

<b>JRPP No:</b>	2014SYE051 – 2 Anzac Avenue, Cammeray
<b>DA No:</b>	DA 128/2014/2
<b>PROPOSED DEVELOPMENT:</b>	Modification of development consent for construction of 1000 place public primary school with associated playgrounds, landscaping and car parking
<b>APPLICANT:</b>	Public Works
<b>OWNER(S):</b>	North Sydney Council, Department of Education
<b>REPORT BY:</b>	Kerry Gordon – Kerry Gordon Planning Services On behalf of North Sydney Council

## Assessment Report and Recommendation



Perspectives from the corner of Ernest Street and Anzac Avenue (1<sup>st</sup> ) and the entrance from Anzac Avenue (2<sup>nd</sup>)

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## **REPORT TO THE JRPP**

**ADDRESS:** No. 2 Anzac Avenue, Cammeray

**APPLICATION No:** DA128/2014/2

**PROPOSAL:** Modification of development consent for construction of 1000 place public school with associated playgrounds, landscaping and parking

**PLANS REF:** DA01, DA04-09 and DA13, Issue D02, prepared by the Government Architect's Office, dated 27.3.2014

**OWNER:** North Sydney Council and Department of Education

**APPLICANT:** Public Works

**AUTHOR:** Kerry Gordon – Kerry Gordon Planning Services

**DATE OF REPORT:** 16 June 2015

**DATE LODGED:** 30 March 2015

**RECOMMENDATION** Approval

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## **EXECUTIVE SUMMARY**

A section 96(1A) application (Crown application) has been lodged which seeks to modify the development consent issued for construction of a 1000 place public school under DA 10/2014/128 by the JRPP on 10 October 2014. The modifications sought include removal of the perforated sunscreens to the north, east and west facades, together with the slab projections which were to support the sunscreens, resulting in the windows and corrugated metal cladding being revealed. Corrugated cladding awnings are proposed over the windows and an amended colour scheme is proposed with the upper levels using multi-coloured vertical strips in shades of blue and the ground level to be natural coloured concrete block and compressed fibre cement. Revised signage location and configuration on the east and south elevations is proposed along with a projection screen on the Ernest Street façade and poster frames mounted to the Anzac Avenue façade. LED inground uplights are to be provided for illumination of the Ernest Street and Anzac Avenue facades.

The application was notified and attracted four submissions objecting to the proposal, with all submissions raising concerns with the proposed projection screen and its level of illumination and resultant impacts upon residential amenity within dwellings opposite and the potential for traffic safety implications. These concerns have been addressed by recommended conditions of consent which are agreed to by Public Works and are included in the recommendation of this report.



## **DESCRIPTION OF PROPOSAL**

A section 96(1A) application (Crown application) has been lodged which seeks to modify the development consent issued for construction of a 1000 place public school under DA 10/2014/128 by the JRPP on 10 October 2014 in the following manner:

- Remove the perforated sunscreens to the north, east and west facades, together with the slab projections which were to support the sunscreens, resulting in the windows and corrugated metal cladding being revealed;
- Providing corrugated cladding awnings over the windows;
- Providing a revised colour scheme for the upper levels using multi-coloured vertical strips in shades of blue with the ground level to be natural coloured concrete block and compressed fibre cement;
- Revised signage location and configuration on the east and south elevations;
- Provision of a projection screen on the Ernest Street façade and poster frames mounted to the Anzac Avenue façade to create changing displays of exhibition material such as student artworks. The projector is proposed to be housed in weather proof structure to be placed on a 2.5m high pole which is to be located in the garden bed on the Ernest Street boundary; and
- Provision of LED inground uplights to provide illumination to the Ernest Street and Anzac Avenue facades (dimmable).

## **STATUTORY CONTROLS**

North Sydney LEP 2013

- Zoning – R4 – High Density Residential
- Not heritage item or in conservation area
- In Vicinity of Item of Heritage – North Sydney Bus Shelters

Environmental Planning & Assessment Act 1979  
SEPP No. 64 - Advertising Signs

## **POLICY CONTROLS**

DCP 2013

## **DESCRIPTION OF SITE AND LOCALITY**

The site is a large irregular shaped parcel of land with frontage to Ernest Street, known as No. 2 Anzac Avenue and having a legal description of Lot 2 in DP 1080152. The site has no frontage to Anzac Avenue, with a number of Crown Land allotments separating the subject site from Anzac Avenue. The site is currently under construction for a public primary school for 1000 children, with associated car parking, landscaping and infrastructure.

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

## **INTERNAL REFERRALS**

### **Traffic Engineering**

*I have reviewed the plans and my comments are as follows:*

*Signage/ projections does have the potential to be distracting to passing motorists. Signage, when on road corridors, therefore should not generally be placed in locations where motorists are required to consider traffic, directional or road safety signage or receive direction from traffic signals. The projection screen is proposed to be placed parallel to Ernest Street so this may reduce the level of distraction somewhat, however it is close to the intersection where there will possibly be pedestrians including children crossing.*

*No animation or video should be used. Images should be still only. Department of Planning Transport Corridor Outdoor Advertising and Signage Guidelines makes the following points:*

- (a) The display must be completely static from its first appearance to the commencement of a change to another display.*
- (b) The driver should not expect to see more than one (1) message in the period of exposure, during normal driving conditions. Therefore each message/image should be displayed for at least 15 seconds before changing.*

*Should Council consider supporting this proposal the smaller sign would be the preferred option. As Ernest Street is a classified regional road the proposal should also be referred to RMS for comment.*

Comment: There is no referral requirement for the proposal under SEPP 65 or SEPP (Infrastructure) to the RMS. Discussions with Council's Traffic Manager resulted in comments indicating such a referral was not required.

The above guidelines have been included as recommended conditions of consent.

## **SUBMISSIONS**

The application was notified to surrounding owners and residents from 10 April to 24 April 2015. Four submissions have been received from residents raising concerns with the proposal. The concerns are addressed later in the report.

## **CONSIDERATION**

The relevant matters for consideration under Section 79C and 96(2) of the *Environmental Planning and Assessment Act 1979*, are assessed following:

## **SECTION 96(1A)**

### ***(1A) Modifications involving minimal environmental impact***

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

Section 96(1A), as above, permits development consents to be modified subject to the modifications having minimal environmental impact, the modified development being substantially the same as the approved and notification being carried out in accordance with the DCP and submissions received being considered. Section 96(3) also requires modifications to be assessed having regard to the requirements of section 79C(1).

The proposed modifications are minor relating to the façade treatment, minor resultant internal layout changes, illumination of the building and the placement and design of signs and artwork display areas (both in the form of poster frames and a projection screen). Subject to conditions limiting the time of use, frequency of change of images and intensity of the lighting, the proposed changes will have minimal environmental impact.

Similarly, given the minor nature of the changes proposed, the essence of the development remains the same and the modified proposal is substantially the same as that originally granted consent.

The modification application was notified in accordance with Council's DCP and four submissions were received. The submissions have been addressed later in the report and are appropriately addressed by recommended conditions of consent.

The modifications requested are addressed in relation to the matters for consideration under section 79C(1) in the remainder of the report and the modifications sought are considered to be acceptable.

It is noted that as a result of the requested modifications it is necessary to modify condition A1 which identifies the approved plans.

## **SEPP 64**

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

- The school name signage on the Anzac Avenue frontage adjacent to the entrance is to be changed from black to red laser cut aluminium and is to be relocate from ground floor level to 1<sup>st</sup> floor level; and
- The school name signage on the Ernest Street frontage adjacent to the corner with Anzac Avenue, is to be changed from black to red laser cut aluminium and is to be relocated from the top level to the 1<sup>st</sup> floor level

There is no indication that the signage will be illuminated and a condition of consent that the signage not be illuminated was included upon the original consent and is to remain.

Clause 8 requires that signage must not be granted consent unless the signage is consistent with the objectives of the Policy and satisfies the assessment criteria specified in Schedule 1. The originally approved signage satisfied the objectives of the Policy and the change in colour and location does not alter the satisfaction of the signage with the objectives.

The Schedule 1 contains assessment criteria and the change in colour and location does not alter the satisfaction of the signage with the criteria.

## **NORTH SYDNEY LEP 2013**

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

The modifications does not alter the height of the building, not result in any unacceptable impact upon the heritage listed bus shelter as the proposal will not be visible from the bus shelter.

No other provisions of the LEP are of relevance to the assessment of the application.

## **DEVELOPMENT CONTROL PLAN 2013**

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

The site is located in the Anzac Neighbourhood of the Cammeray Planning Area and the Anzac Club is identified within the Identity/Icons sections, however there are no controls of relevance to the application. The modifications are of such a minor nature that the original assessment of the proposal against the remaining provisions of the DCP is still valid.

## **SECTION 94 CONTRIBUTIONS**

No section 94 contribution was applicable to the original approval.

## **APPLICABLE REGULATIONS**

All applicable regulations have been considered in this assessment.

## **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

The potential impacts of the development relate to the aesthetic appeal of the altered façade, sunshade protection for the classrooms, the potential for amenity impact to residents opposite the site from light spill from the illumination of the building or the projections and the potential for safety impacts due to driver distraction as a result of the projections.

### Façade Treatment

The change to the material of the façade will result in the windows of the building being more visible from the public domain, giving an impression of improved interaction with the public domain. The building is a relatively large building with long frontages to Ernest Street and Anzac Avenue and it is considered that the change in tones of blue on the façade, together with the awnings above the windows will assist in articulating the facades and reducing the visual bulk of the building and as such the façade changes are supported.

### Sunshading of Classrooms

Concern was raised that the removal of the sunshade devices may result in the classrooms overheating in summer. However, the inclusion of the awnings over the windows will prevent summer penetration of solar access between 9am and 3pm, ensuring classrooms are not overheated in summer.

### Illumination

The proposal involves up-lighting the façade and projecting images onto the Ernest Street façade, both of which have the potential to result in annoyance to surrounding residents due to light spill. The additional information submitted with the application indicates two options for projection and seeks approval for both, however this is not possible as the application needs to seek a single approval. The applicant has been advised this and that the projection screen is the preferred option, rather than projection over the façade of the building which would have resulted in

illumination of a larger area.

There is an Australian Standard that addresses the obtrusive impact of outdoor lighting and as such it is appropriate that a condition be placed upon any consent requiring compliance with AS 4282.1997 "Control of Obtrusive Effect of Outdoor Lighting" in relation to both the flood lighting of the building and the projections on the Ernest street façade given the location of residences opposite the site.

Further, as the projection is located in a residential area where no illuminated elements such as signs are characteristic, it is also appropriate to limit the hours of illumination of the projection to 10pm and a condition to this effect is recommended.

### Traffic Safety

The issue of traffic safety impacts has been considered by Council's Traffic Engineer and subject to conditions limiting the projection to static images which are changed no more frequently than every 15 seconds are considered unlikely to result in any unacceptable traffic safety implications.

### **ENVIRONMENTAL APPRAISAL**

### **CONSIDERED**

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	N/A
5.	Traffic generation and Carparking provision	N/A
6.	Loading and Servicing facilities	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	N/A
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

### **SUBMITTORS CONCERNS**

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

- *Inadequate information is provided about the projection screen and how it can be seen by school children from within the grounds.*

Comment: The projection is not intended to be viewed by children from within the grounds of the school, but rather is to be viewed by the general public and is intended to allow the school to present the children's work to a wider audience.

- *If the screen is to be a movie screen the impact of the flickering light would be detrimental to the opposite residential property's amenity and the safety of traffic*

Comment: The screen is not for movies and conditions of consent require any display to be static pictures which change no quicker than every 15 seconds. This will limit the change in illumination intensity such that the impact of flickering will not occur and will limit potential driver distraction.

- *The screen is opposite bedrooms and the flashing of a sign will disrupt and annoy residents, reducing the enjoyment of their residences*

Comment: The projections on the screen are not intended to be flashing and is to be conditioned to be for static pictures only, changing no quicker than every 15 seconds. Further, the intensity of the lighting will be required to comply with the Australian Standard for outdoor lighting and be subject to a curfew which will ensure that properties on the opposite side of Ernest Street are not unacceptably impacted.

- *The screen should front Anzac Avenue where it won't impact residents*

Comment: Given the aforementioned conditions recommended there is no need to relocate the screen to ensure residential amenity is retained.

## **CONCLUSION**

The proposed modifications are generally minor and will not result in any unacceptable environmental impacts subject to appropriate conditioning in relation to the projection and lighting of the façade.

Accordingly, the modification is recommended for approval subject to conditions.

## **NEGOTIATION OF CONDITIONS OF CONSENT**

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

Due to the above restriction on the power of the JRPP, negotiations have been undertaken with Public Works in an attempt to come to an agreed position in relation to the recommended conditions. The consequence of the negotiation is that the recommended conditions are an agreed set of conditions.

## RECOMMENDATION

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

**THAT** the Joint Regional Planning Panel, approve the modification of Development Application No. 128/2014 for construction of a 1000 place public primary school with associated playgrounds, parking and landscaping at No. 2 Anzac Avenue, Cammeray as follows:-

1. Deletion of Condition A1 and its replacement with the following:

#### A. Conditions that Identify Approved Plans

##### Development in Accordance with Plans/documentation

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

Plan No.	Issue	Title	Drawn by	Dated
DA01	D02	Drawing Schedule and Sheet Location Plan	Government Architect's Office	27.03.14
DA03	D01	Site Plan	Government Architect's Office	17.04.14
DA04	D02	Floor Plan Level 1	Government Architect's Office	27.03.14
DA05	D02	Floor Plan Level 2	Government Architect's Office	27.03.14
DA06	D02	Floor Plan Level 3	Government Architect's Office	27.03.14
DA07	D02	Floor Plan Level 4 & Roof Plan	Government Architect's Office	27.03.14
DA08	D02	Elevations	Government Architect's Office	27.03.14
DA09	D02	Sections	Government Architect's Office	27.03.14
DA10	D01	Landscape Plan Level 1	Government Architect's Office	17.04.14
DA11	D01	Landscape Plan Level 4	Government Architect's Office	17.04.14
DA13	D02	3D View and External Finishes	Government Architect's Office	27.03.14
A124	03	Landscape Plan Ernest Street Car Park	Government Architect's Office	20.08.14
L124	01	Landscape Miller Street Path	Government Architect's Office	28.08.14

In the case of an inconsistency between the plans above, the plan with the later date prevails to the extent of the inconsistency. In the event of an inconsistency between the

plans and a condition of this consent, the condition of consent prevails to the extent of the inconsistency.

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

2. The addition of the following conditions:

### **Illumination of Building/Projection**

C28. The illumination of the building and projection upon the screen on the Ernest Street façade shall be designed such that the intensity of the illumination is compliant with AS 4282.1997 “Control of Obtrusive Effect of Outdoor Lighting”.

(Reason: To minimise impact upon neighbours)

### **Use of Projection**

H6. The projections shall be of static images only and each image must be completely static from its first appearance to the commencement of the next static image. Each static image shall remain on display for a minimum of 15 seconds prior to the display of the next static image. No images displayed are to be for advertisement purposes. The projections shall only operate from dusk until 10pm on any day. The projection shall occur only on the approved screen shown in the approved plans, not on a larger area of the building façade.

(Reason: To protect the amenity of surrounding residents)

**Kerry Gordon, Kerry Gordon Planning Services**  
**CONSULTANT TOWN PLANNER**

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