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
Recommendation	Approval
Reports by	Ana Vissarion - Development Planner
Original Report date	14 April 2016
Supplementary report date	17 May 2016

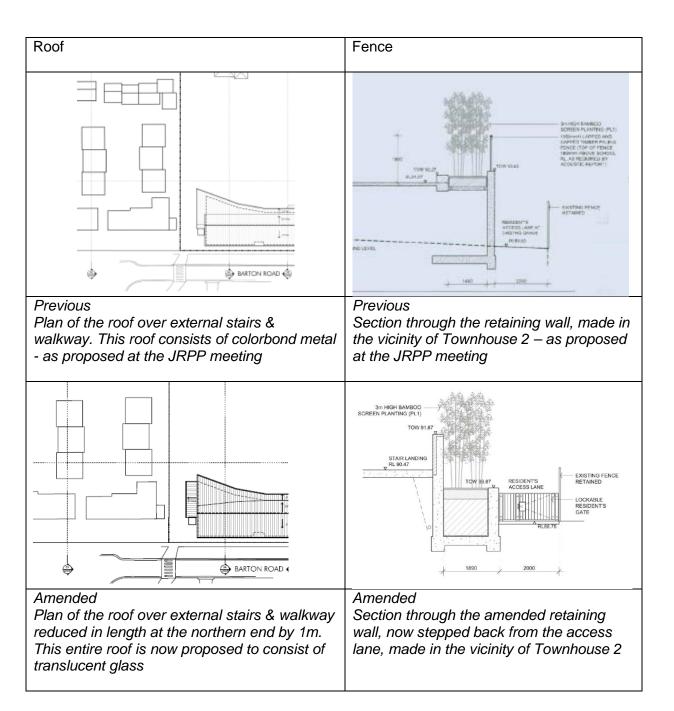
SUPPLEMENTARY ASSESSMENT REPORT

The recommendation for approval for DA 2015/431 for *Redevelopment of Artarmon Public School* at 5 Abbott Road Artarmon was considered by the Sydney East Joint Regional Planning Panel (JRPP) on 14 April 2016. The JRPP deferred the determination of the application in order to receive additional information and amended plans that reduce the impact on the eastern living room window of Townhouse 2 at 3 Barton Road, Artarmon.

Following the deferred decision, the applicant met with Council officers on 22 April 2016 to discuss proposed amendments in order to address the JRPP decision. When compared with the scheme presented at the JRPP meeting, the following changes were implemented:

- Lowering the height of the New Library and Homebase Building by 330mm in accordance with the recommended Schedule of conditions; and
- Metal roof over external stairs & walkway is reduced by 1 metre; and
- Metal roof over external stairs & walkway is replaced with a glass roof; and
- The retaining wall, the landscaping and the fence adjoining the Resident's Access Lane in the vicinity of Townhouse 2 at 3 Barton Road have been amended to minimise overshadowing impacts.

The additional information and amendments demonstrate that the proposal, despite its non-compliance with the height of building development standard, will not cause additional overshadowing impacts to the adjoining property at 2/3 Barton Road as further discussed below.



A Supplementary Report has been prepared for the Department of Education and submitted to Council on 11 May 2016, along with amended plans and shadow diagrams. The Report is satisfactory addressing each point in the JRPP decision.

The report concludes that amending the design to cut back roof line 1 metre over the external access stairs & walkway as well as amending the design of the retaining/acoustic wall adjoining the resident's access lane will result in <u>2.5</u> hours of sunlight on the eastern living room window of Townhouse 2 at 3 Barton Road, from 11.30am to 2pm.

When the roof over the external access stairs & walkway is replaced by a 80% translucent glass, the eastern living room window of Townhouse 2 at 3 Barton Road receives additional light during the day, resulting in 3 hours of sunlight, from 11am to 2pm on 22 June.

The latest amended proposal achieves 50% more solar access to the window in question when compared with a State Environmental Planning Policy (Infrastructure) 2007 compliant

scheme (maximum 12m high, minimum 5m setback) and 33% more solar access when compared with a Willoughby Development Control Plan (WDCP) compliant design (maximum 9m high and complying with the required setbacks) and is assessed to be adequate solar access to living areas of Townhouse 2 at 3 Barton Road.

CONCLUSION

Taking into account that the latest amended design provides for adequate solar access to the eastern living room window of Townhouse 2 at 3 Barton Road, it is recommended that the variation from 9m to 13.6m to the Height of buildings development standard contained in Clause 4.3(2) of WLEP 2012 be supported for the reasons listed in the original assessment and in this supplementary assessment and the application DA2015/431 (5 Abbott Road, Artarmon) be approved.

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 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, subject to the conditions listed in the attached Schedule.

SCHEDULE OF CONDITIONS

(WITH CONCURRENCE OF THE APPLICANT / THE CROWN AND IN ACCORDANCE WITH POINT 3 OF THE JRPP DECISION REGARDING S94A CONDITION)

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:

Туре	Plan No.	Revisi on/ Issue No	Plan Date (as Amended)	Date Received by Council	Prepared by
arch	DA00 , DA04, DA05,	В	10 May 2016	11 May 2016	Public Works
	DA06, DA07, DA08,				Government
	DA09, DA10, DA12,				Architect's Office
	DA13,				
arch	DA01, DA02, DA03,	А	10 May 2016	11 May 2016	Public Works
	DA11				Government
					Architect's Office
arch	A201		7 Mar 2016	11 May 2016	Public Works
	A903 (02), A904 (03)				Government
	7,000 (02), 7,001 (00)				Architect's Office
lands	DA L01, DA L02,	В	10 May 2016	11 May 2016	Public Works
					Government
					Architect's Office
lands	DA L03, DAL05	В	10 May 2016	11 May 2016	Public Works
					Government
					Architect's Office
lands	TSP 01		13 Oct 2015	11 May 2016	Public Works
					Government
					Architect's Office
	DA L04,		3 Mar 2016	11 May 2016	Public Works
					Government
					Architect's Office
eng	C001, C002,	3	3 Mar 2016	11 May 2016	Public Works
					Government
					Architect's Office

eng	C003, C004, C010,	0	4 Mar 2016	11 May 2016	Public Works
	C011				Government
					Architect's Office
eng	C009, C012	3	8 Feb 2016	11 May 2016	Public Works
					Government
					Architect's Office
traffic	2015-373-01D	D	3 Mar 2016	11 May 2016	MCLAREN TRAFFIC
Hanne	2010 0/0 010		5 Wai 2010	11 May 2010	
					ENGINEERING

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)

2. 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)

3. 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)

4. 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)

5. 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)

6. 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)

7. 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)

8. 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)

9. **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.
- 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.
- 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)

10. **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 levelAt back of layback

- remain as the existing gutter invert level

- 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 <u>5%</u> 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)

11. 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)

12. 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)

13. 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.

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

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;
- 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 approval to commence works on the Shared Zone. 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)

15. 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)

16. 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)

17. 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://efsq.det.nsw.edu.au/

(Reason: Ensure Compliance)

18. 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.

19. 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 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)

20. 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)

21. 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 measurers 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)

22. 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.

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)

23. 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)

24. Application for Vehicle crossing

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

(Reason: Protection of public asset)

25. 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.

26. 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 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)

27. 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)

28. 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)

29. Demolition Work AS 2601

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

(Reason: Safety)

30. 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)

31. 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)

32. 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).

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)

33. 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)

34. 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)

35. 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)

36. 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)

37. Tree Protection

- 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)

38. 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)

39. 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)

40. 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)

(Neason: Salety, environmental protection

41. 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)

42. 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)

43. 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 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)

44. 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.

45. 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)

46. 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)

47. 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)

48. 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)

49. 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)

50. 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)

51. 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)

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

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)

53. 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)

54. 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)

55. 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)

56. 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)

57. Works-As-Executed Plans – Rainwater Reuse

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)

58. 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)

59. 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)

60. Splay Corner for Fence

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 $2m \times 2.5m$ 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)

61. Concrete Footpath

The public footpath to Barton Road between Abbott Lane and Hampden Lane will be renewed from Abbott Lane to the extent required to accommodate the new driveway entry to the new 3 storey block and the removal of the existing driveway entry and east of this to the corner of Hampden Lane. Where existing footpath is in good condition and is not damaged by Construction works this footpath will not be replaced.

All works shall be carried out in accordance with Council's standard specification and drawings.

(Reason: Public amenity)

62. 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.

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

(Reason: Public amenity)

63. 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)

64. 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)

65. 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 <u>5%</u> 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)

66. Tree Planting

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)

67. 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)

68. Public Tree Planting

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

2 x *Angophora costata* The trees shall:

i. Have a minimum container size of 45 litres and grown to NATSPEC 2 "Guide

- Specifying Trees", (2003).
- ii. Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
- iii. Be planted clear of sightlines and services and be generally in alignment with other street trees.

(Reason: Landscape amenity)

69. 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.

70. Operation of the Before and After School Care

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

(Reason: Ensure Compliance)

71. 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)

72. 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)

73. 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)

74. 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)

75. Adjustment to Overhead service

All new electricity supply mains and other services connection from the existing bundled overhead service to the site are to be underground to the specification of Ausgrid and Willoughby City Council at full cost to the applicant. No new electricity and service connection are to be provided as additional overhead cables to the existing bundled cables.

(Reason: Public amenity)

76. Public Infrastructure Restoration

Prior to the release of the occupation of the approved development, 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. (Reason: Protection of public assets)

77. 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)

78. 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.

79. 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

80. 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)

81. 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)

82. Completion Certification

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)