was referred to Roads and Maritime Services (RMS) as the application includes the provision of a large number of parking spaces. In response, the RMS raised no objection.

## **STATUTORY PROVISIONS**

### **State Environmental Planning Policy No. 55 - Remediation of Land**

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of use for the purpose of an educational establishment.

In accordance with the requirements of Condition B12 of Concept Approval SSD5314 (MOD1), a Phase 2 environmental site audit prepared by EIS has been submitted with the development application for Stage 2 works. The stage 2 environmental site audit concludes:

*“Based on the results of the preliminary Stage 2 Environmental Site Assessment, EIS consider the site (Stage 2 and Stage 3 works areas) to be suitable for the proposed development.”*

Compliance with the recommendations of the Phase 2 environmental site audit has been required as a condition of consent (**Condition 1**).

### **State Environmental Planning Policy (State and Regional Development) 2011**

The development at Pymble Ladies College is state significant development under the provisions of State Environmental Planning Policy (State and Regional Development) 2011. A concept approval (Concept Approval SSD 5314) including consent for stage 1 works was issued by the Department of Planning and Infrastructure on 9 July 2013.

### **State Environmental Planning Policy (Infrastructure) 2007**

The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 as the development is an educational establishment that proposes use of its facilities for community purposes. Under the provisions of Clause 28(3), the subject development may be used for a community purpose, with consent.

Clause 32 specifies considerations for a consent authority in determining a Development Application, including consideration of the School Facilities Standards (landscape, design and specification). These standards provide construction level detailed design criteria for school development. The proposal is considered satisfactory to the extent that may be applied for Development Application purposes, with additional detail to be provided prior to issue of a Construction Certificate (**Condition 19**).

### **State Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal will not detract from the scenic qualities of nearby watercourses and includes a storm water management system that has been designed to ensure environmental protection. The proposal is considered to meet the requirements of the SREP.

### **Concept Approval SSD5314 (MOD1)**

The function of the Concept Approval is to give in-principle approval for the redevelopment of school facilities in association with Pymble Ladies College. The approval provides certainty and direction with regard to the redevelopment potential of the site and guides further considerations to be made and addressed in order to realise the development envisaged under the Concept Approval.

The Concept Approval requires that the final composition of the development be generally consistent with the terms of the Concept Approval as well as the preparation of specific management plans and supporting documentation. The following conditions of the Concept Approval (as modified) are relevant to the assessment of this application:

**A1. Development description**

*Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and the conditions contained in this development consent.*

**A3. Determination of future applications**

*In accordance with section 83B(3)(a) of the EP&A Act, stage 2,3 and 4 of the 'concept proposal' are to be the subject of future development application(s).*

**A4. Determination of future applications**

*The determination of the future stage 2,3 and 4 development application(s) are to be generally consistent with the terms of this development consent as described in Schedule 1, Condition A5 of Part A of Schedule 2, and subject to the conditions in Part B in Schedule 2.*

The Development Application that proposes redevelopment of the Mollie Dive hockey field and associated car parking within this part of the site is consistent with the scheme approved as part of the Concept Plan, with the proposed location of the work and height of the field being generally consistent with the built form envisaged for the site.

**A5. Development in accordance with plans and documentation**

*The applicant shall carry out the development generally in accordance with the:*

- a) Environmental Impact Statement, as amended by the Response to Submissions; and*
- b) Following drawings, except for:*
  - i. Any modifications with are 'Exempt ' or 'Complying Development'; and*
  - ii. Otherwise provided by the conditions of this consent.*

The content of the application made to Council has been considered against the plans and associated documentation listed within Condition A5.

**A10. Car parking**

*This approval includes an increase in car parking across the school campus from an existing 275 spaces to 471 spaces in concept (increase of 196 spaces), as follows:*

- a) an additional 232 car paces below the Mollie Dive field; and*

**b) removal/demolition of 36 existing car spaces**

The proposed development includes 232 car spaces beneath the Mollie Dive field and the modification of the existing at grade Mollie Dive field car park to reduce the number of parking spaces from 57 spaces to 21 spaces, a reduction of 36 spaces.

**B3. Building design**

*The Mollie Dive field is only to be raised to a maximum height of RL 119.80 metres AHD as illustrated on the approved plans referenced in Condition A5 of Part A of Schedule 2.*

The height of the Mollie Dive playing field varies between RL 118.6 AHD and RL 119.8 AHD. As such, the development is compliant with this condition.

**B5. Landscaping**

*All future development applications for Stages 2, 3 and 4 must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of any additional landscaping, and must be generally in accordance with the approved landscape concept in Condition A5 of Part A of Schedule 2. The detailed landscape plans should include relevant details of the species to be used in the various landscapes areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plantings, and other soft and hard landscape treatments, including any pavement areas and modular and sculptural seating.*

A landscape plan that addresses the above requirement has been submitted with the development application. The submitted landscape plan has been reviewed by Council's Landscape Development Officer who found the application to be acceptable in this regard.

**B7. Traffic and car parking**

*In the future development application for the raising of the Mollie Dive Field and provision of car 232 car parking spaces below (Stage 2), the existing bitumen car park directly to the north-west of the Mollie Dive Field can be reduced in capacity from 57 spaces to 36 spaces.*

The proposed development includes 232 car spaces beneath the Mollie Dive field and the modification of the existing at grade Mollie Dive field car park to reduce the number of parking spaces from 57 spaces to 21 spaces, a reduction of 36 spaces.

**B9. Noise**

*All future development applications for new buildings shall detail any noise mitigation measures associated with mechanical plant, and demonstrate that any noise generated from mechanical plant will comply with the noise criteria*

*established in Acoustic Impact Study report prepared by Vipac dated 31 August 2012.*

The subject development application relies upon the report prepared by Vipac (August 2012) in relation to Stage 1 works. A supplementary letter by Vipac indicates the development does not require any significant amendment to meet the criteria detailed in the Acoustic Impact Study prepared by Vipac dated 31 August 2012. Council's Environmental Health Officer has reviewed the application and has provided conditions of consent (**Conditions 18, 26, 35, 60, 61, 62, 64, and 74**).

#### **B10. Noise**

*All future development applications for new buildings shall consider potential noise impacts on adjoining residences, including noise generated from student and staff activities and the wider school community uses of buildings. All future development applications shall demonstrate that the amenity of surrounding residences will be protected.*

The subject development application relies upon the report prepared by Vipac (August 2012) in relation to Stage 1 works. This report makes an assessment of the existing noise impacts of the hockey field and an assessment of the likely impacts as a result of the raised hockey field. The report also includes an assessment of the noise impacts resulting from the use of the new car park. A supplementary letter by Vipac indicates the development does not require any significant amendment to meet the criteria detailed in the Acoustic Impact Study prepared by Vipac, dated 31 August 2012. Council's Environmental Health Officer has reviewed the application and has provided conditions of consent (**Conditions 18, 26, 35, 60, 61, 62, 64, and 74**).

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#### **B11. Noise**

*All future development applications shall be accompanied by a construction noise and vibration assessment, which shall detail any mitigations measures to ensure the amenity of adjoining residential development is protected throughout the construction period.*

The subject development application includes a Construction Noise and Vibration Impact Assessment Report. The report identifies potential construction noise and vibration impacts to nearby sensitive receptors. The report provides recommendations to manage noise and vibration impacts. Ongoing vibration monitoring and dilapidation reports for nearby properties will be required (**Condition 18, 23, 42 and 63**).

#### **B12. Contamination**

*All future development applications for Stages 2, 3 and 4 are to include detailed Phase 2 contamination assessments of the site area for the respective stage (including detailed soil sampling investigations) to assess the*



*likelihood of soil or groundwater contamination being present at the site. Should the detailed contamination assessments identify a need to undertake remediation to render the site suitable for its future use, the future applications should be accompanied by a Remediation Action Plan which addresses the requirements of State Environmental Planning Policy No. 55 — Remediation of Land and Managing Land, Contamination: Planning Guidelines - SEPP 55 Remediation of Land (Department of Urban Affairs and Planning, 2008).*

A Stage 2 preliminary environmental site assessment has been provided by the applicant. The assessment concludes that the areas of the site that are the subject of Stage 2 and Stage 3 works are suitable for the proposed uses, and do not require remediation.

## **Ku-ring-gai Local Environmental Plan (Local Centres) 2012**

### **Part 2: Objectives of zone**

The site is zoned SP2 Educational Establishment under the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The objectives of the SP2 zoning are:

- *to provide for infrastructure and related uses*
- *to prevent development that is not compatible with or that may detract from the provision of infrastructure*

The development as proposed, being the provision parking and sporting facilities related to the existing school use, is consistent with the aims and objectives of the SP2 Educational Establishment zoning of the site.

### **Part 2: Permissibility**

The existing Pymble Ladies College school use is a permissible use in this zoning. The proposed development for the purposes of a hockey field and parking in conjunction with the school use is considered to be development that is ancillary to the use of the school and, as such, is permissible within the zone.

### **Part 6: Additional local provisions**

Part 6 of the KLEP (LC) includes additional local provisions applicable to the development proposed.

#### **6.1 Earthworks**

The development involves excavation to a depth of 1.5 metres to facilitate construction of the car park. The excavated soil shall be used for landscape mounding (fill) to RL119.1 at the north-eastern side of the car park and hockey field. The proposed earthworks will not have a detrimental impact on

environmental functions and processes, neighbouring uses, cultural items, heritage items or features of the surrounding land and in this regard is consistent with the objectives of Clause 6.1(1) of the KLEP (LC).

Clause 6.1(3) specifies development considerations to be satisfied before granting development consent. As far as may be applied to development for the purposes of the proposed Stage 2 work, the proposal is considered satisfactory in terms of:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development*
- (b) the effect of the development on the likely future use or redevelopment of the land*
- (c) the quality of the fill or the soil to be excavated, or both*
- (d) the effect of the development on the existing and likely amenity of adjoining properties*
- (e) the source of any fill material and the destination of any excavated material*
- (f) the likelihood of disturbing relics*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*

## **6.2 Stormwater and water sensitive urban design**

The development minimises the adverse impacts of urban stormwater on the land on which it is to be carried out, adjoining properties, native bushland, waterways and groundwater systems and, in this regard, is consistent with the objectives of Clause 6.2(1) of the KLEP (LC).

Clause 6.2(2) specifies development considerations to be satisfied before granting development consent. The storm water management has been assessed by Council's Development Engineer. As far as may be applied to development for the purposes of the proposed Stage 2 work, the proposal is considered satisfactory in terms of:

- (a) water sensitive urban design principles are incorporated into the design of the development*
- (b) riparian, stormwater and flooding measures are integrated*
- (c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land on which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems*
- (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems*

## **6.3 Biodiversity protection**

This clause applies to land identified as “Areas of Biodiversity Significance” on the Natural Resource—Biodiversity Map. The subject site is mapped as an area of biodiversity significance. The development includes vegetation management of an area of weed infested blue gum high forest. In this regard, the development will: protect biological diversity of native fauna and flora and the ecological processes necessary for their continued existence; encourage the recovery of threatened species, communities, populations and their habitats; and protect, restore and enhance biodiversity corridors. In this regard, the development is consistent with the objectives of Clause 6.3(1) of the KLEP (LC).

Council's Ecological Assessment Officer supports the proposal, subject to conditions. The impact of the proposal is acceptable in relation to measures to be undertaken to ameliorate any potential adverse environmental impact and any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.

#### **6.4 Riparian land and waterways**

This clause applies to land identified as “Riparian Land” on the Natural Resource—Riparian Lands Map. The subject site is mapped as Riparian Land Category 3 and Category 3a. The development includes vegetation management of riparian areas. In this regard, the development will meet the objectives of the clause.

Clause 6.4(4) specifies development considerations to be satisfied before granting development consent. The stormwater management has been assessed by Council's Development Engineer and is considered acceptable in terms of water quality. As far as may be applied to development for the purposes of the proposed Stage 2 work, the proposal is considered satisfactory in that it:

- (a) integrates riparian, stormwater and flooding measures, and*
- (b) is sited, designed and managed to avoid potential adverse environmental impacts*

### **POLICY PROVISIONS**

#### **Ku-ring-gai Local Centres Development Control Plan 2013**

##### **Volume C:**

##### **Part 2 Access and parking**

#### **2.1 Equitable access**

The application includes an Access for People with a Disability - Capability Statement prepared by Cheung Access. The report concludes:

*“the proposed design of Stage 2 Mollie Dive Playing Field and Carpark has the capacity to comply with disability access provisions contained within the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 and Part D3 of the BCA 2013. This will be achieved through compliance with the Deemed-to-Satisfy (DtS) provisions which meet the BCA Performance Requirements for Access for People with a Disability.”*

In this regard, the application is considered satisfactory with regard to the requirements of the *Disability Discrimination Act 1992 (DDA)*.

The application is considered to meet the objectives of Part 2.1 Equitable access provisions of the DCP.

## **2.2 Vehicle access**

The application includes a Traffic Statement prepared by Colston Budd Hunt & Kafes Pty Ltd. The report concludes:

*“In summary, the main points relating to the proposed new car park and Mollie Dive playing field are as follows:*  
*i) the proposed facility will not result in an increase in student and staff numbers at the college;*  
*ii) parking provision is considered appropriate;*  
*iii) access, internal circulation and servicing arrangements have been designed in accordance with Australian Standards;*  
*iv) the proposed facility will not result in an increase in traffic generation. However, the new car park will result in the redistribution of traffic;*  
*v) the surrounding road network, including intersections in the vicinity of the site, will be able to cater for the redistributed traffic.”*

Appropriate vehicular access has been provided as part of the application. The application is considered to meet the objectives of Part 2.2 Vehicle access provisions of the DCP.

## **2.5 Parking for people with a disability**

The application includes an Access for People with a Disability - Capability Statement prepared by Cheung Access. The report concludes:

*“the proposed design of Stage 2 Mollie Dive Playing Field and Carpark has the capacity to comply with disability access provisions contained within the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 and Part D3 of the BCA 2013. This will be achieved through compliance with the Deemed-to-Satisfy (DTS) provisions which meet the BCA Performance Requirements for Access for People with a Disability.”*

In this regard, the application is considered satisfactory with regard to the requirements of the *Disability Discrimination Act 1992 (DDA)*.

The application provides well designed, clearly identified and accessible car parking spaces for people with disabilities and is considered to meet the objectives of Part 2.5 Parking for people with a disability provisions of the DCP.

## **2.6 Pedestrian movement within car parks**

Appropriate accessible pedestrian pathways have been provided as part of the application. Appropriate management of potential conflicts between pedestrian and vehicular traffic within the site shall be provided, with pedestrian fencing and pedestrian crossings required via a condition of consent (**Condition 25**).

The application is considered to meet the objectives of Part 2.6 Pedestrian movement within car parks provisions of the DCP.

## **Part 3 Building Design and Sustainability**

### **Green buildings and social impact**

The application includes Ecologically Sustainable Design Statement prepared by PMDL Architecture. The report concludes:

*“The carpark and field been designed using the four main principles of ecologically sustainable development as a guide for determining siting, size, orientation, form, fabric, servicing and operation.”*

The application is considered to meet the objectives for the provision of green buildings. A social impact assessment is not considered warranted.

### **3.3 Building services**

The provision of services in association with the car park has been integrated into the design, and ensuring adequate clearance heights. The provision of associated mechanical servicing and plant has been assessed with regard to amenity impacts to nearby residences, and is considered acceptable, subject to conditions of consent (**Conditions 32 and 37**).

### **3.4 Waste management**

The application includes an Operational Waste Management Statement prepared by PMDL Architecture. The application does not significantly alter the existing waste generated by the school use. The statement provides detail with regard to separation and collection of different types of waste. The traffic statement provided with the application indicates that the access to the loading dock area is sufficient in height and dimension to support small rigid truck movements.

The application is considered to meet the relevant objectives of Part 3.4 Waste management provisions of the DCP.

### **3.5 Acoustic privacy**

The subject development application relies upon the report prepared by Vipac (August 2012) in relation to Stage 1 works. This report makes an assessment of the existing noise impacts of the hockey field and an assessment of the likely impacts as a result of the raised hockey field. The report also includes an assessment of the noise impacts resulting from the use of the new car park. A supplementary letter by Vipac indicates the development does not require any significant amendment to meet the criteria detailed in the Acoustic Impact Study, prepared by Vipac and dated 31 August 2012. Council's Environmental Health Officer has reviewed the application and has provided appropriate conditions of consent (**Conditions 18, 27, 35, 60, 61, 62, 63, 64, and 74**).

### **3.6 Visual privacy**

An assessment of the application has been made in relation to visual privacy impacts to adjoining properties. It is considered that the application will not result in a substantial change to the existing privacy amenity enjoyed by surrounding land uses. The proposal is located centrally within the curtilage of Pymble Ladies College and is predominantly shielded from view from both the public domain and private properties by existing buildings on the site. The development is considered acceptable with regard to visual privacy impacts.

No sportsground lighting has been proposed. As such, visual amenity impacts in relation to spill lighting are considered to be not significant, given the proximity of the car park and hockey field to neighbouring properties. All external lighting shall be managed through compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting (**Condition 22, 73**).

### **3.7 Materials, finishes and colours**

To the extent that they may be applied, the application is acceptable against the provisions of DCP with regards to material selection. Further detail is to be provided prior to the issue of a Construction Certificate (**Condition 21**).

## **Part 4 Water management**

Council's Development Engineer is satisfied that the proposed development has been designed to control stormwater run-off as per the requirements of the DCP.

## **Part 5 Notification**

The application has been notified in accordance with the requirements of the DCP. Two submissions were received and the issues raised are addressed above.

## **Section 94 Development Contributions Plan 2010**

The Concept Approval did not impose conditions relating to the payment of s94 contributions.

Having regard for the Ku-ring-gai Contributions Plan 2010 and upon consultation with Council's Infrastructure Co-ordinator, it is considered that the development does not generate a requirement for payment of s94 contributions for the following reasons:

- the proposed work involve the redevelopment of existing infrastructure in association with an educational establishment (Pymble Ladies College)
- the proposal does not include an increase to the student or staff population at the school
- there is no significant increase in traffic generation
- under the provisions of SEPP Infrastructure, the proposal includes the use of the facility as a community facility

### **LIKELY IMPACTS**

As indicated in the above assessment, the proposed development is assessed as having an acceptable environmental impact upon the surrounding natural, social, economic and built environments, particularly given its association with the Concept Approval which gave in principal approval to the site's redevelopment in the manner proposed.

### **SUITABILITY OF THE SITE**

The site is considered to be suitable for the proposed development.

### **ANY SUBMISSIONS**

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

### **PUBLIC INTEREST**

Approval of the application is considered to be in the public interest.

### **CONCLUSION**

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

### **RECOMMENDATION**

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

THAT the Sydney West Joint Regional Planning Panel, as the consent

authority, grant development consent to DA0367/13 for Redevelopment of Mollie Dive Field to incorporate car parking accommodation, terrace to aquatic and fitness centre, new piazza and connecting avenue between Lang House and Goodlet House, pursuant to the Minister for Planning & Infrastructure Concept Approval SSD 5314 MOD 1, Staged Consent to Major Works at Pymble Ladies College (Stage 2) on land at 20 Avon Road, Pymble for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

# **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

## **1. Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA Landscape Plan 11-106s LA01 Revision A	Taylor Brammer Landscape Architects Pty Ltd	26.09.13
Stage 1 Landscape Details and Section 11-106s LA02 Revision P1	Taylor Brammer Landscape Architects Pty Ltd	20.09.13
Locality and Site Plans 2350 DA000 Issue A	PMDL Architecture	26.09.13
Site Plan – Carpark Surrounds 2350 DA101 Issue A	PMDL Architecture	26.09.13
Plan Carpark Level 2350 DA102 Issue A	PMDL Architecture	26.09.13
Plan Playing Field Level 2350 DA103 Issue B	PMDL Architecture	08.10.13
Carpark Elevations and Section 2350 DA201 Issue B	PMDL Architecture	08.10.13
Vegetation Management Plan VMPC 2.01 Rev 0.2	Footprint Green	13.08.13
Hydraulic Services Sediment and Erosion Control Plan 30442 H06 Issue A	Sydney All Services Pty Ltd	03.07.12
Hydraulic Services Specification 30442 H05 Issue D	Sydney All Services Pty Ltd	03.07.12
First Level Plan Gravity and Pressure Services 30442 H04 Issue A	Sydney All Services Pty Ltd	03.07.12
Ground Level Plan Gravity and	Sydney All Services Pty Ltd	18.10.13



Pressure Services 30442 H03 Issue B		
Lower Ground Level Plan Gravity and Pressure Services 30442 H02 Issue B	Sydney All Services Pty Ltd	18.10.13

<b>Document(s)</b>	<b>Dated</b>
ViPAC Construction Noise and Vibration Impact Assessment prepared by ViPAC	10 March 2014
ViPAC Masterplan Acoustic Impact Study 20C-12-0186-TRP-266499-2 Pymble Ladies College, Aquatic & Fitness Centre	31 August 2012
On-site Detention and Water Quality Strategy	27 February 2014
Waste Management Plan	16-09-2013
Operational Waste Management	16-09-2013
Preliminary Stage 2 Environmental Site Assessment (EIS Environmental Investigation Services)	25 October 2013
Bushfire Hazard Assessment Report 120083 (Building Code and Bushfire Hazard Solutions Pty Ltd)	17 August 2012
Arboricultural Assessment and Development Impact Report (RainTree Consulting)	April 2013
Access for people with a disability capability statement (cheung access)	25 September 2013
BCA statement – correspondence (Mckenzie group)	23 September 2013
Traffic statement – correspondence (Colston Budd Hunt & Kafes Pty Ltd)	23 September 2013

**Reason:** To ensure that the development is in accordance with the determination.

## **2. Approved environmental plan/report**

Environmental site works shall be carried out in accordance with the following report/plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Prepared by</b>	<b>Dated</b>
VMPC 2.01 Rev 0.2 Vegetation Management Plan	Footprint Green	13.08.2013

**Reason:** To ensure the protection and enhancement of the biodiversity values of the site.

## **3. Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

#### **4. No demolition of extra fabric**

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the development consent.

### **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

#### **5. Fauna protection**

Prior to tree removal, three nest boxes are to be installed within close proximity to the area in which tree removal is being undertaken. One microchiropteran bat box, one small bird box and one medium mammal box are to be installed within indigenous trees to be retained within the site.

Prior to works commencing and/or tree removal works, a qualified ecologist shall investigate trees for fauna occupation. The ecologist shall supervise the relocation of any fauna found within the trees into the installed nest boxes in accordance with appropriate licensing requirements.

The qualified ecologist must hold an Animal Ethics Permit from the Department of Industry & Investment and a wildlife licence under section 132C of the *National Parks and Wildlife Act 1974* issued by the Office of Environment & Heritage. Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Private Certifying Authority with a copy to Council prior to the trees being removed.

**Reason:** To ensure the protection of fauna species.

#### **6. Asbestos works**

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

**Reason:** To ensure public safety.

#### **7. Preparation of tree protection plan**

Prior to the commencement of works, the appointed project arborist is to prepare a tree protection plan incorporating suitable tree protection measures for the full term of construction in accordance with the arborist report prepared by Raintree Consulting dated April 2013. These measures are to be implemented to the satisfaction of the project arborist and the Certifying Authority prior to the commencement of works. The project arborist must provide a written statement to the Certifying Authority prior to the commencement of work on site to verify the protection measures (including fencing, ground protection and signage) have been installed to his/her satisfaction. The project arborist must inspect the protection measures on a regular basis throughout the construction period to ensure that the health of all trees on site are not being compromised due to construction activity.

**Reason:** To protect existing trees during the construction phase.

## **8. Notice of commencement**

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

**Reason:** Statutory requirement.

## **9. Notification of builder's details**

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

## **10. Construction and traffic management plan**

The applicant must submit to Council a Construction Traffic Management Plan (TMP), which is to be approved prior to the commencement of any works on site.

The plan is to consist of a report with traffic control plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The TMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 12.5 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory TMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved TMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

## **11. Work zone / parking restrictions**

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the Work Zone and temporary 'No Stopping' restrictions in Avon Road as follows:

1. A 33m long 'Works Zone' be introduced near the school Entry/Exit at the bottom end of Avon Road.
2. Sections of 'No Stopping 7am-5pm Mon-Fri; 8am-12pm Sat' restrictions be introduced on both sides of Avon Road as per the above plan.
3. Existing part-time 'No Stopping 7.30am-9am; 2.30pm-4pm School Days' restrictions on both sides of Avon Road near the school Gate be replaced with 'No Stopping 7am-5pm Mon-Fri; 8am-12pm Sat' restrictions.

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. Work 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.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

**Reason:** To ensure that appropriate measures have been made for the operation of the site during the construction phase.

## **12. Temporary construction exit**

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

**Reason:** To reduce or eliminate the transport of sediment from the construction site onto public roads.

## **13. Sediment controls**

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

## **14. Tree protection**

All trees on the subject site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures in

accordance with AS4970-2009 Protection of trees on development sites or as necessary to provide protection, trunks and branches, during construction.

**Reason:** To protect existing trees during the construction phase.

#### **15. Tree protective fencing type galvanised mesh**

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

**Reason:** To protect existing trees during construction phase.

#### **16. Tree protection signage**

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

#### **17. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

#### **18. Noise and vibration management plan**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to achieve the best

practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

**Reason:** To protect the amenity afforded to surrounding residents during the construction process.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

### **19. School facilities standards (Stage 2)**

Pursuant to Clause 32 of SEPP (Infrastructure) 2007, the relevant school facilities standards must be addressed by a suitably qualified consultant including a detailed report in response to the provisions, providing an assessment of Stage 2 against the relevant standards. The report must be to the satisfaction of the principal certifying authority prior to the issue of any Construction Certificate.

**Reason:** Statutory requirement.

## **20. Structural details**

Prior to the issue of a relevant Construction Certificate, the applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising structural engineer that demonstrate compliance with:

- a) the relevant clauses of the BCA; and
- b) the development consent.

**Reason:** Structural adequacy.

## **21. Materials of construction and reflectivity**

The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

A schedule of materials indicating the materials and colour palette of the façade shall be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate. The colour palette shall consist natural colour tones with minimal colour intensity (hue). Large expanses of bold colour, black or white are not permitted.

**Reason:** To safeguard neighbourhood amenity.

## **22. Outdoor lighting**

All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. No consent for sportsground lighting is given under this consent.

**Reason:** Neighbourhood amenity.

## **23. Pre-construction dilapidation reports (buildings)**

The applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of, buildings on privately affected land shall include details of the whole building where only



part of the building may fall Within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate. A copy of the report is also to be forwarded to the Council.

**Reason:** Safety and protection of property.

#### **24. Pre-construction dilapidation reports (public infrastructure)**

Prior to the issue of the first Construction Certificate, a dilapidation report on the visible and structural condition of all structures of the following public infrastructure shall be prepared and submitted to Council:

- a) Avon Road;
- b) Everton Street; and
- c) Livingstone Avenue from Everton Street to Pacific Highway.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To record the structural condition of public infrastructure before works commence.

#### **25. Traffic and pedestrian management plan**

Prior to the commencement of any Stage 2 works, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA.

The plan shall address pedestrian and traffic management methods to avoid conflict between vehicle movements and pedestrians for the construction period, and ongoing management at completion of the works. In particular, appropriately located pedestrian management fencing and pedestrian crossings shall be provided for the vehicular accessway to the car park under Mollie Dive Field, and shall be located for the safe movement of pedestrians within the school grounds.

The plan shall be complied with at all times.

**Reason:** Pedestrian safety.

## **26. Construction noise management**

The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) and the construction noise management levels detailed in the Acoustic Impact Study prepared by Vipac, dated 31/08/2012 and submitted with the Environmental Impact Statement. All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours, unless otherwise approved in the Construction Noise and Vibration Management Plan.

- a) 9.00 am to 12.00 pm, Monday to Friday;
- b) 2.00 pm to 5.00 pm Monday to Friday; and
- c) 9.00 am to 12.00 pm, Saturday.

Wherever practical, and where -sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.

Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.

**Reason:** Management of amenity impacts to adjoining properties.

## **27. Car parking management plan**

The applicant is to prepare a Car Parking Management Plan (CPMP) for the entire school campus. The CPMP shall identify the location of all car parking spaces on the school campus, their allocation (staff, visitor, student, disabled etc) and access to the various car parking areas.

The CPMP shall also address the management of car parking throughout the on-going development on the campus under the staged development application, and must also address car parking management of the community use of the proposed school facilities.

During the construction period, the existing quantum of 257 car parking spaces shall be maintained on the site. Where parking spaces are unavailable during construction works, these spaces shall be provided in a temporary parking area within the site. In addition, spaces for construction vehicles shall be provided in a temporary parking area within the site.

Where required (as indicated above), the temporary parking area:

- must be located on the site
- shall not be located within areas of the site that are ecologically sensitive
- shall be re-instated to its former state at the time that the Mollie Dive sports field car park is opened for use
- shall have temporary directional signage to the temporary parking area to provide wayfinding to school related and non-school related visitors to the site
- shall be located and managed to avoid conflict with construction vehicle traffic

The CTMP shall be amended and submitted to the Principle Certifying Authority prior to the release of the Construction Certificate for Stage 2 works, to show the location, quantity and use of all existing and proposed parking spaces, and the location of the temporary parking on the site. The plan shall indicate the parking allocations for teachers, staff, students and visitors and where construction vehicles are to be parked during the construction stages.

**Reason:** Safe and efficient management of parking impacts.

## **28. Amendments to approved landscape plan**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
LA01A	Taylor Brammer	18/09/13

1. Landscape plans, sections and elevations to be in accordance with the approved architectural plans approved under S961(A) modification of the Minister's, dated 15 October 2013.
2. Existing trees are to be numbered in accordance with the arborist report prepared by Raintree Consulting, dated April 2013.
3. Drainage pits and tanks to be shown in accordance with the stormwater plan prepared by Sydney All Services, dated 3/07/12.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended are required by this condition.

**Note:** An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

**Reason:** To ensure adequate landscaping of the site.

## **29. Long service levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

## **30. External service pipes and the like prohibited**

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on Construction Certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed upon development consent plans.

**Reason:** To protect the streetscape and the integrity of the approved development.

## **31. Access for people with disabilities**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown

on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

### **32. Stormwater management plan**

Prior to issue of the Construction Certificate, the applicant must submit for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must be based on the **On-site Detention and Water Quality Strategy Report: Job No. 232297**, dated **27 February 2014**, prepared by **ARUP Pty Ltd** and must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tank systems and where proprietary products are to be used, manufacturer specifications and details must be provided

**Details of the on-site detention system required by Ku-ring-gai Local Centres DCP Volume C Part 4 'Water Management' including cross sections, dimensions, materials, location, orifice and discharge control pit details as required.**

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Ku-ring-gai Local Centres DCP Volume C Part 4 'Water Management', Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the BCA.

**Reason:** To protect the environment.

### **33. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected

under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

### **34. Recycling and waste management**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

The responsibility for:

- the cleaning of waste rooms and waste service compartments; and
- the transfer of bins within the property, and to the collection point once the development is in use;

shall be determined when designing the system and clearly stated in the Waste Management Plan.

**Note:** The architectural plans are to be amended and provided to the Certifying Authority.

**Reason:** Environmental protection.

### **35. Noise from plant in residential zone**

Where any form of noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and the like, is proposed as part of the development, the Certifying Authority shall be satisfied prior to the issue of the Construction Certificate, that the operation of an individual piece of equipment and the operation of all of the equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the nearest affected residence and property boundaries and when in operation will not be audible within a habitable room in any residential premises before 7am and after 10pm on any day.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant, including but not limited to the noise sources listed above, in isolation or in combination with other plant will comply with the above

requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

### **36. Vehicular access and garaging**

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 - 2004 "Off-Street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

### **37. Utility provider requirements**

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

### **38. Infrastructure restorations fee**

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.

- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

##### **39. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council’s infrastructure.

##### **40. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are



prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

#### **41. Hours of work**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

#### **42. Vibration criteria**

Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) For structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
- b) For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472 - Guide to Evaluate Human Exposure to

Vibration in Buildings (1 Hz to 80 Hz) for low probability of adverse comment;

- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan.

**Reason:** Management of vibration impacts.

#### **43. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

#### **44. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **45. Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### **46. Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

#### **47. Recycling of building material (general)**

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

#### **48. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

#### **49. Road reserve safety**

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 must not be stored in the road reserve. 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 safe public footways and roadways during construction.

#### **50. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant 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 (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

#### **51. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

#### **52. Drainage to existing system**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

**Reason:** To protect the environment.

#### **53. Treatment of tree roots**

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

**Reason:** To protect existing trees.

#### **54. Excavation near trees**

No mechanical excavation shall be undertaken within the canopy spread of any existing trees to be retained until root pruning by hand along the perimeter line of such works is completed.

**Reason:** To protect existing trees.

#### **55. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

#### **56. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

#### **57. Canopy replenishment trees to be planted**

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

**Reason:** To maintain the treed character of the area.

#### **58. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an authorised officer of Council.

**Reason:** To protect the environment.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

#### **59. Completion of vegetation management works**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the following works have been undertaken in accordance with the approved Vegetation Management Plan and conditions of consent.

- All works detailed within the Vegetation Management Plan, including revegetation, weed removal, weed techniques, environmental protection measures and proposed planting shall be carried out in accordance with the plan

- All planting to be undertaken within the riparian area of the site are to be species in accordance with the Vegetation Management Plan
- All noxious and environmental weeds shall be removed from the within the VMP area
- The person/s supervising the works shall have a minimum qualification of Certificate 2 in Bushland Regeneration and one year demonstrated experience for all other personnel. In addition the site supervisor shall be eligible for full professional membership of the Australian Association of Bush Regenerators

**Reason:** To ensure that the vegetation management works are consistent with the development consent.

#### **60. Noise 7am - 10pm**

All noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and the like must not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the nearest affected residence and property boundary.

**Note:** Written confirmation from a suitably qualified acoustic consultant that the development achieves compliance with this noise criteria is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

**Reason:** To protect the residential amenity.

#### **61. Noise 10pm - 7am**

All noise generating equipment associated with the use of the premises, including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and the like must not exceed the background noise level at all between 10pm and 7am at the nearest affected residence and property boundary.

**Note:** Written confirmation from a suitably qualified acoustic consultant that the development achieves compliance with this noise criteria is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

**Reason:** To protect the residential amenity.

#### **62. Compliance with acoustic report**

Written confirmation is to be submitted to the Principal Certifying Authority from a suitably qualified acoustic consultant that the development complies

any noise reduction recommendations of the acoustic consultant report (Reference: Vipac 2OC-12-0186-TRP-266499-2 - '*Pymble Ladies College, Aquatic & Fitness Centre - Masterplan Acoustic Impact Study*') and any existing development consent noise conditions prior to the release of the Occupation Certificate.

**Reason:** To protect residential amenity.

### **63. Post-construction dilapidation report**

Prior to the issue of an Occupation Certificate:

- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of the report is to be forwarded to Council.

### **64. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
- Australian Standard AS1668
- Australian Standard AS3666 where applicable

**Reason:** To protect the amenity of surrounding properties.

### **65. Completion of landscape works**

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

## **66. Accessibility**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

## **67. Provision of copy of OSD designs if Council is not the PCA**

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- A copy of the approved Construction Certificate stormwater detention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

## **68. Certification of drainage works**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum on-site detention volume storage requirements of Ku-ring-gai Local Centres DCP Volume C Part 4 'Water Management' have been achieved in full
- the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable



differences in finished levels, gradings and provision of stormwater collection devices

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

#### **69. WAE plans for stormwater management and disposal**

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

**Reason:** To protect the environment.

#### **70. OSD positive covenant/restriction**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Local Centres DCP). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

#### **71. Infrastructure repair**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

#### **72. Fire safety certificate**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

**Note:** A copy of the Fire Safety Certificate must be submitted to Council.

**Reason:** To ensure suitable fire safety measures are in place.

### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

#### **73. Outdoor lighting**

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

#### **74. Noise from plant in residential zone**

All noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and the like must not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the nearest affected residence and property boundary.

All noise generating equipment associated with the use of the premises, including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and the like must not exceed the background noise level at all between 10pm and 7am at the nearest affected residence and property boundary.

**Reason:** To comply with best practice standards for residential acoustic amenity.

#### **75. Loading and unloading**

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

**Reason:** To ensure safe traffic movement.

#### **76. Hours of operation**

At all times, the hours of operation for use of the hockey field are to be restricted to:

Monday to Friday **6am - 9pm**

Saturday **8am - 7pm**

Sunday and public holidays **8am - 4pm**

**Reason:** To protect the amenity of the area.

**Janice Buteux-Wheeler**  
**Senior Development Assessment Officer**

**Richard Kinninmont**  
**Team Leader**  
**Development Assessment**

**Corrie Swanepoel**  
**Manager**

**Michael Miocic**  
**Director Development and Regulation**

## Development Assessment

### ATTACHMENTS:

- A. Location Sketch: (TRIM: 2014/107818)
- B. Zoning Extract: (TRIM: 2014/107815)
- C. Determination SSD Concept Approval 5314: (TRIM: 2013/172533)
- D. Determination SSD Concept Approval 5314 Modification (MOD 1): (TRIM: 2013/267351)
- E. Rural Fire Service Bush Fire Safety Authority (TRIM: 2014/107667)
- F. DA Landscape Plan (TRIM: 2013/282047)
- G. Stage 1 Landscape Details and Section (TRIM: 2013/282052)
- H. Locality and Site Plans (TRIM: 2013/282064)
- I. Site Plan – Carpark Surrounds (TRIM: 2013/282076)
- J. Plan Carpark Level (TRIM: 2013/282093)
- K. Plan Playing Field Level (TRIM: 2013/282095)
- L. Carpark Elevations and Section (TRIM: 2013/282100)
- M. Vegetation Management Plan (TRIM: 2013/282031)
- N. Hydraulic Services Sediment and Erosion Control Plan (TRIM: 2013/282148)
- O. Hydraulic Services Specification (TRIM: 2013/282141)
- P. First Level Plan Gravity and Pressure Services (TRIM: 2013/282133)
- Q. Ground Level Plan Gravity and Pressure Services (TRIM: 2013/282124)
- R. Lower Ground Level Plan Gravity and Pressure Services (TRIM: 2013/282116)
- S. ViPAC Construction Noise and Vibration Impact Assessment (TRIM: 2014/065349)
- T. ViPAC Masterplan Acoustic Impact Study (TRIM: 2013/252177)
- U. On-site Detention and Water Quality Strategy: (TRIM: 2014/051333)
- V. Preliminary Stage 2 Environmental Site Assessment (TRIM: 2013/281650)
- W. Bushfire Hazard Assessment Report (TRIM: 2013/281983)
- X. Arboricultural Assessment and Development Impact Report (TRIM: 2013/281978)
- Y. Access for people with a disability capability statement (TRIM: 2013/281973)
- Z. BCA statement – correspondence (TRIM: 2013/281959)
- AA. Traffic statement – correspondence (TRIM: 2013/281951)