

JRPP REPORT

5 Abbott Road, ARTARMON NSW 2064.

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE139
DA Number	DA-2015/431
Local Government Area	Willoughby City Council
Proposed Development	Redevelopment of Artarmon Public School
Street Address	5 Abbott Street, ARTARMON NSW 2064
Applicant/Owner	Mr Patrick Arthur Timmins / NSW Department of Education and Communities
Number of Submissions	3
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) of the proposal is \$20,148,436.
List of All Relevant s79C(1)(a) Matters	WLEP 2012; Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Infrastructure) 2007; SEPP 65; Draft WLEP; WDCP; S94A Plan.
List all documents submitted with this report for the panel's consideration	A3 Plans
Recommendation	Approval
Report by	Ana Vissarion - Development Planner
Report date	14 April 2016

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JRPP NO: 2015SYE139
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 5 Abbott Road, ARTARMON NSW 2064.
DA NO: DA-2015/431
ATTACHMENTS: 1. PLANS AND ELEVATIONS
DATE: 08-MAR-2016

RECOMMENDATION: APPROVAL
LOCATION: 5 ABBOTT ROAD, ARTARMON NSW 2064.
OWNER: NSW DEPARTMENT OF EDUCATION AND COMMUNITIES
APPLICANT: MR PATRICK ARTHUR TIMMINS
PROPOSAL: REDEVELOPMENT OF ARTARMON PUBLIC SCHOOL - INCLUDING DEMOLITION AND REPLACEMENT OF THE SCHOOL BUILDINGS TO CATER FOR UP TO 1200 STUDENTS
DATE OF LODGEMENT: 14-OCT-2015
REPORTING OFFICER: ANA VISSARION

DESCRIPTION OF PROPOSAL

The proposal seeks consent for the redevelopment of the Artarmon Public School to accommodate up to 1200 students and 71 staff members. The proposal includes demolition of 17 existing classrooms on the site located within 7 permanent buildings and 9 demountable buildings, demolition of student amenity block, music shed and hall and construction of three (3) new main buildings and associated landscaping works (including artificial turf).

The new buildings proposed on the site include:

- a new 3-storey Classroom Block (comprising 21 classrooms, Library space and new Special Programs Rooms) at the Barton Road frontage of the site,
- a new Amenities Block, and
- a new Hall on the Abbott Campus.

The re-development aims to increase the number of classrooms on the site from 41 to 46 (to cater for the 1200 student enrolments) to provide these classrooms as permanent structures, to consolidate open play areas on the site and integrating clear circulation within the school. To achieve this, Abbott Lane is now proposed to be incorporated into the school site and the north-south public access is now provided along a new shared pedestrian/vehicle way on Hampden Lane.

The proposal provides for five (5) on-site car parking spaces located at the Lower Ground Floor level within the Classroom Block.

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The application is reported to Sydney East Joint Regional Planning Panel (JRPP) for determination as it meets the relevant criteria to be considered regional development under Schedule 4A of the EP&A Act 1979, more specifically, it is a *development with a Capital Investment Value (CIV) over \$5 million lodged by or on behalf of the Crown (State of NSW)* with an indicative CIV for the proposal of \$20,148,436.

NEIGHBOUR NOTIFICATION

The application was on notification from 22 October to 12 November 2015. Submissions were received on behalf of two townhouses located within the 3 Barton Road complex.

The key issues raised in the submissions relate to the scale and bulk of the proposed school buildings and impacts on the residential amenity of the townhouses in regard to overshadowing, overlooking and noise.

During assessment of the application, Council's officers also raised concerns with potential impacts on the amenity of the surrounding residential sites. In response to the concerns raised, the applicant submitted amended plans and provided further documentation. The amended plans dated 9 March 2016 were not re-notified as they have similar or less impacts on the neighbouring properties. The latest set of plans are the subject of this report.

EXISTING BUILDING, SITE CONTEXT AND RELEVANT HISTORY

The subject site is occupied by the existing Artarmon Public School and is located on two interconnected split sites, of a total 1.43ha in size, which form the existing school campus. Artarmon Public School grounds (Lot 250, 394, 395, 396, 723, 724, 725, 726 and 727 on DP752067, Lot A and B on DP318869, Lot 1 DP257474 and Lot 1 DP88143) are Crown land, owned by the Department of Education and Communities (DEC).

Abbott Lane currently runs between the two school campuses: McMillan Campus (east) and Abbott Campus (west). The northern section of Artarmon Public School campus is located to the south of Abbott Road, and the southern section of the site is located to the south of McMillan Road, near its intersection with Hampden Lane. The school is accessed via two vehicular access points, one from Barton Road (providing access to three staff car spaces and waste collection), and a further driveway off Mathew Lane (access to one staff car space and waste collection).

Development in Artarmon is mainly residential with complementary uses. The site is surrounded by residential dwellings, a public oval, basketball courts and a playground area. Developments in the vicinity of the school are low-rise unit blocks or single or two storey dwelling houses. A child care centre exists on Abbott Road, opposite the school which has recent approval for redevelopment. The Gore Hill Freeway, which provides access to the Sydney CBD, is located approximately 350m to the south.

Currently there are approximately *1090 Kindergarten to Year 6 students* enrolled within Artarmon Public School and approximately *65 staff* (clerical, volunteers, casuals or cleaners included). The purpose of the school re-development aims to meet the long term education needs of the Artarmon area.

A pre-DA meeting was held at Willoughby Council on 3 September 2015. Prior and after submitting of the application, a number of workshops took place and 8 information booths were located in various places including Artarmon Railway Station at the Hampden Road entrance, starting March 2015. Documentation regarding public consultation accompanies

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the application. The pre-DA recommendation and the suggestions resulting from the public consultations were incorporated in the design of the current proposal.

The subject application was lodged by NSW Department of Education and Communities on 8 October 2015. On the 3rd of February 2016 Council wrote to the applicant requesting further clarification in regard to the inclusion of Abbott Lane into the proposed design, further information and documentation for the proposed shared zone in Hampden Lane, new pedestrian surveys of the existing laneway through Artarmon Public School and Hampden Lane and amended plans and shadow diagrams detailing overshadowing impacts on the townhouses located to the south-west of the school grounds.

The amended plans and the additional documentation were received by Council on 9 March 2016 and are the subject of this report.

CONTROLS AND CLASSIFICATION

- i) **Willoughby LEP 2012:** Yes
 - a. **Heritage Item and Heritage Conservation Area (HCA):** No;
 - b. **Zoning:** R3 – Medium Density Residential
 - i. **Height:** 9m
 - ii. **FSR:** 0.7:1
- ii) **Applicable DCP (SEPPs, REPs):** Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; The State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64); Safer by Design; Crown Land; WDCP.
- iii) **Developer's Contribution Plans:**
 - a. **S94A Developers Contributions:** 1% - \$201,484.36 (*)
 - b. **The cost of development:** \$20,148,436.00

(*) *According to Clause 3.3.2 (b) of the Willoughby City Section 94A Development Contributions Plan 2011, Council may choose to waive the requirements of the Plan for applications submitted by community non-profit organisations which are for the provision of a public purpose. Given the proposal is to provide an expanded educational facility with a significant community benefit, Council may choose to waive the S94A contribution.*

Compliance with Local Plans or Policies and Development Statistics Table

The site is zoned R3 – Medium Density Residential. Development for the purpose of an educational establishment is prohibited in the R3 zone in of the Willoughby Local Environmental Plan 2012. Clause 5.12 (1) of the WLEP 2012 states that it does not restrict or prohibit the carrying out of any development, by or on behalf of a public authority, if the development is permitted by the State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure) 2007). The proposed works are permitted with consent under SEPP (Infrastructure) 2007.

As the works are prohibited in the R3 zone, the objectives of the zoning and the development standards associated with the Residential Zoning are not relevant to the subject development, similar to a development that benefits from existing use rights in a zone.

When assessed against the principal development standards in the R3 zone, the proposal complies with the maximum floor space ratio standard for the site, however parts of the new buildings exceed the maximum height of 9m specified in Clause 4.3 of WLEP 2012.

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	Proposed	Development Standards in R3 zone	Compliance with standards in R3 zone
Site Area	14,416m ²		
Gross Floor Area of all buildings on site	6,419m ²		
Floor Space Ratio	0.45:1	0.7:1	Yes
Height	Classroom Block -13.63m New Hall - 10.65m	9m	No, 4.63m above No, 1.65m above (Clause 4.6)

A written exception pursuant to Clause 4.6 variation to the Height control - Clause 4.3 of the WLEP 2012 has been made by the applicant requesting variation to the development standard and, subject to conditions to lower the height of the Classroom Block roof by 300mm, the variation is supported.

REFERRALS

RMS

The application was referred for comments to Roads and Maritime Services (RMS) pursuant to Clause 104 of SEPP Infrastructure. The RMS advised that no objection is made to the proposed development subject to the following comments:

1. *In NSW, Roads and Maritime Services (Roads and Maritime) is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Guidelines.*

Shared zones are defined under Rule 24 in the NSW Road Rules (2008). A shared zone is a road or network of roads or a road related area where space is shared safely by vehicles and pedestrians and where pedestrian priority and quality of life take precedence over ease of vehicle movement. Shared zones employ a range of regulatory and non-regulatory treatments to indicate a change in environment and priority.

Please refer to TDT2014/003 Design and Implementation of shared zones including provisions for parking which outlines the specific criteria required for a 10 km/h shared zone.

The shared zone scheme is to be submitted to Roads and Maritime for approval prior to the commencement of any works. Details should be forwarded to peter.carruthers@rms.nsw.gov.au. If you wish to clarify further please contact Peter Carruthers on 8849 2216.

2. *The developer must obtain written authorisation from Roads and Maritime to install School Zone signs and associated pavement markings and/or remove/relocate any existing speed limit signs. For any changes to a school zone and/or installation of a temporary school zone please contact Peter Carruthers on peter.carruthers@rms.nsw.gov.au.*
3. *For information on applying for a school crossing supervisor please contact Kelly Linigen on Kelly.Linigen@rms.nsw.gov.au.*
4. *Any changes to traffic control devices, must be approved through the Local Traffic Committee.*

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Traffic Engineer

The application was referred to Willoughby Council's Traffic & Transport Acting Group Leader for comment who reviewed the amended plans and information provided, in particular the proposal to make Lane W94 a 10km/h Shared Zone, and advised:

- *Observations have shown that during school afternoon peak times vehicles are queuing back along the lane while waiting to pick up their children. If vehicles are parked in the lane, this would leave very little space for pedestrians to walk along the lane, which is 5m wide.*
- *The lane is used as rear driveway access to the units opposite the school. Some of these units have garages which back directly onto the lane, meaning vehicles would be reversing out into the lane. There is also on-street parking for approx. 10 vehicles in Lane W94. In a shared zone, according to the recently updated RMS Technical Direction TTD 2016/001, parking bays are required to be marked, with a minimum width of 2.1m. As the lane is 5m wide, this would only allow a 2.9m wide travel lane, which is slightly below the required minimum 3.0m. Clarification needs to be sought from the RMS to determine whether this would be acceptable.*
- *It is proposed that the existing standard kerb on the eastern side of the lane would be replaced by roll over kerb. This would theoretically allow cars to be parked on the kerb. However in Hampden Lane this may not be feasible, as there are high walls along the length of the lane only 0.5m from the face of the existing kerb. If vehicles were to be parked any closer to the wall than they currently are, it would be difficult for drivers to open their doors.*
- *Shared zones are required to have adequate lighting for safety and security purposes. There is no street lighting at present along the entire length of Lane W94. The amended Traffic Report makes no mention of the lighting being upgraded. This would present a safety hazard for any pedestrians using the laneway at night.*
- *The introduction of a 10km/h shared zone would require the approval of Council, via its Traffic Committee. It would also require the separate approval of the RMS.*

Development Engineer

The application was referred to Council's Infrastructure Services Division for comments. Council's Development Engineer originally requested more information and finally advised that the amended proposal is acceptable subject to conditions and made the following comments:

"The above application together with revised stormwater management plans has been investigated with respect to aspects relevant to this Division. There are no further objections to the application from a drainage perspective.

With regard to vehicular access and parking arrangement, the submitted long sections are considered unsatisfactory. It is however considered that this matter can be addressed at the CC stage by redesigning the long section."

Council's Environmental Health Officer

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The application was referred to Council's Environmental Health Branch who reviewed the recommendations supplied by Day Design for the controlling of noise emissions and had no objections subject to conditions

Council's Area Building Surveyor advised that the proposal is acceptable subject to conditions.

Councils Landscape Officer had no objection to the proposal and has recommended a number of standard conditions.

Councils Resource Recovery Team Leader reviewed information provided by the applicant and agreed that waste storage and current arrangements proposed to continue with the new school are satisfactory.

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	✓
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation- Demolition	✓
	• Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
(b)	The likely impacts of the development	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	N/A
	• Privacy	✓
	• Views	✓
	• Solar Access	✓
	• Water and draining	✓
	• Soils	✓
	• Air & microclimate	✓
	• Flora & fauna	✓
	• Waste	✓

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

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	<ul style="list-style-type: none">• Energy	✓
	<ul style="list-style-type: none">• Noise & vibration	✓
	<ul style="list-style-type: none">• Natural hazards	✓
	<ul style="list-style-type: none">• Safety, security crime prevention	✓
	<ul style="list-style-type: none">• Social impact in the locality	✓
	<ul style="list-style-type: none">• Economic impact in the locality	✓
	<ul style="list-style-type: none">• Site design and internal design	✓
	<ul style="list-style-type: none">• Construction	✓
	<ul style="list-style-type: none">• Cumulative impacts	✓
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none">• Does the proposal fit in the locality?	✓
	<ul style="list-style-type: none">• Are the site attributes conducive to this development?	✓
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none">• Public submissions	✓
	<ul style="list-style-type: none">• Submissions from public authorities	✓
(e)	The public interest	
	<ul style="list-style-type: none">• Federal, State and Local Government interests and Community interests	✓

ASSESSMENT

Permissibility and the Willoughby Local Environmental Plan 2012 (WLEP 2012)

The subject site is zoned R3 Medium Density Residential Zone under the provisions of WLEP 2012. Development for the purpose of an educational establishment is not listed as permitted in the R3 zone. However Clause 5.12 of the WLEP 2012 states:

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.*
- (2) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.*

In this respect, **Clause 28** of the *State Environmental Planning Policy (Infrastructure) 2007* reads:

28 Development permitted with consent

- (2) *Development for any of the following purposes may be carried out by any person with consent on any of the following land:*

- (a) *development for the purpose of educational establishments—on land on which there is an existing educational establishment,*

Having regard to the clauses above, the re-development on site for the purpose of an educational establishment is permitted with consent.

Noting that development standards in R3 Medium Density Residential are intended for residential developments, when assessed against the principal development standards in the R3 zone, the proposal complies with the Floor Space Ratio (FSR) controls of Clause 4.4 of the WLEP 2012. The FSR of 0.45:1 is significantly below the maximum permissible FSR for the site of 0.7:1.

The bulk and scale of the development have been located to the south of the site in order to maximise the extent of play area/open space while minimising impacts on the amenity of surrounding properties. As such, the re-development results in both the Classroom Block/Homebase (13.63m high) and the new Hall (10.65m high) exceeding the maximum height of 9m as specified in Clause 4.3 of WLEP 2012.

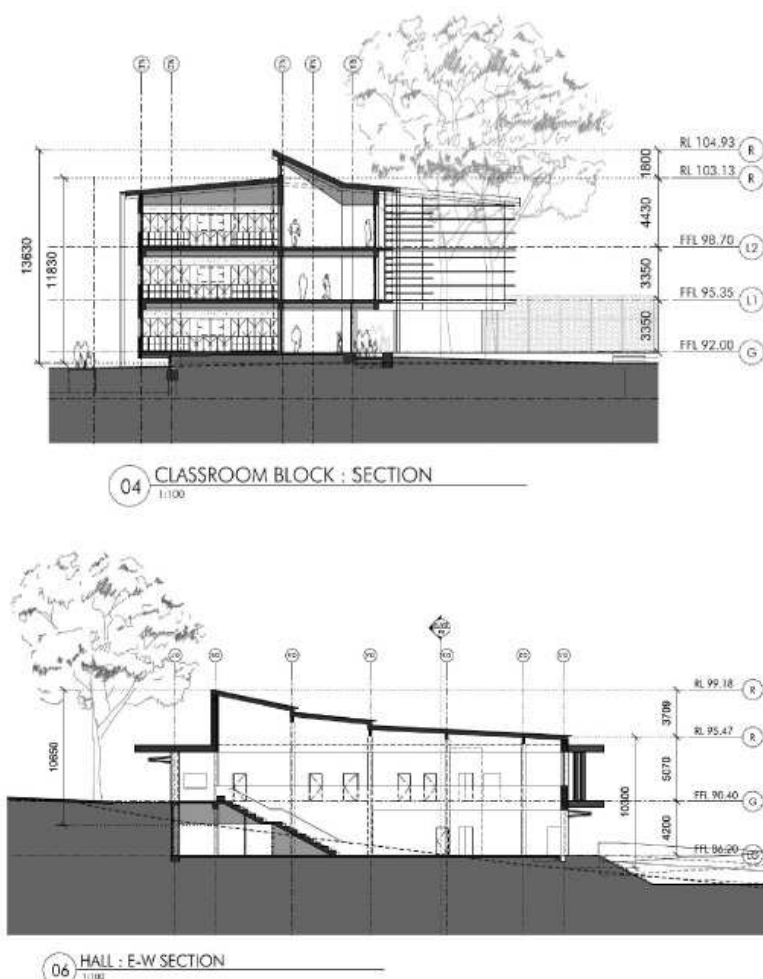


Figure 4-3: Section Plans

Sections through the Classroom/Homebase Block (13.63m high) and the new Hall (10.65m high), both exceeding the maximum height of buildings standard in WLEP 2012 - architectural plans and sections prepared by the NSW Public Works Government

Architect's Office

Clause 4.6 of WLEP 2012 provides an appropriate degree of flexibility in applying development standards to particular proposals and enables Council to grant consent to a development that exceeds a development standard within the environmental plan.

A written exception pursuant to Clause 4.6 has been made requesting variation to Clause 4.3 Height of buildings.

Extent of Variation

Clause 4.3(2) of the WLEP 2012 prescribes the maximum building height for the land as shown on the Height of Building Map. The proposed development exceeds the 9m height standard prescribed in Clause 4.3. The Classroom Block (13.63m high) and the new Hall (10.65m high), exceeding the maximum height of buildings standard of 9m by 4.63m and by 1.65m respectively.

Applicant's reasons in support of the variation

Clause 4.6 (3) Exceptions to development standards of WLEP 2012 reads:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant addressed in writing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard, arguing that:

- The FSR of 0.45:1 is significantly below the maximum permissible FSR for the site of 0.7:1.
- The Classroom Block/Homebase three storey building (above natural site levels) is considered entirely appropriate within the context of Barton Road, as the two Barton Road unit complexes to the east of the school are both 3-storey with parking under and Phillis Bourke Court (opposite 3 Barton Rd) is 4-6 storeys high.
- The Classroom Block/Homebase has been setback 11.2m away from the western boundary to minimise its visual impacts and overshadowing on neighbours.
- The height breach by the new Hall is minimal and limited to a small portion of the roof.
- The height and location of the buildings on site allow for a maximised and easy-to-supervise courtyard and enables the retention of significant trees.
- The proposal remains consistent with the objectives of the zoning.

The proposed development is for the purpose of improving educational facilities at an existing educational establishment within the Artarmon area. The development therefore represents an orderly development of the land in the public interest. Relevant objectives for development within the Zone R3 Medium Density Residential and the relevant objectives of the Height of Buildings development standards are addressed as follows:

Objectives of the Zoning

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The relevant objectives for development within the R3 Medium Density Residential zone are listed under the Land Use Table of WLEP 2012, and the reasonableness or necessity for compliance is assessed below:

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

Comments: The proposed works relate to an existing school and would provide the educational facilities to meet the day-to-day needs of the suburb. On the McMillan Campus, the new building is located on the southern boundary, opening an extensive central courtyard play space, which is predominantly level. The amount of open space on the site is appropriate and proportionate for a school of this specific size and provides for modern facilities.

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

Comments: Except for the townhouse development at 3 Barton Road, surrounding developments are of a similar or greater scale when compared with the height of the new school. The modern architecture fits well into the desire character of the locality.

- *To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

Comments: The buildings are deliberately located on the site in such a way to create useable, well-supervised open play space. Significant trees on the site are retained and landscaping is maximised. The buildings open to the north and ensure optimal solar access and privacy for the school children and also for the adjoining properties. The development offers innovative design of a high visual quality, providing a comfortable and sustainable solution to increasing demand in public educational facilities.

Objectives of the Height Standard

The objectives of the Height of Buildings development standard are listed under Clause 4.3(1) of WLEP2012, and the reasonableness or necessity for compliance with the development standard has been assessed against each of its objectives below:

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

Comments: The new Classroom/Homebase Block is essentially a three storey building (when viewed from the existing school playground level), although there is a basement car parking area at the western end of the building, accessed off Barton Road. The scale of the Homebase Block building is similar to buildings along Barton Road. The school site is surrounded by 2 and 3 storey developments. Phillis Bourke Court, also on Barton Road is 4-6 storeys high. One block north of the site there are also 13 storey unit blocks.

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

Comments: The external form of the Classroom Block/Homebase and of the Hall respond well to the topography and the characteristics of the site. The Homebase Building is setback 11.5m away from the western boundary. Council's Environmental Health Officer supports the recommendations for the controlling of noise emissions supplied by Day Design Pty Ltd in the Environmental Noise Impact Report (ENIR) 5763-1.1R dated 2 September 2015. Effective management and supervision of children combined with the recommended noise attenuation works are regarded as appropriate to fulfil compliance with the stated acceptable noise criteria and should have a minimum impact on neighbours when compared to existing.

The proposed design does not overlook the adjacent residences. The western wall of the Classroom Block is deliberately without windows to maintain the privacy of the neighbours. The Hall has only high-level windows on its southern facade (serving toilets and stores). In regard to overshadowing, subject to conditions to lower the roof of the Homebase Block 300mm, the proposal will provide a reasonable amount of solar access to the principal outdoor areas of the adjoining south-western neighbours. Taking into account the above, the design of the Artarmon Public School re-development is regarded to have appropriate regard to residents' views, privacy and solar access.

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

Comments: The proposal integrates well into the urban context. The non-compliances with height controls do not compromise the visual quality of the development when viewed from the surrounding places.

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

Comments: The proposal does not disrupt existing views obtained from surrounding properties or from the public domain.

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

Comments: The development comfortably complies with the overall maximum FSR applying to the site. The proposal retains mature trees and incorporates robust landscape elements. Subject to conditions, the development takes full advantage of the re-development potential of the school grounds.

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

Comments: The increased height allows for more play area on the site, for the retention of the existing significant trees, and for new landscaping. The highest building, the Classroom/Homebase Block is located in such a way as to ensure that it primarily casts shadows on Barton Road and consequently avoids impacting the amenity of the neighbouring residential properties. Visually the proposed building will provide a contemporary image for public education, complementing the desired character of the locality.

Grounds for Variation

Noting that the development for the purpose of an educational establishment is prohibited in the R3 zone and the proposed works are permitted with consent under SEPP (Infrastructure) 2007, the relevance of the standards of the zone is significantly diminished and one might argue that it is legally irrelevant.

Notwithstanding, sufficient environmental planning grounds exist to vary the height development standard as specified in Clause 4.3 of the WLEP 2012, as described below:

- The new school buildings remain in harmony with the bulk and scale of surrounding buildings, the streetscape and desired future character of the locality;
- The proposal will not result in unacceptable detrimental amenity impacts to neighbouring residential properties;

- The form of the development is innovative, of a high visual quality design, consolidating the footprint of the buildings and thereby maximising the school courtyard and play area; and
- The proposed works relate to an existing school and will provide the public educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the surrounding local area.

Recommendations for the Clause 4.6 Exception

Clause 4.6 Exceptions to development standards of WLEP 2012 has the following objectives:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal is in the public interest as it re-develops an overcrowded school with limited capacity to accommodate additional classrooms into a contemporary design that responds to present and future needs of the local community, while taking into account the environmental, social, economic and planning context. In this particular case, the variation to the development standard satisfies the relevant objectives of the height control and of the zone. Pursuant to Subclause (2) in Clause 4.6 of WLEP 2012, consent may be granted even though the development contravenes the development standards imposed by the environmental planning instrument.

State Environmental Planning Policy (Infrastructure) 2007

School Facilities Standards

The SEPP provides that before a DA for a school can be determined, the consent authority must take into consideration all relevant standards in the School Facilities Standards. Clause 32 of the SEPP (Infrastructure) 2007 states the following:

(2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):

- *School Facilities Standards-Landscape Standard-Version 22 (March 2002),*
- *Schools Facilities Standards-Design Standard (Version 1/09/2006),*
- *Schools Facilities Standards-Specification Standard (Version 01/11/2008).*

(3) If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.

Noting that the School Facilities Standards listed in the SEPP (Infrastructure) 2007 are no longer current, the applicant states that the school facilities have been designed in accordance with the current versions of these standards as updated in the Educational Facilities and Schools Guidelines (EFSG).

The EFSG set out the minimum standards and design criteria for all new Department of Education (DoE) projects. It is recommended that a condition of development consent be imposed in this regard.

The State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The application includes new building identification signs. The State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) applies to the development.

Signage is also permitted under Clause 6.5 of the WLEP 2012 subject to the sign being ancillary to the use of the land. New building signage and signs for guidance and safety will be located within the school grounds, not readily visible from the surrounding areas. The School Hall will be identified both on the East and the West elevations. Several signs will be located on the northern elevation of the Library. All signage consists of spaced letters and will be installed in accordance with the BCA requirements and Educational Facilities and Schools Guidelines.

An identification sign for the school shall be located at the entrance. The proposed signs have been considered against the requirements of SEPP 64 and WDCP Part G.5 – Advertising and Signs. The signage consists of white powder coated lettering attached to the wall. The new signage is simple, modern, of high quality and it is considered acceptable having regard to the proportion and spacing with respect to the architectural features of the existing wall/building and the extent of the walls and is consistent in style with the character of the area. The signage will not dominate the skyline and will not impact on vistas. The visual interest is maintained and enhanced without overwhelming the wall.

For the ones visible from the streets, the lettering of the school identification on McMillan Road that is proposed to be attached to the rendered wall, it is simple in design and is unlikely to detract from the existing streetscape.

The aims for new signage set out in *Clause 3(1)(a) Aims, objectives etc* of the SEPP 64 and the *Schedule 1 Assessment Criteria* have been considered and the proposal is consistent with these aims.

Willoughby Development Control Plan (WDCP)

The Proposal

The design for Artarmon Public School was undertaken with prior consultation with the local community. The design is contemporary in style, providing permanent learning spaces to replace existing demountables. An artificially-turfed play area is central to the space. New play equipment is also proposed in this central courtyard and a 'tree house' is proposed to be built around two existing trees. The proposed Classroom Block/Homebase Building is three storeys high with basement parking at the western end, accommodation five (5) car spaces for staff.

The location of the new buildings was chosen in order to maximise amenity for the students by maximising external space and minimising overshadowing on the site. For this purpose the new multi-storey Homebase Block is located on the southern edge of the site, where it primarily casts shadows on the street. The internal spaces of the Homebase Building face exclusively north (to the playground) and south (to the street).

To ensure privacy for the adjoining townhouses to the west, the western wall of the Homebase Building was deliberately kept blank (windowless) to prevent any overlooking from the internal areas.

The new Hall is specifically transparent to the east and west to gain views/outlook from the entry forecourt through to the park beyond. The layout of the Hall allows for a variety of uses and functions, from large learning opportunities to performances. The Hall is also proposed to be used for After School Care. A Schedule of Colours and Materials accompanies the application.

The design of the classrooms and associated amenities is assessed to satisfactory have taken into account the amenity of the users as well as the amenity of the adjoining properties.

Existing and proposed Public Access

Abbott Lane currently splits the School in a north-south direction and is used by the general public as a short cut to access the Artarmon Railway Station. The Department of Education has acquired Abbott Lane and the applicant proposes to incorporate most of the pathway land into the school grounds.

The Department of Education held 12 Community Consultation sessions at Artarmon Public School, Artarmon railway station and Barton Road between April and November 2015. In addition:

- a Community Consultation Workshop has been held;
- presentations to the school and P&C have been completed;
- flyers have been delivered to letterboxes;
- advertising was included in the North Shore Times and Artarmon Gazette;
- letter box drops and emails to residents.

Following notification of the current application, no submission objected to the conversion of Abbott Lane into a private resident access path and incorporating most of the pathway land into the school site and conversion of Hampden Lane into a 'pedestrian and vehicle shared zone'.

A secure passageway remains along the eastern boundary of the townhouses at 3 Barton Road, on the school site, providing exclusive resident's access. For safety, this resident access path is proposed to have a locked gate at the southern end (off Barton Road). The width of the passageway is 1.8m, complying with Australian Standards for minimum widths for accessible travel to allow two wheelchairs to pass one another. The existing paling fence on the boundary is proposed to be retained. A new retaining wall and acoustic barrier (lapped and capped timber fence) are proposed on the school's side. The height of this fence is 1.8m measured from the school playground level, as required by the Acoustic Report prepared by Day Design. Bamboo plantings of maximum 3m height will separate the school grounds, will also soften the edge and ensure acoustic and visual privacy.

The application proposes a 'shared zone' be created on Hampden Lane, which runs immediately east of the site. The Lane would be shared between pedestrians and slow traffic. Hampden Lane has a better gradient than the equivalent portion of Hampden Road and includes no steps. McLaren Traffic Engineering completed a pedestrian survey in support of the proposal and provided documentation and a list of modifications to apply to the Hampden Lane Shared Zone, consistent with RMS policy including:

- Regulatory signage at entry and exit of the zone,
- Traffic calming devices to reduce speed limit to 10km/h, including raised pavements, coloured and textured surfaces,
- Marked parking bays on the eastern side of the lane,
- no steps on the Lane, and
- Replacement of the eastern barrier kerb with a roll-top kerb.

A condition will require that all works to the surrounding streets shall be completed at the expense of the Department of Education.

The Government Architect's Office commissioned an Access Report to assess options for an alternative public route to the Artarmon shops and Station. The report (Artarmon Public School Public Access Way by Morris Goding Accessibility Consulting) notes that the proposed shared zone on Hampden Lane provides the best access (in terms of slope

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gradient and distance) to the Station. Strategies of Crime Prevention through Environmental Design (CPTED) were utilised in the selection of the alternate public access route. The chosen solution is increasing safety for the students and is minimising potential conflicts between students, teachers, parents and the public without unacceptable loss of amenity.

The applicant argues that incorporating the existing Abbott Lane into the school property and redirecting public access around the site offers a number of advantages to the educational establishment:

- safer environment for the students;
- free student movement through the whole school;
- easy identifiable entry points;
- consolidates open play areas on the site resulting in a larger available school playground;
- maximizes connections to the adjacent Thompson Park, which is currently used by the school at recess and lunch; and
- improves accessibility to and through the school site, with ramped access now proposed between the Abbott and McMillan Campus' (currently there isn't a BCA compliant accessible entry to the school site).

By incorporating most of Abbott Lane into the School grounds, the school's circulation becomes clear by the introduction of pedestrian spines leading from a central core. Direct physical and visual connections will be made to the school's primary public facilities (Administration, Library and Hall).

Car Parking

The increase in staff (full-time and part time) is limited to 6. The development provides for 2 additional car spaces for staff. The Schedule of Car Parking Requirements in Part C.4.2 Car Parking Requirements of WDCP recommends 1 space for each 2 staff for Educational Establishments. However, the proximity of the public transport ensures there is reasonable access to the school and the proposal provides for an acceptable scheme by choosing sustainable transportation options that take into account various social, economic and environmental aspects.

Fencing

The statement of Environmental Effects submitted by the applicant nominates the following:

- New lapped and capped 1800mm high paling fence is proposed to the resident's lane adjoining 3 Barton Rd, as recommended in the Acoustic Report.
- New 1 m high steel blade fence and gates at new entry courtyard (off McMillan/Abbott Roads).
- New 1 m high steel blade fence at boundary to Thompson Park.

Fencing associated with the proposal is assessed to meet safety by design principles and be appropriate for an educational establishment.

Landscaping

A landscape plan for the proposed works has been developed by the NSW Public Works Government Architect Office and accompanies the application.

The outdoor areas will be improved as part of the overall school upgrade. The landscape design is proposed to improve the functional layout of the campus by retaining as many of the mature trees throughout the site as new levels permit, while improving conditions for existing trees. In regard to the new landscaping, a range of deciduous trees and a mix of native and exotic plants is proposed to improve the landscaping environment of the campus. The design should increase wellbeing of students and teachers by providing:

- Open sight lines
- Safe level changes

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- Soft surfaces in play areas.

Emergency evacuation plan.

The design provides for fire stairs and additional emergency exits, however, a detailed evacuation plan is needed. A condition is recommended requiring an emergency evacuation plan to be provided prior to certification of the works.

Waste management arrangements

The proposed school size is consistent with the size of the existing and the minor increase is not expected to significantly increase the waste generated on the site.

The applicant provided details as follows:

“Currently, waste is stored externally in two locations:

- *Location 1, Abbott Campus: Matthews Lane, adjacent to the existing Block K (2-storey MDR building) – comprising 2 x 1,100L SITA bins & 3 wheelie bins, catering for general, recycling and green waste.*
- *Location 2, McMillan Campus: Barton Road, adjacent to existing demountables – comprising 2 x 1,100L SITA bins & 3 wheelie bins, catering for general, recycling and green waste.*

Waste is currently collected (by Department of Education waste contractor) two times per week for general waste (early morning) and once per week for recycling (early morning).

Location 1 will remain unaffected by new works, and will be retained as existing. Location 2 will be affected by the new Homebase Block.

A new Waste Room is proposed in the basement of the new building (refer to DA09), adjacent to the Staff Parking Area (...). There is provision in this room for up to three 1,100L SITA bins, in addition to up to six 240L wheelie bins (although there is no proposal to increase the bin numbers from existing numbers). This room, therefore, caters for up to double the current waste provision, should an increase be experienced. Waste will be collected at the same times (as existing), from Barton Rd (as existing).”

Neighbour Notification Issues:

The application was notified in accordance with Part B.4 of the Willoughby Development Control Plan. Submissions on behalf of 2 properties were received objecting to the original proposal:

- Townhouse 2 / 3 Barton Road and
- Townhouse 41 /3 Barton Road.

Matters raised within the submissions and commentary on those matters are summarised below:

- *The New Hall will generate unreasonable loss of amenity as it will increase noise “both due to the building works and then due to the on-going noise from the use of the hall” and “will reduce the value of my property”.*

Comment

Council’s Environmental Health Officer reviewed and agrees with the recommendations for the controlling of noise emissions supplied by Day Design Pty Ltd in the Environmental Noise Impact Report (ENIR) 5763-1.1R dated 2 September 2015. Furthermore, Thomas Roseby (on behalf of Day Design) responded to questions asked in regard to noise and part of his response is included below:

- a. How effective is the recommended 1.8mtr fence in controlling noise from the new development? "The predicted noise level at the ground floor at 3 Barton Road is 64 dBA (which is a 1dB increase from the current operation). The level of noise at the first floor of the resident at 3 Barton Road without the 1.8m barrier is 72 dBA. Therefore, the 1.8m barrier provides 3 dB reduction in noise level. This is considered to bring the anticipated noise increase to within the acceptable noise criteria."
- b. When recommending the 1.8mtr fence, was the height difference between 3 Barton Rd and school taken into account? "Yes, the Soundplan acoustic model was created using the detailed site survey provided by Public Works."
- c. If half of the people singing in the hall create a non-compliance of 9dB what if more than half of the people were to sing? Why only calculate half? "The simplest way to represent the variance in attendees (some elderly or fairly young) is to model 50% of the adults who will be singing (...). The standard industry document taken into account is the *Handbook of Acoustical Measurements and Noise Control*. A doubling of the number of attendees singing would result in an increase of 3 dBA at the residential receptors."

Council's Environmental Health Officer concluded that effective management and supervision of children combined with the recommended noise attenuation works are appropriate to fulfil compliance with the noise criteria and should have a minimum impact on the amenity of the Townhouse in question as well as on the amenity of all adjoining residential dwellings.

- *The New Hall is out-of-context in terms of height and will overshadow Townhouse 41.*

Comment

The building height of the majority of the new Hall is under 9m. The height non-compliance is located on a limited part of the skillion roof. The height of the Hall is comparable with the height of the existing neighbouring buildings including 3 Barton Road, which is 2-storey with steep skillion roofs. The proposed New Hall is located to the north-west of the townhouse in question. WDCP controls require maintenance of *a minimum of 3 hours of solar access between 9am and 3pm on 22 June to living areas and principal open space*. The shadow diagrams submitted with the application demonstrate that the proposal achieves this level of solar access to living areas and recreational open space of the adjoining townhouse in question and in this regard the proposal is acceptable in regard to overshadowing.

- *The homebase building is high, bulky, out of context and will generate adverse visual impact on the neighbour at Townhouse 2.*

Comment

The proposed Homebase Building is 3 storeys with basement parking. The scale of the Homebase building is similar to other buildings along Barton Road. The two Barton Road unit complexes to the east of the school are both 3-storey with parking under, similar to the proposed development and similar to the units in Hampden Lane. The land to the south of the subject site, located on the opposite side of Barton Road, is subject to a maximum height of buildings of 12m.

The design of the building creates a generous playground area, allows for accessible access and for the retention of existing significant trees. The building is visually broken down into smaller elements to reduce the bulk and is setback 11.5m from the western boundary, to minimise amenity impacts on 3 Barton Road. The setback is planted and also includes a covered walkway. This lower structure and vegetation will filter views from the neighbour towards the Classroom Block/Homebase building. Comparing the proposed buildings with the existing demountables to be removed, the outlook towards the school site is expected to improve.

- *The new Library and Home base block will cause unreasonable overshadowing on the north-facing private open space and east-facing living room Townhouse 2.*

Comment

The Homebase Building is 11.5m from the western boundary. The hourly shadow diagrams show that a minimum of 2.5 hours of solar access is provided to this townhouse's window, between 9am and 3pm. The private open space of this townhouse faces north and receives a minimum of 3 hours solar access. To improve the solar access further, a condition of consent requires a reduction in the height of the Classroom Block / Homebase Building by 300mm by lowering the height of the roof. Furthermore, the height of the roof at the western end of the building (over the access/ egress stairs) is recommended to be reduced by 300mm.

- *Potential overlooking into the private open space of Townhouse 2 from the western balcony of the homebase building.*

Comment

The design took into account overlooking - the western wall is windowless to prevent any overlooking from the internal areas. The main stairs of the Classroom / Homebase building are internal. The western balcony is part of the fire access stairs /egress and will be used occasionally only. The stairs are intentionally designed to be open and transparent, for safety reasons. On the occasions this stair will be used, the boundary wall and planting will prevent direct views into the living room window or private open space of the adjoining neighbour at 2/ 3 Barton Rd.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP and other relevant codes and policies.

The location of the new buildings was carefully considered to maximise external space and minimise overshadowing on the site on neighbouring properties. This is achieved by placing the new multi-storey Homebase Block on the southern edge of the site, where it primarily casts shadows on the street and creates a large internal courtyard playground. The reduced building footprint maximises open space and enables retention of existing mature trees.

The proposal will result in a public benefit as it will provide for modern classrooms to accommodate an increasing number of school children while consolidating the learning spaces. Development for the purpose of an educational establishment is prohibited in the R3 zone in of the Willoughby Local Environmental Plan 2012. Clause 5.12 (1) of the WLEP 2012 states that it does not restrict or prohibit the carrying out of any development, by or on behalf of a public authority, if the development is permitted by the State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure) 2007). The proposed works are permitted with consent under SEPP (Infrastructure) 2007. It is recommended that the proposal be approved subject to the attached conditions noting that a variation to the Height control - Clause 4.3 of the WLEP 2012 has been addressed by the applicant and found to be justified for the following reasons:

- The new school buildings remain in harmony with the bulk and scale of the surrounding buildings, the surrounding streetscapes and desired future character of the locality;
- The proposal will not result in unacceptable detrimental amenity impacts to neighbouring residential properties;
- The form of the development is innovative, of a high visual design quality, consolidating the footprint of the buildings and thereby maximising an optimal school courtyard and play area; and

- The proposed works relate to an existing school and will result in a significant public benefit as it will provide the public educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the local area.

DEVELOPMENT PLANNER'S RECOMMENDATION

THAT the Joint Regional Planning Panel:

1. Supports the submitted Clause 4.6 variation to the *Height of buildings* development standard contained in Clause 4.3(2) of WLEP 2012 for DA2015/431 (5 Abbott Road, Artarmon) for the following reasons:
 - The new school buildings remain in harmony with the bulk and scale of the surrounding buildings, the surrounding streetscapes and desired future character of the locality;
 - The proposal will not result in unacceptable detrimental amenity impacts to neighbouring residential properties;
 - The development promotes a contemporary image for the public education, consolidating the footprint of the buildings and thereby maximising the school courtyard and play area; and
 - The proposed works relate to an existing school and will result in a significant public benefit as it will provide the educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the local area.
2. Approves the development and issue consent for DA-2015/431 for *Redevelopment of Artarmon Pubic School – including demolition and replacement of the school buildings to cater for up to 1200 students* at 5 Abbott Road Artarmon.

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SCHEDULE

Conditions of Consent: (including reasons for such conditions)

CONSENT IDENTIFICATION

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

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
arch	DA00	A	7 Mar 2016	9 Mar 2016	Public Works Government Architect's Office
arch	DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13,	A	13 Oct 2015	14 Oct 2015	Public Works Government Architect's Office
arch	A201 A903 (02), A904 (03)		7 Mar 2016	9 Mar 2016	Public Works Government Architect's Office
lands	DA L01, DA L02, TSP 01		13 Oct 2015	14 Oct 2015	Public Works Government Architect's Office
lands	DA L03, DA L04, DAL05		3 Mar 2016	9 Mar 2016	Public Works Government Architect's Office
eng	C001, C002,	3	3 Mar 2016	9 Mar 2016	Public Works Government Architect's Office
eng	C003, C004, C010, C011	0	4 Mar 2016	9 Mar 2016	Public Works Government Architect's Office
eng	C009, C012	3	8 Feb 2016	9 Mar 2016	Public Works Government Architect's Office
traffic	2015-373-01D	D	3 Mar 2016	9 Mar 2016	MCLAREN TRAFFIC

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

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

PRIOR TO THE CERTIFICATION OF CROWN BUILDING WORKS

The following conditions of consent must be complied with prior to the certification of Crown building works (Section 109R).

2. Section 94A Contributions

A monetary contribution of \$201,484.36 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$20,148,436 at 7 Oct 2015 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL is the new section 94A levy

Lo is the original levy

Current index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate

Base index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

3. Amendments

In order to improve solar access to the adjoining neighbours, the height of the New Library and Homebase Building should be reduced by 300mm by lowering the height of the roof. Furthermore, the height of the roof at the western end of the building (over the access/ egress stairs) shall also be reduced by 300mm.

Plans detailing these amendments are required to be shown on the plans submitted for certification of Crown building works.
(Reason: Ensure compliance)

4. Evacuation and Emergency Management

An Emergency and Evacuation Management Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan' and submitted to Council for approval. The Plan should also consider the following:

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

(Reason: Safety)

5. Additional Details and/or Information prior to the certification of Crown building works

Any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the National Construction Code are to be incorporated within the plans and/or documentation for certification of Crown building works.
(Reason: Ensure compliance)

6. Sydney Water 'Tap In'

The approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to certification of Crown building works.

(Reason: Ensure compliance)

7. Design of Works in Public Road (Roads Act Approval)

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

- (a) As the conversion of Hampden Lane into a 10km/h shared zone between pedestrians and vehicles is subject to RMS and Traffic Committee approval, in order to comply with current requirements and achieve acceptable amenity and safety for pedestrians and vehicles, the following measures shall be implemented at the full expense of the applicant and detailed on the plans:
 - Adequate lighting for safety and security purposes shall be provided along the entire length of the Lane. Details of the proposed lighting are to be approved by Council;
 - The pavement surface of the Lane shall be changed to highlight the difference in the street environment from the surrounding road network. Details (colour, texture, materials) shall be approved by Council;
 - Consideration shall be given to bicycle movements when submitting the design to RMS and to Traffic Committee for approval. If appropriate, drainage grates should be installed to cater for pedestrian and cyclist use;
 - Traffic calming or suitable treatments (ie. raised pavements, coloured textured surfaces, signs and markings) referred to in TDT2016-001 shall meet RMS specifications and shall be subject to Traffic Committee approval. Line marking to be in accordance with Australian Standards;
 - The shared zone must display the required regulatory signage at each entry point to the area and at each exit point from the area. The entry signage is to be duplicated on both sides of the road;
 - Park In Bay Only (R5-65) signs must be provided under the shared zone (R4-4) signs at each entry into the shared zone;
 - Traffic calming devices installation and construction to suit TDT2016-001;
 - Barrier kerb to be replaced with roll-top kerbs to facilitate parallel parking spaces whereby cars are to be within the marked bays providing a 3.0 metre wide travel lane;
 - Parking bays should allow sufficient distance from the fence in order for the drivers to safely open their doors; and
 - Raised thresholds at Barton and McMillan Roads to suit existing grades and levels footpaths.
- b) Include details and proposed timing for the conversion of Hampden Lane into a 10km/h shared zone and any other works associated with the development that could temporary impact traffic flow.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC) and RMS specifications. The proposed 10km/h Shared Zone must be

approved by the RMS before being submitted to Council's Traffic Committee for approval.

A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining certification of Crown building works. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans.

Design and documentation in relation to Points b) must be submitted to the Local Traffic Committee for approval prior to the certification of Crown building works.

Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any certification of Crown building works.

(Reason: Ensure compliance)

8. Damage Deposit

The builder shall lodge a Damage Deposit of \$50,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$200 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

9. Stormwater Conveyed to Council Drainage System

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

- Stormwater runoff from Catchment K, J, I, F and part of catchment H&G shall be discharged to the Council drainage system via the existing private interallotment drainage system.
- Stormwater runoff from Catchment D&E and part of catchment C shall be discharged to the Council drainage system via the existing private interallotment drainage system.

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

(Reason: Stormwater control)

10. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic

evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration.

(Reason: Prevent property damage)

11. Detailed Stormwater Management Plan (SWMP)

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

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

(Reason: Ensure Compliance)

12. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed buildings and carparking area have a minimum freeboard of 300mm and 150mm respectively above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by Council.

(Reason: Prevent property damage)

13. Construction Management Plan (CMP)

Submit, for approval by Council, detailed Construction Management Plan (CMP). The CMP shall address:

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

(Reason: Compliance)

14. Traffic Management Plan

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

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other

persons to comply with instructions issued by Council's Traffic Engineer or the Police.

- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

15. Vehicle Access – Engineer's Certification

The Applicant shall submit for approval by Council, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6 metres from the property boundary to the carpark.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Ensure Compliance)

16. Steep Vehicular Access – Provide Longitudinal Sections

Prior to issue of any certification of Crown building works, the applicant shall submit longitudinal sections along each side/edge of each proposed vehicular accesses path drawn at 1:20 Scale. The driveway is to be designed using Council's standard vehicle profile attached (SD100) . The longitudinal sections shall be prepared by a suitably qualified person and shall include the following: -

- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

Each of the proposed crossings shall be 6 metres wide with no splays and to be constructed at right angle to street kerb. The centreline of each new crossing shall be

in-line with the centreline of the driveway. For the design levels of each vehicular crossing at the property boundary, the following shall be complied with:

- | | |
|---------------------------|--|
| ▪ The gutter invert level | – remain as the existing gutter invert level |
| ▪ At back of layback | – 100 mm above and parallel to the gutter invert |
| ▪ At property boundary | – 350 mm above and parallel to the gutter invert |

Any footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The longitudinal section must demonstrate that a maximum gradient of 5% has been provided for the first 6 metres from the property boundary into the basement and a minimum clearance of 2.2 metres (clear from any proposed building above) at the carpark entrance can be achieved to comply with AS2890.1.
(Reason: Ensure compliance)

17. Amended Landscape Plans

- i) Landscape Plans are to be amended to include species from the following list to be included in the area between the new Homebase building and the Barton Road boundary : *Acmena smithii* 'Minor', *Ceratopetalum apetalum*, *Elaeocarpus reticulatus*, *Ceratopetalum gummiferum* and *Banksia serrata*.
- ii) The species selected are to be planted at a rate of no less than 1 per 4m² and be of minimum pot size 300mm at planting.
- iii) Amended plans are to be submitted to Council for approval prior to issue of the certification of Crown building works.

(Reason: Streetscape amenity)

18. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to Council for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.
(Reason: Environmental protection/public health and safety)

19. Internal Noise Levels Commercial

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

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to Council prior to issue of the certification of Crown building works.
(Reason: Amenity)

PRIOR TO COMMENCEMENT

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

20. School Facilities Standards

The development of the site is to be in accordance with the terms of this consent and comply with the requirements of the National Construction Code, latest best practice and with the Educational Facilities Standards and Guidelines (EFSG)

<https://efsg.det.nsw.edu.au/>

(Reason: Ensure Compliance)

21. Roads and Maritime Services Approval Required

- A. In NSW, Roads and Maritime Services (Roads and Maritime) is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Guidelines.

Shared zones are defined under Rule 24 in the NSW Road Rules (2008). A shared zone is a road or network of roads or a road related area where space is shared safely by vehicles and pedestrians and where pedestrian priority and quality of life take precedence over ease of vehicle movement. Shared zones employ a range of regulatory and non-regulatory treatments to indicate a change in environment and priority.

Please refer to TDT2014/003 *Design and Implementation of shared zones including provisions for parking* which outlines the specific criteria required for a 10 km/h shared zone.

The shared zone scheme is to be submitted to Roads and Maritime for approval prior to the commencement of any works.

Details should be forwarded to peter.carruthers@rms.nsw.gov.au. For further clarification please contact Peter Carruthers on 8849 2216.

- B. The developer must obtain written authorisation from Roads and Maritime to install School Zone signs and associated pavement markings and/or remove/relocate any existing speed limit signs. For any changes to a school zone and/or installation of a temporary school zone please contact Peter Carruthers on peter.carruthers@rms.nsw.gov.au.
- C. For information on applying for a school crossing supervisor please contact Kelly Linigen on Kelly.Linigen@rms.nsw.gov.au.
- D. Any changes to traffic control devices, must be approved through the Local Traffic Committee.

22. Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the relevant adjoining properties at 3 Barton Road, Artarmon (minimum all townhouses on the eastern side of the complex, part of the townhouses located on the northern side, as relevant) to Council and all

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owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

23. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to Council.

(Reason: Environment protection/waste reduction)

24. Site Management

A site Management Plan shall be submitted to and approved by Council. The site management plan shall include the following measures as applicable.

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

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to Council officers upon request.

(Reason: Environment protection, public health and safety)

25. Dilapidation Report of Council's Property

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

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

This dilapidation report shall be submitted to Council.
(Reason: Protection of Council's infrastructure)

26. Permits and Approvals Required

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

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

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

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

27. Application for Vehicle crossing

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

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(Reason: Protection of public asset)

28. Spoil Route Plan

Submit a “to and from” spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

29. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This S96 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

30. Construction Information Sign

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

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

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

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

(Reason: Ensure compliance)

31. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties.

In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

32. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

33. Asbestos Sign to be Erected

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

(Reason: Public Health and safety/Ensure compliance)

34. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

35. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994).

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Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.
(Reason: Public health and safety/Ensure compliance)

36. Asbestos Disposal

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

Upon completion of the asbestos removal and disposal the applicant must furnish Council with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.
(Reason: Environmental protection/Public health and safety)

37. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.
(Reason: Maintain public safety)

38. Sweep & Clean Pavement

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

39. Street Signs

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

40. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans and the Arboricultural Impact Assessment Report dated September 2015 prepared by NSW Public Works – Landscape Urban Environment Design.
 - ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
 - iii) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified arborist on site. All structures are to bridge roots unless directed by a qualified arborist on site.
 - iv) Tree protection measures must comply with the Arboricultural Impact Assessment Report dated September 2015 prepared by NSW Public Works – Landscape Urban Environment Design and AS 4970-2009 Protection of trees on development sites.
- (Reason: Tree management)

41. Public Tree Protection

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

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

42. No Access through Public Open Space

Site access is not approved for construction of the development, through adjacent public land.
(Reason: Safety, landscape amenity, tree protection)

43. Storage of Materials on Council Land Prohibited

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

44. Unexpected Finds Protocol

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

45. Waste Classification – Excavation Materials

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

46. Dust Control

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

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be

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allowed to enter the street or stormwater system.

- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

47. Construction Noise

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

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation.

48. Access for the Disabled - Disability Discrimination Act

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

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

(Reason: Access and egress)

49. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

(Reason: Safety)

50. Transport Access Guide

Prior to the occupation of the development a Transport Access Guide is to be prepared in accordance with RMS requirements/guidelines for the Artarmon Public School to explore means by which students could be encouraged to travel to and from school by walking or cycling and to ensure ongoing participation in these healthy alternative modes of transport.

(Reason: Traffic, Parking, Health and Safety)

51. Drop-off and Pick-up Initiative

The school must provide a Drop-off and Pick-up student marshalling initiative providing parents and carers with a safe environment to drop off and collect their children from school by car at the designated Drop-off and Pick-up Area.

The Drop-off and Pick-up Initiative is to be developed and provided in accordance with the guidelines provided by the Roads and Maritime Services. The initiative is to allow parents and carers are able to legally drop off or pick up their children within a two-minute timeframe, while a supervisor assists the children into or out of the car.

The Drop-off and Pick-up Initiative is to include/allow:

- Drivers to drop off or pick up students legally at busy times at the beginning and end of the school day;
- A supervisor to marshal the students at the designated school gate;
- The driver to pull into the Drop-off and Pick-up zone and remain in control of the vehicle while a supervisor assists the school student to exit or enter the vehicle.

(Reason: Safety)

52. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

The Section 73 Certificate must be submitted to Council.

(Reason: Ensure statutory compliance)

53. OSD System

The applicant shall supply and install OSD tank with a minimum storage volume of 115 m³ in accordance with the approved stormwater plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

54. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 150m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards.

The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

55. Sign for Rainwater re-use System and OSD System

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An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the Rainwater Re-use system and OSD system.

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

(Reason: Prevent unlawful alteration)

56. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the Rainwater re-use system and OSD system.

(Reason: Safe access to tank)

57. Certification of OSD

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.

(Reason: Legal requirement)

58. Certification of Rainwater Reuse System

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

(Reason: Record or works)

59. Works-As-Executed Plans - OSD

Upon completion of the OSD System, the following shall be submitted to the Council:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

60. Works-As-Executed Plans – Rainwater Reuse

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

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

(Reason: Record of works)

61. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on site stormwater system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the on site stormwater system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to Council prior to occupation.

(Reason: Maintenance requirement)

62. Documentary Evidence of Positive Covenant, Engineers Certificate

The following documentary evidence of the completed drainage works shall be submitted to Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

63. Splay Corner for Fence

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In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by either a 2m x 2.5m splay on both sides of the driveway exit from the property boundary. Details demonstrating compliance are to be submitted with the application for certification of Crown building works.

(Reason: Pedestrian safety)

64. Concrete Footpath

Construct a 1.5 m wide concrete footpath for the full frontage/ of the development site in Barton Road. All works shall be carried out in accordance with Council's standard specification and drawings.

(Reason: Public amenity)

65. Vehicular Crossing

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

The crossing is to be 5.5 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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

- *At back of layback – 100 mm above and parallel to the gutter invert.*
- *At property boundary – 350mm above and parallel to the gutter invert.*

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted for a minimum distance of 10 metres on both sides of the crossing to suit the new levels.

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

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

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and re-submitted to Council prior to occupation.

(Reason: Public amenity)

66. Removal of Redundant Crossings

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

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and re-submitted to Council prior to Occupation.

(Reason: Public amenity)

67. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and re-submitted.

(Reason: Ensure compliance)

68. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by Council, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved plans for certification of Crown building works,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- e) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- g) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- h) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Ensure Compliance)

69. Tree Planting

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Trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the approved Landscape Plan	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape Amenity)

70. Completion of Landscape Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

71. Public Tree Planting

Plant the following trees on Council land forward of the property on Barton Road:

2 x *Angophora costata*

The trees shall:

- Have a minimum container size of 45 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
- Be planted clear of sightlines and services and be generally in alignment with other street trees.

(Reason: Landscape amenity)

72. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report 5763-1.1R by Day Design Pty Ltd dated 2 September 2015.

(Reason: Amenity)

ADDITIONAL CONDITIONS

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

73. Operation of the Before and After School Care

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The operation of the Before and After School Care services (BASC) within the school grounds is subject to a separate consent.
(Reason: Ensure Compliance)

74. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.
(Reason: Maintain designed discharge)

75. Vehicular Access and Garaging

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

76. Underground Utility Services

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

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
(Reason: Protection of utilities)

77. Underground Utility Services

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

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
(Reason: Protection of utilities)

78. Adjustment to Electricity

All existing and proposed overhead electricity supply mains and other overhead services around the site are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant.
(Reason: Public amenity)

79. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

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(Reason: Protection of public assets)

80. Trees on Adjoining Properties

No approval is given for the removal of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

81. Noise Control – Offensive Noise

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

(Reason: Amenity)

PRESCRIBED CONDITIONS

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

82. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

83. Certification of Crown building works Required

Prior to the commencement of work, the applicant shall obtain a Section 109R Crown Building Works Certificate from a qualified Building Regulator to demonstrate compliance with the technical provisions of the State's building laws and the Building Code of Australia. The applicant shall submit a copy of the S109R Crown Building Works Certificate to Council before commencement of construction.

(Reason: Ensure compliance and statutory requirement)

84. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

85. Occupation Certificate

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The use of a building in accordance with this Development Consent must not be commenced until all conditions relating to demolition, construction and site works of this development consent are satisfied and detailed in the Section 109R Crown Building Works Certificate.

(Reason: Safety)