

**JOINT REGIONAL PLANNING PANEL  
Sydney East Region**

<b>JRPP No</b>	<b>2015SYE103</b>
<b>DA Number</b>	<b>DA2015/0558</b>
<b>Local Government Area</b>	<b>Warringah Council</b>
<b>Proposed Development</b>	<b>Staged Development – Alterations and additions to primary school (John Colet School)</b>
<b>Street Address</b>	<b>No.8 Wyatt Avenue, Belrose</b>
<b>Applicant/Owner</b>	<b>Templum Design Architects</b>
<b>Number of Submissions</b>	<b>Thirteen (13)</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Malcolm Ryan, Deputy General Manager Environment</b>

### Assessment Report and Recommendation

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<b>Planner:</b>	Nick England
<b>Application Lodged:</b>	23/06/2015
<b>Plans Reference:</b>	JC/IN – DA/DWG 1000 Rev D, JC/IN – DA/DWG 1100 Rev A, JC/IN – DA/DWG 1103 REV A
<b>Amended Plans:</b>	16/12/2015
<b>Owner:</b>	John Colet Schools Inc

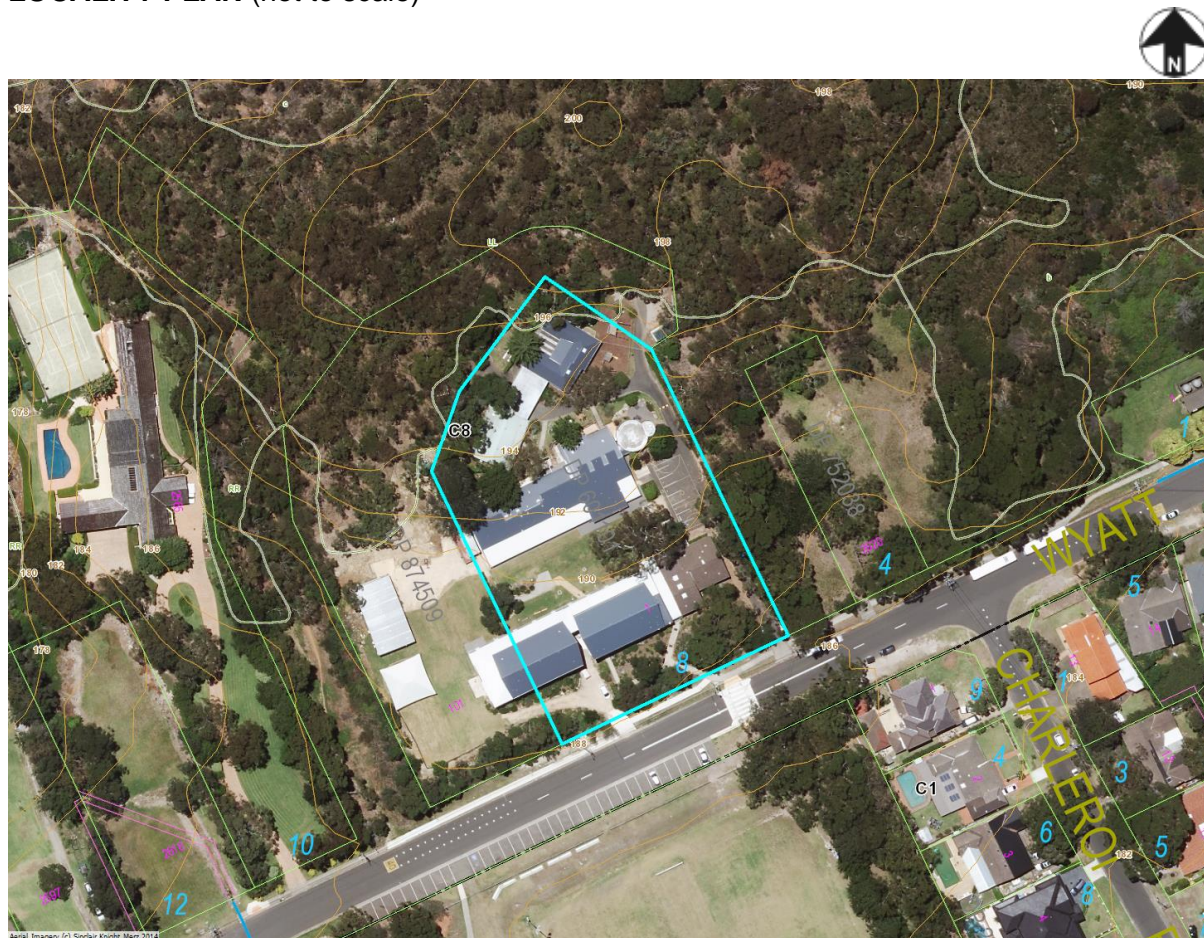
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<b>Locality:</b>	C8 Belrose North
<b>Category:</b>	3 (Primary schools)
<b>Prohibited Land use:</b>	No
<b>Variations to Controls (Cl.20/Cl.18(3)):</b>	Building Height; Front Setback; Rear and Side Building Setback
<b>Referred to WDAP:</b>	No – “Private Infrastructure” exceeding \$5M, subject to Schedule 4A of the Environmental Planning & Assessment Act 1979.
<b>Land and Environment Court Action:</b>	No

## SUMMARY

<b>Submission Issues:</b>	Traffic Safety & Access, Compliance with Desired Future Character of C8 Locality, Compliance with Built Form Controls of WLEP 2000, Trial Period of Consent for 225 students under MOD2014/0174; Impact on habitat / Duffys Forest Ecological Community
<b>Assessment Issues:</b>	Traffic Safety & Access, Student Numbers, Front Setback, Rear & Side Setback, Endangered Ecological Community
<b>Attachments:</b>	Notice of Determination for DA2010/1170 dated 16 December 2010; Notice of Determination for MOD2014/0174 dated 17 December 2014.

## LOCALITY PLAN (not to scale)



<b>Subject Site:</b>	Lot 101 DP 874509,
<b>Public Exhibition:</b>	<p>The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan.</p> <p>The application was notified twice, with the second period required to clarify that the application was development subject to the consent of the Department of Planning (Sydney East Joint Regional Planning Panel).</p>

As a result, the application was notified to 143 adjoining land owners and occupiers and to relevant community groups for a period of 25 calendar days commencing on 21 August 2015 and being finalised on 15 September 2015. Furthermore, the application has been advertised within the Manly Daily on 21 August 2015 and a notice was placed upon the site.

## **SITE DESCRIPTION**

The land subject to the application ("the site") is located on the northern side of Wyatt Avenue, commonly known as No.6-8 Wyatt Avenue, Belrose.

The site consists of two (2) allotments (Lot 1 in DP 601101 and Lot 101 in DP 874509) which have a total surveyed area of 11,790m<sup>2</sup>.

The land is used for the purposes of a primary school, known as the "John Colet School" (the school). The school occupies a total of seven (7) buildings, with parking for nineteen (19) vehicles. The school currently has a valid approval for a maximum of 225 students.

The site possesses significant areas of vegetation, particularly adjoining the northern rear boundary, where approximately 400m<sup>2</sup> of remnant vegetation is situated.

Development adjoining the site consists of the following:

- Undeveloped Crown land to the north of the site;
- Unformed road reserve immediately adjacent the western boundary;
- Residential dwellings to the east and west; and
- Public open space (Wyatt Reserve and sportsfields) to the south of the site on the opposite side of Wyatt Avenue.

## **SITE HISTORY**

The site has an extensive development history. Past applications / consents on the land that are most relevant to the proposal include the following:

Consent No.95/135: Consent granted for "Occupation of the existing premises as an educational establishment on 15 March 1995. Condition No.5 of this consent stated:

*'Student numbers shall be restricted to 55'.*

No condition related to staff numbers.

MOD No.6000/5411: Consent granted to to modify Condition No.5 of Development Consent No.95/135 on 26 June 1995. Condition No.5 was modified to read as follows:

*'Student numbers shall be restricted to 150'.*

DA2010/1170: Application for an increase in student numbers to 225 was approved by Council on 16 December 2010. This consent had the effect to operate for a two year period (pursuant to Condition No.21). This condition has been the subject to a number of subsequent modifications, being MOD2011/0123, MOD2011/0192, MOD2012/0045, MOD2012/0254, MOD2013/0260 and MOD2014/0174. The substantive reason for these modifications was to accommodate the additional time required for the construction of traffic

management measures that Council required the applicant to undertake as a condition of the original consent.

MOD2014/0174: Application for the modification of development consent DA2010/1170 approved by Council on 17 December 2014. Condition No.21 of the original consent was amended in the following manner:

**21.Trial Period for Increase Student Numbers until 31 December 2016**

*This consent for an increase in the number of students is granted for up to 75 children (and a total overall number of student of 225) and 3 additional staff until 31 December 2016.*

**Reason:** *To ensure the increased numbers of students is monitored and reviewed in an appropriate manner prior to any permanent approval being granted.*

Other conditions of this consent required the provision of a traffic management plan and open space plan of management. As a result of these conditions, the school has constructed (in association with Council) various upgrades to Wyatt Avenue, including an unsignalised pedestrian ("wombat") crossing, street lighting, signage, line marking and a parent school drop off and pick up zone.

**PROPOSED DEVELOPMENT**

The application ("the proposal") seeks consent for a Staged development, pursuant to Section 83B of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), for the alterations and additions to the John Colet School.

The proposal in its entirety is to facilitate an increase in the capacity of the school to consist of:

- 350 students, which represents a net increase of 125 students from that previously approved (225 students);
- 30 staff, from the previously approved 12; and
- 30 parking spaces, in addition to the 19 spaces currently approved on the site.

The Staged development would consist of two (2) broad stages, being:

- "Stage 1": Undertake works stages A to E, to facilitate a total student body of 285 students, 28 staff, two (2) new classrooms, 6 additional car spaces and removal of 22 trees, which relate to the subject application; and
- "Future stages": Undertake works F to Q, to facilitate a total of 350 students, 30 staff, construction of 5 car spaces and removal of 6 trees. These works will be the

The physical works consist of a total of eleven (11) stages, as described in the table below:

Stage	Description
A	Demolition of existing toilet block and erection of two (2) classrooms.
C	Construction of additions to "Garigal" quadrangle.

D	Demolish existing fence and incorporate north-west corner of site into play area.
E	Reconfigure existing parking area adjacent existing administration building.
F	Remove existing demountable classroom and erect new covered outdoor learning area (COLA).
G	Relocate existing play structure approximately 20m to the north.
J	Five (5) parking spaces adjacent north-east corner of site.
K	Additions to existing kitchen, approximately 3m <sup>2</sup> in area.
L	Landscaping buffer adjacent western boundary.
N	Relocation of two (2) car spaces adjoining northern boundary.
Q	Additions to west elevation of existing "Chisholm House" building.

Works F to Q will be subject of future development application/s.

### AMENDMENTS TO THE SUBJECT APPLICATION

An amended plan was provided by the applicant on 16 December 2015, to delete a total six (6) stages in the original masterplan, being B, H, I, M, O and P.

These amendments are predominately to delete works adjoining the vegetated northern boundary of the site, described in the table below:

Stage	Description
B	Relocation of toilet block adjacent to "Top House".
H	Additions for classroom to existing "Top House".
I	Relocation of play structure to adjacent to "Top House".
M	New music centre to replace existing music centre.
O	New storeroom adjoining north-west boundary.
P	Landscaping adjoining new music centre.

The purpose of this amendment was to satisfy the concerns of the NSW Rural Fire Service, who had advised the applicant that the proposed masterplan would not satisfy the requirements of the relevant planning for bushfire protection guidelines.

### STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979);
- b) Threatened Species Conservation Act 1995;
- c) Commonwealth Environment Protection and Biodiversity Conservation Act 1995;
- d) Rural Fires Act 1997;
- e) Environmental Planning and Assessment Regulations 2000; and
- f) Warringah Local Environmental Plan 2000.

### PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to 143 adjoining land owners and to relevant community groups for a period of 25 calendar days commencing on 21 August 2015 and being finalised on 15 September 2015. Furthermore, the application

has been advertised within the Manly Daily on 21 August 2015 and a notice was placed upon the site.

As a result of the public exhibition process submissions have been received from:

Name	Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

The matters raised within the submissions are summarised and addressed hereunder:

- *The proposal does not represent a low impact, low intensity land use and is not consistent with the Desired Future Character for the locality under WLEP 2000.*

Comment: A discussion on the proposal's compliance with the the Desired Future Character (DFC) statement of the C8 Belrose North Locality is provided elsewhere in this report. In summary, the Stage 1 proposal (for a maximum of 285 students) is consistent with the DFC. Any application/s for the future stages of the Masterplan will need to provide more detailed information in regard to traffic generation to ensure that the local road network has the sufficient capacity to accommodate the maximum number of students proposed in the Masterplan (350). A condition of consent is recommended to ensure that no consent is implied for the 350 students, subject to the applicant providing sufficient information to demonstrate that these numbers can be safely accommodated on adjoining roads.

- *The proposal will exceed the height of buildings development standard under WLEP 2000.*

Comment: The works proposed in Stage 1 (two classrooms) are a single-storey building which is consistent with the Building Height built form control of the C8 locality. It is assumed that the reference in the submissions to a building that is 8.8m in height (exceeding the 8.5m maximum) are the additions to the Chisholm House, Stage "Q" of the Masterplan. The details of Stage Q provided in the proposal are indicative only and do not form part of the subject application. Consent for these works will need to be sought in a subsequent application/s for the "Future stages".



- *The adjoining Wyatt Reserve will be overused by the school as a result of the increase in student numbers.*

Comment: JCS and Council's Parks Reserves & Foreshore unit have entered into an agreement with respect to the use of Wyatt Reserve for any sporting and recreational activities associated with JCS. This agreement is also in effect under a condition of consent (No.8) for DA2010/1170. This existing agreement will ensure equitable access to the reserve for the public. It is reasonable to provide a similar condition to the subject proposal, as the potential increase in student numbers will increase open space demand on the site.

- *It is inappropriate for a private school to use the adjoining public open space at Wyatt Avenue.*

Comment: Public open space can be used consistent with lease or license arrangements that are made with the relevant authority. However, as stated previously, a condition of consent is recommended to ensure that the school prepares an Open Space Plan of Management.

- *The proposal will adversely affect the habitat of endangered species on the site.*

Comment: A detailed environmental study has been provided with the application, which clarifies that the proposal will not be situated within the area that is subject to the location of the identified threatened species on the site. The report concludes that there is no potential or likelihood of a "significant impact" being imposed upon any threatened species on the site. Council's Biodiversity Officer has reviewed this report and the proposal and has similarly advised that there will be no adverse impact upon threatened species on the site as a result of the proposal.

- *The proposal will adversely affect the capacity and efficient functioning of the local road network.*

Comment: A detailed consideration of this matter is provided elsewhere in this report. In summary, the subject application for Stage 1 will involve a maximum of 285 students, which in effect has been the maximum approved number of students on the site since December 2011, without any evidence of any unreasonable impact on the adjoining road network. In the context of the intensity of the school having no substantial increase as a result of the Stage 1 works, the proposal will not have an adverse impact on the local road network. In regard to the 350 students proposed in future stages, a detailed traffic investigation into the local road network has determined no adverse impact on the level of service to Wyatt Avenue as a result of the maximum student numbers.

- *The proposal will adversely affect the road user safety on the local road network.*

Comment: Upgrade works have been undertaken and completed on Wyatt Avenue to facilitate vehicle and pedestrian safety to accommodate the 225 students, approved on trial until December 2016. These works have the effect of providing a suitable road safety environment to accommodate the projected increase of 350 students.

- *No Stopping signs should be erected on Charleroi and Wyatt Avenue to improve sight distances for vehicles entering and exiting Wyatt Avenue.*

Comment: The traffic and parking report provided with the proposal concludes that the maximum level of traffic generated by the proposal will require no specific measures to be undertaken on Wyatt Avenue or any other adjoining street. Council's Traffic Engineer has raised no objection to the findings of this report.

- *The illumination of the existing pedestrian crossing adjacent the school adversely impacts the residents of No.9 Wyatt Avenue.*

Comment: This is not a relevant matter for assessment of the proposal, as the pedestrian crossing is existing infrastructure on Wyatt Avenue, constructed to facilitate the previous development consent. However, it is acknowledged that the emission of glare from the illumination of a public road and its potential impact on the residents of No.9 Wyatt Avenue is a matter worthy of further investigation. This matter has been referred to Council's Environmental Investigations unit for consideration.

- *The community is concerned that the original 2 year trial period for the approved increase in students in Development Consent DA2010/1170 has continued now for 5 years.*

Comment: The trial period for the consent as issued under DA2010/1170 originally granted consent for 225 students on the site until 16 December 2013, consistent with Condition No.21. This consent has been subsequently amended, with the current consent operational until 16 December 2016. This original trial period has had to be extended for unexpected delays in the design and construction of the pedestrian crossing, which was required to facilitate the increased numbers of students in the original application.

- *The school only has approval for a maximum of 150 students, with the trial period for 225 students expiring on 1 July 2015.*

Comment: The WDAP considered the most recent application to modify the existing development consent (MOD2014/0174) at its meeting of 10 December 2014. The application sought to extend the period of the consent until 16 December 2016 and the recommendation to WDAP was that this be period be granted.

WDAP recommended the trial period be granted only until 1 July 2015, however, the issued *Notice of Determination* was granted with a trial period until 16 December 2016.

- *The increased number of students could not be safely managed during a bush fire.*

Comment: The NSW Rural Fire Service have granted concurrence to the proposal and issued a Bush Fire Safety Authority (under Section 100B) for the proposal, which only applies to Stage 1 of the proposal. Subject to the conditions of consent in the BSA being adequately undertaken, the site can be developed and used for up to 285 students in Stage 1 and potentially 350 students in future application/s.

- *The capital investment value stated in the application is a grossly inflated figure designed to circumvent the determination of the application by Council and instead require the consent of the Sydney East Joint Regional Planning Panel.*

Comment: The application has provided sufficient detail to demonstrate the total cost of the works, for the purpose of determining a fee for the application under the provisions of the Environmental Planning & Assessment Act 1979 and its associated Regulations. The information provided is considered to be a reasonable estimate of the cost of the works.



- *The application needs to be considered by the Warringah Development Assessment Panel.*

Comment: The proposal is subject to the provisions of Schedule 4A of the Environmental Planning & Assessment Act 1979, which permits regional panels to exercise consent authority functions of councils. The works subject to the proposal are defined as “private infrastructure” (educational establishments) and have a capital investment value exceeding \$5 million, as specified by this Schedule.

Therefore, the Sydney East JRPP assumes the consent authority role for the application, despite any provisions of any current environmental planning instrument. Hence there is no statutory requirement to refer the application WDAP.

The provisions of Schedule 15 of WLEP 2000 require that any application for Category Three development be considered by an “independent public hearing”, of which the current WDAP assumes the function of. Despite the primacy of JRPP over WDAP, the JRPP is considered to nonetheless undertake the function of Clause 15 of WLEP 2000

- *There is inadequately designed car parking for staff vehicles.*

Comment: Council's Traffic Engineer has identified that elements of the car parking are not able to comply with the relevant standards for on-site car parking. These comments are considered valid and the applicant will need to address these matters in any subsequent application/s in the future stages of the Masterplan.

- *The WLEP built form controls require at least 50% of the site to be preserved as bushland with only 20% of the site preserved as bushland.*

Comment: The “Bushland Setting” built form control of the C8 Locality specifies that 50% of site is to be “kept as natural bushland or landscaped with local species”. Any area does not need to be exclusively natural bushland to achieve compliance with this built form control. A calculation of the area that is proposed within the Masterplan to be both retained natural bushland and area landscaped with local species, is estimated to comply with the minimum 50% requirement.

- *The proposed buildings and car spaces do not comply with the front, rear and side setback controls in WLEP 2000.*

Comment: A detailed assessment of the proposed variations to these built form controls is provided elsewhere in this report. In summary, the variations are considered reasonable under the circumstances.

- *The proposed building facing Wyatt Avenue does not comply with the building height controls of WLEP 2000.*

Comment: The proposal does not seek consent (beyond a site plan) for this aspect of the Masterplan and only conceptual details of these works have been provided in this application. No consent to vary the height control could be implied in any consent for this proposal and a further application will need to be provided in this regard.

- *The bushfire protection assessment is deficient as it does not recognise the Duffys Forest Ecological Community.*

Comment: Condition No.1 of the BSA issued by the NSW Rural Fire Service on 27 November 2015 specifically excludes the Asset Protection Zones required for bushfire risk management from the area subject to the threatened fauna species on the site.

- *Previous consents and condition must be reviewed in the assessment of this application.*

Comment: Existing conditions of consent that apply to the subject land have been considered in the assessment of the application, where relevant.

## **MEDIATION**

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	No

## **REFERRALS**

### **External Referrals**

#### *NSW Rural Fire Service*

The application was referred to the NSW Rural Fire Service (RFS) as the proposal is defined as a "Special Fire Purpose" under the Rural Fires Act 1997, being a school located on bushfire prone land. The proposal hence requires the issue of a Bushfire Safety Authority (BSA) by the RFS under Section 100B of this Act, prior to consent.

The RFS did not support the original proposal, and after consultation between the applicant and the RFS, the proposal was amended to address the concerns of the RFS.

The RFS subsequently issued their concurrence to the proposal, dated 27 November 2015, on the condition that the BSA only applies to Stage 1 of the Masterplan. A further BSA will hence be required for any subsequent application/s.

#### *Aboriginal Heritage Office*

The Aboriginal Heritage Office have raised no objection to the proposal, subject to a standard condition that all works cease if any evidence of Aboriginal heritage is uncovered during demolition / construction.

### **Internal Referrals**

#### **Building Assessment - Fire and Disability upgrades**

Council's Building Assessment Officer has raised no objection to the proposal and provided the following comments:

*“The proposed building works associated with Stage 1 and the future stage works, are capable of complying with the deemed-to-satisfy provisions Building Code of Australia 2015 (BCA) subject to modification of construction as is required to achieve effective Fire separation in respect of Part C of the BCA. Detailed construction drawings can demonstrate compliance with the BCA prior to the issue of any Construction Certificate. Accordingly, no objections subject to conditions.”*

### **Development Engineers**

Council's Development Engineers have raised no objection to the proposal and provided the following comments:

*“GDK Hydraulic Consulting have prepared a stormwater management for the stage 1 which is acceptable. No Development Engineering objection is raised to propose class room for stage 1 classrooms.”*

### **Landscape Officer**

Council's Landscape Officer has raised no objection to the proposal and provided the following comments:

*“No objections in general terms to the proposed Master plan and Stage One works.*

*The Landscape Plan includes planting of 2 x Jacaranda mimosifolia. It is recommended that these be removed as Jacaranda is generally discouraged from being planted adjacent to bushland areas due to potential for self seeding beyond the subject site. (Ref. Garden Escapes & Other Weeds in Bushland and Reserves-A responsible gardening guide for the Sydney Region, Sydney Weeds Committees. 2009)”*

Comment: A condition of development is recommended in this regard.

### **Natural Environment (Biodiversity)**

Council's Biodiversity Officer has raised no objection to the proposal and has provided the following comments:

*“The following referral response provides clarification on the initial referral response provided 10 July 2015.*

*Council's Natural Environment - Bushland and Biodiversity section notes that part of the development proposal identified in the Site Plan (Plan - JC/IN - DA/DWG 1000 rev:C) as Area D includes extension of a general playground area into existing native vegetation. Vegetation in Area D forms part of the Duffys Forest Endangered Ecological Community (EEC). Known habitat of the critically endangered plant, Grevillea caleyi is located in the adjoining area as identified on the site plan and referred to as Grevillea Reserve.*

*A Positive Covenant under Section 88B of the Conveyancing Act 1919 applies to the subject property and provides for protection of the existing Grevillea Reserve. The Positive Covenant explicitly refers to the Bushland Management Plan v1.1 (Incorporating a Works Environmental Protection Plan) for John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07. It is understood that all other areas within the lot are to be managed as a bushfire Asset Protection Zone (Inner Protection Area) in accordance with advice from the NSW Rural Fire Services in relation to the previous development application (DA2011/1370, dated 12 December 2011).”*

Comment: A condition of development consent is recommended in this regard.

## **Parks, reserves, beaches, foreshore (PRBF)**

Council's PRBF Officer has raised no objection to the proposal and has provided the following comments:

*"The development is recommended for approval however it is recommended that a condition of consent is applied for the applicant to construct a concrete pathway to connect the pedestrian crossing to the path to Wyatt Ave Reserve public toilets. Currently there is a significant wear path along this route caused by students crossing from the John Colet School to the Reserve. As detailed in the submitted Open Space Management Plan the school will continue to use this reserve as their primary sportsfield. The additional student numbers using this route of travel will exacerbate the current situation to the point where it will be unsafe. The path is proposed to be completed per Council's minor engineering works specification prior to issue of the Occupation Certificate."*

Comment: A condition of development consent is recommended in this regard.

## **Traffic Engineer**

Council's Traffic Engineer has raised no objection to the proposal and has provided the following comments:

*The following responses are provided to a number of matters raised previously.*

- The proposed stacked parking spaces are unacceptable at 5m in length. The traffic report indicates that a survey of current staff vehicles indicated a significant number of these would be able to be accommodated in these spaces however, this does not account for future accommodation of other vehicles, should a staff member change their vehicle or a new staff member has a larger vehicle. All parking spaces are to comply with the requirements of AS2890.1 for length and width. The response indicates that the Australian Standard does not specify the minimum ratio of regular to small car bays. It is considered that 40% of the parking bays being for small vehicles only is excessive and not considered appropriate as it does not allow for the accommodation of potentially larger vehicles, particularly in a stacked parking arrangement. The number of small car spaces should be reduced.*
- It is considered that proposed spaces 18, 19 & 20 have insufficient room to manoeuvre in and out of the space from the access road. A swept path assessment is required to ensure that vehicles manoeuvring in and out of the spaces can do so within the limits of the access road. The response has provided swept path diagrams for these spaces however, they indicate that vehicles entering and exiting these spaces will require to make two or three movements when entering or exiting the space. They will also be required to travel off the road pavement to complete these manoeuvres. Vehicles entering and exiting these spaces should be able to complete the manoeuvre in one movement. Pavement widening would be required to ensure that there is sufficient width for vehicles to complete the turn without encroaching on off-road areas or other car spaces.*
- The circular road should operate as a one way road and be suitably signposted for entering vehicles. It is proposed that the circular road will operate in a one way direction.*
- On-site parking is to be provided for the maximum number of staff on-site at any one time. The proposed parking is indicated that it will provide adequate provision of the maximum number of staff however, this is only achieved with the provision of 40% of small car spaces. As indicated above, this volume of small car spaces is excessive.*

- *With the increase in staff numbers and the potential additional traffic entering and exiting the site the vehicular access is required to be a minimum 5.5m wide for the first 6 metres measured from the property boundary. The response has provided that it is not required according to Clause 3.2.2 of AS2890.1 however, this clause does provide that "On long driveways, passing opportunities should be provided at least every 30 m." As the distance from the boundary to the first opportunity for vehicles to pass is more than 30 metres then it is necessary for a passing area to be provided. It is considered that this should be provided at the boundary of the property to ensure that an entering vehicle is able to pull completely clear of the roadway and the footpath area should another vehicle be exiting.*

Comment: Whilst the matters raised by the Traffic Engineer are considered valid, they are not significant to the extent that would warrant refusal of the application. The Staged development process provides sufficient flexibility for these issues to be addressed in conditions of consent that will apply to both Stage 1 and any future stages of the Masterplan.

It is hence recommended that the "stacked" spaces (Nos. 3-8 and 25-30) be amended to provide sufficient length (ie.5.5m) to comply with Australian Standards as a condition of consent the consent for Stage 1. All other matters are to be addressed as conditions of consent which will apply to the Masterplan subject to this approval and any subsequent application.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on "Environmental Planning Instruments" in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	See discussion on "Draft Environmental Planning Instruments" in this report.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	The <i>Warringah Development Control Plan 2000 (Notification)</i> applies to this proposal. The proposal was notified and advertised consistent with the provisions of this plan.
<b>Section 79C (1) (a)(iiia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) – Provisions of the regulations</b>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been addressed via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p>

Section 79C 'Matters for Consideration'	Comments
	<p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to the proposal.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, permits Council to request additional information and has therefore consider the number of days taken in this assessment in light of this Clause within the Regulations. However, no additional information was requested.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. This clause is not relevant to the proposal.</p>
<b>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	<p>The site is considered suitable for the proposed development.</p>
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	<p>See discussion on “Public Exhibition” in this report.</p>
<b>Section 79C (1) (e) – the public interest</b>	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p>

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### State Environmental Planning Policies (SEPPs)

## **State Environmental Planning Policy No 55 – Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

## **State Environmental Planning Policy - BASIX**

A BASIX certificate is not required to be submitted with the subject application.

## **State Environmental Planning Policy - Infrastructure**

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line,
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is sited on land that is within 5m of an overhead power line on Wyatt Avenue. As a result the application was referred to Ausgrid, who did not respond within the time prescribed in the SEPP. Hence, it is assumed that the proposal is consistent with the provisions of the SEPP.

## **Local Environment Plans (LEPs)**

### ***Warringah Local Environment Plan 2000 (WLEP 2000)***

#### **1 Desired Future Character (DFC)**

The subject site is located in the C8 Belrose North Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

*“The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.*

*The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*

*Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses*



*A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.*

*Development in the locality will not create siltation or pollution of Middle Harbour."*

The proposed development is defined as "primary schools" under the WLEP 2000 dictionary. "Primary schools" are identified as Category 3 development in this locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

*Requirement: "The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to to blend with the colours and textures of the natural landscape will be strongly encouraged."*

Comment: The proposed Masterplan (as amended) has been designed to minimise the disturbance of existing bushland on the site, particularly with the deletion of stages B, H, I, M, O and P. In effect, all of the new development (with the exception of parking spaces 18, 19 and 20) will be restricted to existing areas of the site that are already development for buildings or communal play areas. In respect to the natural landscape, the proposal is considered to satisfy this aspect of the DFC.

In regard to colours and textures of the local landscape, the schedule of materials and colour provided for the proposal (see plan number DA/DWG 1103 Rev A) are considered adequate to satisfy this aspect of the DFC.

*Requirement: "Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses"*

Comment: As the proposal is not detached style housing, the proposal will need to demonstrate that it is a low intensity, low impact use to demonstrate consistency with the DFC.

The matter of 'low-intensity, low-impact' uses was adequately considered in the assessment of the original application consistent with the NSW Land and Environment Court (LEC) judgement in *Vigor Master Pty Ltd v Warringah Council [2008] NSWLEC 1128*. In this judgement, the following was established that "intensity" and "impact" were as follows:

*"Intensity – is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore "low intensity" would constitute a development which has a low level of activities associated with it" and;*

*"Impact – is commonly used in planning to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape, privacy, solar access etc. Therefore "low impact" would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to change the amenity of the locality."*

A discussion in respect of these two (2) terms within the DFC is provided below:

## **“Intensity”**

In effect, Stage 1 of the proposal will represent an increase in the existing intensity of the approved primary school, by approximately 21%, based on the existing consent for 225 students.

However, before any meaningful discussion on the intensity of the proposal can be entertained, it first must be established if the proposed land use can be reasonably described as “low intensity”.

A primary school is for the education of children between the ages of 5 and 12, with general operating hours between 9.00am and 3.30pm, Monday to Friday. Limited activities are undertaken outside of these hours and only on an intermittent basis (eg, sports events, concerts, ceremonies etc.). Peak levels of intensity for patron access and activity occur during drop-off and pick up times and at break periods, however the significant proportion of operating hours of any school is devoted to class-based educational activities which require relatively quiet periods of study. Therefore, it is reasonable to establish that a primary school is by its general nature, a low intensity use.

Although further consideration must be given to the total student body, numbers of teaching and ancillary staff and other activities that may occur on the land in addition to the school use. This consideration is best provided by comparing similar land uses in the vicinity.

Approximately 1 kilometre to the north of the subject site, and also located in the C8 Belrose North locality, is the Covenant Christian School, which is a private primary and secondary school, located on approximately 3.5 hectares of land. This premises currently has consent for a maximum of 900 students, as per Condition No.41 of DA2010/1949 issued by Council (WDAP) on 8 June 2011. However, on 12 August 2015, Council (WDAP) consented to modify Condition No.41 (MOD2015/0078) to permit a total of 1100 students, subject to further condition that upgrades be undertaken to the local road network. In considering whether this modification was consistent with the low impact, low density test of the DFC it was concluded that the proposed increase was acceptable as the proposal could demonstrate adequate traffic management and compliance with the relevant built form controls.

If a comparison of student densities (being the total number of students in relation to the total site area) is undertaken, this demonstrates that the Christian Covenant School has a density on this site of approximately 1 student per 3m<sup>2</sup> of site area. An estimate of the student density for the proposal on John Colet School would also yield approximately 1 student per 3m<sup>2</sup> of site area.

Located approximately 400m to the south of the proposal, is the Belrose Public School. This school currently has 299 students enrolled for 2015, however student numbers have in the past have gone as high as 411, in 2009 (Source: Belrose Public School Annual Report, 2015).

In comparing these two nearest school uses, it is reasonable to conclude that in both overall school population and densities, the proposal is similar and certainly not above, the level of intensity of other schools in the area, including one also located in the C8 locality.

The remaining matter to consider is whether the proposal, which represents a net increase of 125 students will be a low intensity use in context with the existing use. In percentage terms, the proposal represents approximately a 36% increase in the existing approved student numbers and associated staff and car parking. This proposed increase is not

considered to be substantially different to the existing level of activities that occur on the site and further emphasises the low-intensity nature of the proposed land use.

In conclusion, the intensity of the proposal is considered to be within the “low level of activities” as termed in the previously referenced LEC judgement, for the following reasons:

- Primary schools, in their general nature, are a low-intensity land use;
- The specific nature of the existing John Colet school, in comparison with other similar land uses in the C8 Locality, is a low-intensity land use; and
- The maximum net increase in students proposed, estimated at 36%, does not represent an intensity that is substantially different to that which already exists on the site

Therefore the proposal satisfies the “intensity” test of the DFC.

### **“Impact”**

Consistent with the aforementioned LEC judgement, a consideration of the impacts highlights two (2) broad areas of impact that are pertinent in an assessment of the proposal against the DFC. These are:

- Impact on native vegetation / habitat / threatened species; and
- The potential impact of additional traffic on the local road network.

A consideration of the impact of the proposal on the natural environment of the site is provided elsewhere in this report. In summary, the application has demonstrated that there will be no significant impact on any of the threatened species or ecological communities that exist on the site.

In respect to the potential traffic impacts on the local road network, it is worthwhile to discuss the outcomes of the “trial period” for 225 students which has been in effect since December 2010. As an outcome of the trial period, the school has undertaken at their expense significant upgrade works to Wyatt Avenue, to facilitate vehicular and pedestrian traffic.

An examination of the students numbers for John Colet School indicates that enrolments numbers for the years subsequent to the trial period demonstrates the following:

<b>Year</b>	<b>Students</b>
<b>2011</b>	190
<b>2012</b>	200
<b>2013</b>	213
<b>2014</b>	190
<b>2015</b>	191

Source: [www.myschool.edu.au](http://www.myschool.edu.au)

The table above demonstrates that in excess of 200 students have been enrolled in the school during the trial period, providing a figure close to the maximum number permitted. The applicant has also submitted bi-annual reports on traffic management as a requirement of Condition No.22 of the existing consent, all reports of which have demonstrated reasonable functioning of the local road network in the context of the trial period increase in the level of students, to a number that is commensurate with the maximum approved during the trial period.

The analysis contained within the traffic reports provided with the proposal have demonstrated that an adequate level of service will be provided on Wyatt Avenue. The analysis has categorized Wyatt Avenue as a “collector road”, which is reasonable under the circumstances, most obviously as it provides signalised access to an arterial road (Forest Way) for local streets to the south of the site.

The traffic report provided with the application has modelled the projected increase to 350 students and presented findings that demonstrated an acceptable level of service based on a “collector” road status of Wyatt Avenue.

Therefore the proposal satisfies the “impact” test of the DFC.

Based on the discussion provided above, the proposal is consistent with this requirement of the DFC and is a low impact, low intensity land use.

*Requirement: “A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.”*

Comment: Not applicable to the proposed development.

*Requirement: “Development in the locality will not create siltation or pollution of Middle Harbour.”*

Comment: The proposal is adequate to comply with this requirement of the DFC.

As detailed above the proposed development is considered to be consistent with the Locality’s DFC statement.

#### Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Controls of the above locality statement, that are relevant to the proposal:

Built Form Standard	Required	Proposed	Compliance
Building Height	8.5m (maximum height)  7.2m (natural ground level to ceiling of uppermost level)	5m (Stage 1) 8.8m (Future)  4.2m	Yes No  Yes
Front Setback	20m	18.4-19m	No – 8% variation
Rear and Side Building Setback	10m	5.8m (east - side) 7m (west - side) 4.4m (north – rear)	No – 42% variation No – 30% variation No – 66% variation
Bushland Setting	50% of the site	5,955m <sup>2</sup> or 50.5%	Yes

The proposed development will represent non-compliances with the following Locality’s Built Form Controls:

- Building Height (being the “Future” concept extension to Chisholm House);
- Front Setback; and

- Rear and Side Setback.

Accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

*“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

**(ii) Desired Future Character of the Locality**

The proposal is consistent with Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

**(iii) Relevant State Environmental Planning Policies**

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

**Description of variations sought and reasons provided:**

**Building Height Built Form Control**

*Required: 8.5m*

*Proposed: 8.8m (or a 3.4% variation to the proposal)*

*Response:*

No detailed architectural plans, or specifically elevations, have been provided of the extension to Chisholm House. This detail has only been provided conceptually, and it is the intention of any Staged development consent to be supported by another development application for this part of the Masterplan. Hence no specific assessment of this aspect of

the variation is considered necessary at this stage as part of this application. Nonetheless, a consideration of the objectives of the control is provided below:

Objective: *Ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment: The variation to the height control represents as a very minor non-compliance and in the context of the existing building would visually imperceptible in comparison with any works that would be compliant with the control. In summary, the proposed variation will not result in development that is visually dominant and is hence consistent with this objective.

Objective: *Preserve the amenity of surrounding land*

Comment: The proposed variation is unlikely to result in any specific amenity impact to adjoining properties with respect to solar access, privacy or visual impact. The proposal is hence consistent with this objective.

Objective: *Ensure that development responds to site topography and minimise excavation of the natural landform*

Comment: The works proposed in Stage Q provide a reasonable response to the site's topography and no significant excavation is proposed. The proposal is hence consistent with this objective.

Objective: *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

Comment: The conceptual elevations provided with the application demonstrates sufficient roof pitch and variation from the existing roof forms of the existing Chisholm House, to demonstrate an adequate compliance with this objective.

### **Front Building Setback Built Form Control**

*Required: 20m*

*Proposed: 18.4-19m (5-8% variation with the minimum control) for Stage "Q"*

*Response:*

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Front Building Setback Built Form Control. Accordingly, compliance with the objectives are addressed below:

Only a site plan, with a conceptual perspective, has been provided of the extensions to Chisholm House as part of Stage Q. Hence no specific assessment of this aspect of the variation is considered necessary at this stage as part of this application. Nonetheless, as a site plan has been provided, a preliminary assessment of the variation is at least required and is provided below.

Objective: *Create a sense of openness*

Comment: The extent of the variation proposed in the Masterplan is a relatively minor variation, and is consistent with the front setback of the existing Chisholm House. In principal, an adequate sense of openness is provided, consistent with this objective.

Objective: *Provide opportunities for landscaping*

Comment: Sufficient areas of landscaping are provided on other areas of the site to satisfy this objective.

Objective: *Minimise the impact of development on the streetscape*

Comment: The proposed Stage Q consists of an extension to the existing Chisholm House, which is actually setback closer from the front boundary at 17.2m. The concept drawings demonstrate that the additions are suspended above the ground, to permit adequate areas of landscaped open space underneath. In turn, this will reduce the visual impact of the proposed south elevation when viewed from Wyatt Avenue. The variation is hence considered to satisfy this objective.

Objective: *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements*

Comment: As stated previously, the application will maintain generally the existing setback of the existing building on the site and result in no loss of the the significant areas of landscaping currently forward of the existing Chisholm House. The variation is therefore consistent with the requirements of this objective.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Front Building Setback Built Form Control. It is for these reasons that the variation to the Front Building Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

### **Side Setback Built Form Control**

*Required: 10m*

*Proposed: Car parking spaces 25 to 30 are located approximately 5.8m from the east (side) boundary and parking spaces 18 to 20 are located between 7m from the west (side) boundary and 4.4m from the north (rear) boundary.*

*Response:*

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Side Setback Built Form Control. Accordingly, compliance with the objectives are addressed below:

Objective: *Ensure that development does not become visually dominant by virtue of its height and bulk*



Comment: The variation relates to carparking provided at ground level, which provides effectively no height and bulk. The proposed variation is hence consistent with this objective.

Objective: *Preserve the amenity of surrounding land*

Comment: There are no buildings or residences on adjoining land that will have their amenity adversely affected by the location of the car spaces within the front setback. The development is therefore consistent with this objective.

Objective: *Ensure that development responds to site topography*

Comment: The proposed car spaces will require no substantial modification to the existing topography of the site. The proposal is hence consistent with this objective.

Objective: *Provide separation between buildings*

Comment: The car parking spaces are not considered to be “buildings” within the term stated in this objective and is hence not strictly applicable to the proposed variation.

Objective: *Provide opportunities for landscaping*

Comment: Sufficient opportunities are provided for landscaping elsewhere on the site, with the variation relating to the car parking not having an adverse impact on the provision of sufficient landscaping to mitigate visual impact.

Objective: *Create a sense of openness*

Comment: The variation as a result of the car parking spaces, will have no effective impact on the sense of openness between existing buildings on the site and their corresponding setbacks.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Side Setback Built Form Control. It is for these reasons that the variation to the Side Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

## **2 General Principles Of Development Control**

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are relevant in the assessment of the proposed Staged development:

<b>General Principles</b>	<b>Comments</b>	<b>Complies</b>
<b>CL42 Construction Sites</b>	Special conditions of consent will apply to ensure no impact occurs to the EEC on the site.	<b>Yes, subject to condition</b>
<b>CL43 Noise</b>	The proposed increase in student and staff numbers is not considered to result in any adverse acoustic impact to adjoining properties.  Notwithstanding, the amount of noise generated by the	<b>Yes</b>

General Principles	Comments	Complies
	<p>proposed 350 students and additional staff is not expected to be unacceptable on adjoining residential properties for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site does not adjoin residential development and is located opposite Wyatt Reserve;</li> <li>• Noise generated is not offensive and considered compatible with that expected within a residential zone; and</li> <li>• The noise generated is intermittent and would be loudest during morning and afternoon student pick up and drop off times.</li> </ul>	
<b>CL48 Potentially Contaminated Land &amp; CL49 Remediation of Contaminated Land</b>	The land has been used for educational purposes for a significant period of time and no change of use is proposed. Existing Council records indicate no history of contamination. Based on the circumstances, it is unlikely that the land is contaminated and the proposal is acceptable in this regard to this clause and the provisions of <i>State Environmental Planning Policy No 55—Remediation of Land</i> .	<b>Yes</b>
<b>CL50 Safety &amp; Security</b>	These matters are best addressed in the subsequent applications which will be required for “Stage 1” and the “Future stages” of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b>	<p>The site adjoins Wyatt Reserve, to the south of the site on opposite side of Wyatt Avenue. The stage of the proposal most readily visible from this public reserve is “Q”, which will involve a two-storey addition to the existing Chisholm House.</p> <p>These works involve a minor variation to the minimum front setback of 20m that applies to the site under the C8 locality. This variation is considered elsewhere in this report. In summary, the variation proposed will achieve the objectives of the control and the variation is supported.</p> <p>The proposal will achieve a reasonable built form outcome that can achieve the objectives of this General Principle.</p>	<b>Yes</b>
<b>CL54 Provision and Location of Utility Services</b>	Sydney Water have advised Council that they will require that the applicant seek a compliance certificate under Section 73 of the Sydney Water Act 1994, as a condition of development consent. This condition has been incorporated into the recommended conditions of development consent.	<b>Yes, subject to condition.</b>
<b>CL56 Retaining Unique Environmental Features on Site, CL58 Protection of Existing Flora, CL59 Koala Habitat Protection</b>	The site has areas of remnant native vegetation and rock outcrops, some of which has been identified as EEC. The proposal will make no significant impact on these areas. Similarly, no impact is likely on flora and fauna habitat. The proposal is hence consistent with this principle.	<b>Yes</b>
<b>CL62 Access to sunlight</b>	These matters are best addressed in the subsequent applications which will be required for “Stage 1” and the “Future stages” of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>

<b>General Principles</b>	<b>Comments</b>	<b>Complies</b>
<b>CL63 Landscaped Open Space</b>	Adequate areas of landscaped open space have been provided on the site to satisfy this principle.	<b>Yes</b>
<b>CL63A Rear Building Setback</b>	Car spaces 18, 90 and 20 represent a non-compliance with minimum 10m rear setback required in the C8 locality. This variation is discussed elsewhere in this report. In conclusion, notwithstanding the variation proposed to the minimum rear setback, the proposal can demonstrate compliance with the objectives of this principle.	<b>Yes</b>
<b>CL66 Building bulk</b>	These matters are best addressed in the subsequent applications which will be required for "Stage 1" and the "Future stages" of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL67 Roofs</b>	These matters are best addressed in the subsequent applications which will be required for "Stage 1" and the "Future stages" of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL68 Conservation of Energy and Water</b>	These matters are best addressed in the subsequent applications which will be required for "Stage 1" and the "Future stages" of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL69 Accessibility – Public and Semi-Public Buildings</b>	These matters are best addressed in the subsequent applications which will be required for "Stage 1" and the "Future stages" of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL70 Site facilities</b>	These matters are best addressed in the subsequent applications which will be required for "Stage 1" and the "Future stages" of the Masterplan.	<b>Yes, subject to further application as part of the Staged consent.</b>
<b>CL71 Parking facilities (visual impact)</b>	The additional car spaces proposed are all located at grade and situated a significant distances from the frontage of the site from Wyatt Avenue, significantly reducing the potential for visual impact.	<b>Yes</b>
<b>CL72 Traffic access &amp; safety</b>	<p>There will no change to the existing access points to and from the site as a result of the proposal. Council's Traffic Engineer has however raised issue with the width of the access point not having the necessary width to facilitate passing of vehicles within the site, which is affected by the proposed "stacked" arrangements for spaces 3-8 and 25-30. This may necessitate additional queuing of vehicles at the egress point of the site at Wyatt Avenue.</p> <p>Given that the proposal is conceptual in nature, it is therefore recommended that a condition of consent be applied that any future development application provide adequately designed access and car parking to facilitate safe and convenient access to the site.</p>	<b>Yes, subject to condition / further application</b>
<b>CL73 On-site Loading</b>	Sufficient area is provided on-site to comply with this	<b>Yes</b>

General Principles	Comments	Complies
and Unloading	principle.	
CL74 Provision of Carparking	Sufficient parking has been provided to satisfy the provisions of Clause 74 – refer to discussion on Schedule 17.	Yes
CL75 Design of Carparking Areas	<p>Council's Traffic Engineer has raised objection to proposal based on the following matters:</p> <ul style="list-style-type: none"> <li>Parking spaces 18, 19 and 20 have inadequate dimensions to access adjoining interbal access road.</li> <li>Parkings spaces 3-8 and 25-30 have insufficient length.</li> <li>The internal access has insufficient width at the access point to Wyatt Avenue.</li> </ul> <p>Given that the proposal is conceptual in nature, it is therefore recommended that a condition of consent be applied that any future development application provide adequately designed access and car parking to facilitate safe and convenient access to the site.</p>	Yes, subject to condition / further application
CL76 Management of Stormwater	Council's Developemnt Engineer has advised that there is sufficient information to satisfy this principle.	Yes
CL78 Erosion & Sedimentation	Conditions of development consent are recommended to satisfy this principle.	Yes
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	The Aboriginal Heritage Office have raised no objection to the proposal, subject to standard condition.	Yes, subject to condition
CL83 Development of Known or Potential Archaeological Sites	See comments above.	Yes

## SCHEDULES

### Schedule 5 - State Policies

**Bushland In Urban Areas**  
(State Environmental Planning Policy No 19—Bushland in Urban Areas)

This schedule applies to the proposal as the site contains an area (approximately 400m<sup>2</sup>) which contains remant bushland and is zoned for urban purposes. The proposal (as amended ) will not result in any clearing or loss of habitat in this identified area. The proposal is hence consistent with this part of the Schedule 5.

**Koala Habitat Protection**  
(State Environmental Planning Policy No 44—Koala Habitat Protection)

As the site exceeds 1 hectare in area, the provisions of the State policy applies to the proposal. The environmental study provided with the application has demonstrated that there will no substantial impact on potential koala habitat on the site and the proposal therefore complies with this part of Schedule 5.

### Schedule 8 - Site analysis

Site Analysis	A site plan has been provided with the application, which is sufficient to address the
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## Schedule 15 - Statement of Environmental Effects

Clause 15(1) of Warringah Local Environmental Plan 2000 requires that the consent authority must consider a Statement of Environmental Effects (SEE) prepared in accordance with the criteria listed in Schedule 15. The applicant has submitted a Statement of Environmental Effects, prepared by City Plan Associates, which addresses Schedule 15 of WLEP 2000. The following is provided having regard to these provisions:

In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application. Reporting of this application to the Sydney East Joing Regional Planning Panel is considere to satisfy this

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects (SEE)	The applicant has provided a summary within the the Statement of Environmental Effects provided with the application that is sufficient to satisfy this requirement of Schedule 15.
(2) Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.	The applicant has provided a detailed discussion and justification to demonstrate the proposal's compliance with the C8 Belrose North locality and the General Principles of Development Control.
(3) Objectives of the proposed development.	<p>With regard to Point 3 of Schedule 15 the applicant has established that the objectives of the proposal are as follows:</p> <ul style="list-style-type: none"> <li><i>To seek approval for an incremental increase in student numbers for John Colet School with the key objective being to meet the rising demand for education and consequently enrolment places.</i></li> <li><i>To seek approval for a staged approach to redevelop John Colet School, partly to improve existing facilities but also to meet the demands generated by increased student enrolments.</i></li> <li><i>To ensure that the proposed concept plan and Stage 1 development is consistent with the Desired Future Character of the C8 locality and to ensure that there is no adverse environmental impact</i></li> </ul> <p><b>Comment:</b> The objectives of the proposal have been adequately described and no fundamental objection is raised with the objectives of the proposal. The proposal has satisfied this requirement of Schedule 15.</p>
(4) An analysis of feasible alternatives.  (including (a)	The applicant has provided a detailed analysis within Section 3.10 and 3.11 of the SEE in regards to this requirement. In summary, the Masterplan presents as the best outcome on the site given the opportunities and constraints of the site. It is also acknowledged that

Consideration	Proposed
Consequences of not carrying out the development and (b) Justification for the development)	not carrying out the development would restrict the options for educational services in north-eastern Sydney.
(5) Development and context analysis.	The applicant has provided sufficient information to demonstrate compliance with this requirement of Schedule 15.
(6) Biophysical, economic and social considerations and the principles of ecologically sustainable development.	The applicant has provided sufficient information to demonstrate compliance with this requirement of Schedule 15.
(7) Measures to mitigate any adverse effects of the development on the environment	The extent of Stage 1 works are not such as to require any specific measures to mitigate any adverse impacts of the proposal. Future applications that relate to the stages of the Masterplan closer to the vegetated north-west boundary, may require further information of such mitigation measures.
(8) Other approvals required	As the land relates to a school in a bushfire prone area, the approval of the Commissioner of the NSW Rural Fire Service is required, and the development is Integrated development. Concurrence has been provided by the NSW Rural Fire Service in this regard.

It is considered that the submitted Statement of Environmental Effects prepared by City Plan Services dated June 2015 and in response to the provisions of Clause 15/Schedule 15 adequately addresses the compatibility of the of the development with the Locality and the DFC.

### Schedule 17 - Carparking Provision

Carparking Provision	<p>For "primary schools, further education" parking is to be provided at the following rate:</p> <p><i>1 space per staff member in attendance, plus</i></p> <p><i>as relevant, adequate pickup/setdown area on site plus</i></p> <p><i>adequate provision of bicycle racks plus</i></p> <p><i>adequate provision for student parking plus</i></p> <p><i>provision of bus standing and turning area</i></p> <p><u>Comment:</u> The proposal seeks consent for a total of 30 staff. The masterplan for the site proposes a total of 30 spaces consistent with the requirement to provide 1 space per staff member. Adequate provision has already been made for bus access to the site and there are existing facilities for bicycle parking on the site. Parking for students are not necessary given that the school is primary and most students are under the age of 12.</p>
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### DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments which are directly relevant to the proposal.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 5,523,335.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 52,471.68
Section 94A Planning and Administration	0.05%	\$ 2,761.67
Total	1%	\$ 55,233.35

## OTHER MATTERS FOR CONSIDERATION

### Assessment for Significant effect on threatened species, populations or ecological communities, or their habitats (Section 5A EPA Act 1979)

Approximately 400m<sup>2</sup> of the site, adjoining the northern boundary, has been identified as belonging to the "Duffys Forest" vegetative type, which is categorised as an Endangered Ecological Community (EEC) under the Threatened Species Conservation Act 1995.

For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

Matter for consideration	Assessment Comments
(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction	<p>A detailed consideration of the potential impact of the proposal is provided within an Ecological Issues and Assessment Report, dated June 2015 and prepared by F Dominic Fanning. This report has been referred to Council's Biodiversity Officer for review and comment.</p> <p>A population of the threatened flora species, <i>Grevillea Caleyi</i>, has been identified within the area of remnant native vegetation on the site,</p>



Matter for consideration	Assessment Comments
	<p>Page 7 of this report makes the following overall observation about the proposal:</p> <p><i>“In general terms , the proposed upgrade of the John Colet School at Belrose will predominately utilise existing highly modified portions of the site for the school development, with only a very small area of already modified woodland in the northwest of the site to be further modified (to a limited extent). It is assumed that the development of the site will be undertaken in an environmentally sound and appropriate manner – utilising current “best practice” construction and environmental protection methods.”</i></p> <p>Given that the proposal has since been amended to effectively delete many of the works adjoining the EEC, the impact of proposal (which was already considered minimal) has now been further reduced.</p> <p>The report has established that is “not likely” that the proposal will result in the extinction of the viable local population of threatened species that exists on the site. Council’s Biodiversity Officer concurs with this finding of the report.</p>
(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction	The information provided with the application, which has been reviewed by Council’s Biodiversity Officer demonstrates that there will be no adverse impact on the life cycle of the EEC that exists on the site.
(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed: <ul style="list-style-type: none"> <li>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</li> <li>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</li> </ul>	The information provided with the application, which has been reviewed by Council’s Biodiversity Officer demonstrates that there will be no adverse impact on the local occurrence or composition of the EEC that exists on the site.
(d) in relation to the habitat of a threatened species, population or ecological community: <ul style="list-style-type: none"> <li>(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</li> <li>(ii) whether an area of</li> </ul>	As stated previously, the proposal (as amended) will have a negligible impact on the identified threatened species and EEC that exists on the site.

Matter for consideration	Assessment Comments
<p>habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</p> <p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</p>	
(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),	No critical habitat exists on the site.
(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,	No recovery or abatement plans apply to the site.
(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	No key threatening processes are of relevance to the proposal.
<p>▪ any assessment guidelines.</p> <p><b>(assessment guidelines</b> means assessment guidelines issued and in force under section 94A of the <a href="#">Threatened Species Conservation Act 1995</a> or, subject to section 5C, section 220ZZA of the <a href="#">Fisheries Management Act 1994</a>.)</p>	No particular assessment guidelines are in effect to the site.

As a result of the assessment provided above it is considered that the proposed development would not result in any significant effect on threatened species, populations or ecological communities, or their habitats

## CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions received during the notification period.

The essential matters for consideration in the assessment of the proposal are as follows:

- Determination of whether the proposal is a “low intensity, low impact” land use, as required by the Desired Future Character statement of the C8 Belrose North locality;
- The impact of the proposal on the efficiency and safety of the local road network; and
- The extent of the proposal’s impact on the natural environment, specifically the identified area of the site which has presence of a threatened species (*Grevillia caleyi*) and the Duffys Forest Endangered Ecological Community.

Considering these matters in turn:

The existing land use on the site is, in its intrinsic nature, a low intensity, low impact land use. Stage 1 of the proposed Staged development, which consists of a maximum of 285 students on the site, will represent a modest increase in the number of students that the school has currently has consent for until 16 December 2016, which is 225 students. In regard to the projected increase to 350 students in the Future stages, this will not be substantially different to that intensity or impact of the currently approved school. It is also similar to the intensity and impact of other primary schools located in the C8 locality. Hence, the proposal is consistent with the Desired Future Character of the C8 Belrose North locality.

The proposal will not cause any adverse impact on the efficiency or the safety of the local road network. Upgrades undertaken on Wyatt Avenue initially to accommodate a potential increase of initially 225 students are also adequate to cater for the level of traffic generated by the proposed maximum of 350 students. Consent for 225 students has existed on the site effectively since December 2010, with the trial period of consent requiring regular reporting on the traffic impacts of the approved increase. No adverse impact on the local road network has been identified in the reporting provided to Council and nor in any critical review of this information by Council. An analysis of the local road network’s ability to accommodate the proposed 350 students has been provided with the application, and review of this information concurs with the findings of the report.

There will be no adverse impact on the identified population of threatened species and endangered ecological community on the site. No works are proposed on this area and no conditions of consent (including those issued by the NSW Rural Fire Service) will have the effect to permit any impact on this specific area. The masterplan has also been amended to delete those works adjoining the north-west corner of the site, further reducing the impact on adjoining “re-growth” areas of bushland.

In concluding, the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Hence it is recommended to grant approval (Staged) consistent with the “Recommendation” section of this report.

## **RECOMMENDATION**

### **APPROVAL – STAGED DEVELOPMENT**

THAT Sydney East Joint Regional Planning Panel as the consent authority grant Staged Development Consent pursuant to Section 83B of Environmental Planning and Assessment Act 1979 to Application No. DA2015/0558 for Staged Development for Staged Development – Alterations and additions to primary school and further education (John Colet School) on land at Lot 101 (No.6-8) Wyatt Avenue BELROSE subject to the conditions printed below:

### **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

#### **1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any

other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
JC/IN – DA/DWG 1000 Rev D	14 December 2015	Templum Design Architects
JC/IN - DA/DWG 1100 Rev A	8 August 2015	Templum Design Architects
JC/IN - DA/DWG 1103 Rev A	21 May 2015	Templum Design Architects

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BCA Compliance Capability Statement	9 June 2015	City Plan Services
Accessibility Compliance Capability Statement	9 June 2015	City Plan Services
NCC Section J Report	17 June 2016	CADMonkeys
Bushfire Protection Assessment	19 July 2013	Australian Bushfire Protection Planners Pty Ltd
Ecological Issues and Assessment Report	June 2015	Gunninah
Aboriginal Heritage Impact Statement	May 2015	City Plan Services

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

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

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

<b>Stormwater Drainage Services</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
3304 H-01	May 2015	GDK

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
JC/IN - DA/DWG 1101 Rev A	21 May 2015	Templum Design Architects

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

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

## 2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>eServices Reference</b>	<b>Dated</b>
NSW Rural Service	Integrated Referral Response - NSW Rural Fire Service	4 May 2016

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

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

## 3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

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

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

#### **4. General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer

management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.



Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

(i) Swimming Pools Act 1992

(ii) Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2008

(iv) Australian Standard AS1926 Swimming Pool Safety

(v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

#### **5. Staged Development Consent - Future Stages**

Development application/s are to be lodged for the construction of Stages F to Q, as approved by Plan Number JC/IN - DA/DWG 1000 Rev D dated 14 December 2015 and prepared by Templum Design Architects.

Reason: To ensure consistency with the approved Masterplan under this Staged development consent (DACPLBOC1)

#### **6. Parking Spaces**

An amended parking / access plan is to be provided in the next application relating to the Staged consent, which demonstrates that:

a) all car spaces have dimensions to satisfy the provisions of the relevant Australian Standards;

b) a passing bay can be provided on-site that eliminates any potential queuing of vehicles entering the site from Wyatt Avenue;

c) one-way road system for the road north of staff common area; and

d) re-design of vehicle spaces 18, 19 and 20 to facilitate adequate vehicular movements consistent with relevant Australian Standards.

Reason: Ensure adequate vehicular parking and access to the site (DACPLBOC2)

## 7. Student and Staff Numbers

Staff and students numbers are limited in this consent to a maximum of 285 students and 28 staff.

Consent for a maximum of 350 students and 30 staff is provisional only and dependent on further development application/s for work stages F to Q.

Reason: To ensure compliance with the provisions of the approved Masterplan (DACPLBOC2)

## FEES / CHARGES / CONTRIBUTIONS

## 8. Policy Controls

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 5,523,335.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 52,471.68
Section 94A Planning and Administration	0.05%	\$ 2,761.67
Total	1%	\$ 55,233.35

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

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

## 9. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure.

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

### **10. On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by GDK Hydraulic Consulting, drawing number H-01 dated May 2015.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

### **11. Tree protection**

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

(a) Existing trees which must be retained:

All trees not indicated for removal Stage 1 Landscape Extent Plan, Dwg No. LSP.01B Sheet 1 dated 01.06.15 prepared by Narelle Sonter Botanica, unless exempt or noxious in Warringah.

(b) Tree protection

i) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, particularly Section 4 Tree Protection Measures.

ii) All tree protection measures are to be in place prior to commencement of works

iii) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

iv) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

v) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373- 2007 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.

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

## 12. Amended landscape plans

Landscape Plans are to be amended to remove all *Jacaranda mimosifolia* from the proposed planting list. The *Jacaranda mimosifolia* may be substituted with suitable non-invasive species.

Reason: Protection of native bushland (DACLACPCC1)

## 13. Bushland Management - Existing Positive Covenant

Bushland is to be protected, conserved, rehabilitated and managed in accordance with the existing Positive Covenant under Section 88B of the Conveyancing Act 1919.

This instrument is written and registered on the title so that the owners are bound to manage and protect the area in perpetuity in accordance with the Bushland Management Plan as defined in the instrument.

Reason: Management and protection of bushland. (DACENGOG2)

## 14. Compliance with Standards

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

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

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

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

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

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

website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the

applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

**15. Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**16. Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

**17. Trees Condition**

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

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees. (DACLAE03)

**18. Protection of rock**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition and construction works.

Reason: Preservation of significant environmental features (DACLAEOG1)

**19. Aboriginal Heritage**

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

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

Reason: Aboriginal Heritage Protection. (DACAHE01)

**20. Installation and Maintenance of Sediment Control**

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

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

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

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

**21. On-Site Stormwater Detention Compliance Certification**

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

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

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

**22. Construction of Path from pedestrian crossing to path leading to Wyatt Reserve Public toilet building**

A path of approximately 90m long and 2m wide built to Warringah Council's Minor Engineering Works Specification is to be built by the applicant and inspected and certified by the Council's Roads Assets team prior to issue of the Occupation Certificate.

Reason: Public safety (DACHPFPOC1)

### 23. Required Planting

Tree/s for Stage One works shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on the approved Stage 1 Landscape Plans, with the exception of <i>Jacaranda mimosifolia</i> which are to be removed from the list in accordance with the conditions of consent.	As indicated on the Landscape Plans	As indicated on the Landscape Plans

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

Reason: To maintain environmental amenity. (DACLAF01)

### 24. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

### 25. Fire Safety Matters

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

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

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

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