

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

JRPP No	<b>2015SYE154</b>
DA Number	<b>368/15</b>
Local Government Area	<b>North Sydney</b>
Proposed Development	<b>Alterations and additions to an existing school including demolition of an existing building and construction of a new classroom building, new shade structure and demountable buildings. The proposal will provide for 155 additional students.</b>
Street Address	<b>34-40 Ridge Street, North Sydney</b>
Applicant	<b>SARM Architects Pty Ltd</b>
Owner	<b>Trustees of the Roman Catholic Church for the Archdiocese of Sydney</b>
Number of Submissions	<b>8</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Capital Investment Value &gt; \$5m Educational building</b>
List of All Relevant s79C(1)(a) Matters	<b>North Sydney LEP 2013 - Zoning – SP Infrastructure (Educational Establishment) North Sydney DCP 2013 SEPP No.55 Contaminated Lands SEPP 64 – Advertising signs SREP (2005) SEPP (Infrastructure)</b>
List all documents submitted with this report for the panel's consideration	<b>Plans and Elevations</b>
Recommendation	<b>Approval</b>
Report by	<b>Lara Huckstepp, Executive Planner North Sydney Council</b>
Report date	<b>4 April 2016</b>

## EXECUTIVE SUMMARY

The proposed development is considered to provide a reasonable level of compliance with Council's controls. The appearance of the new building is considered to be acceptable and the impacts of the new development to surrounding development is considered to be reasonable.

The Council's notification of the proposal has attracted eight submission raising particular concerns about design, setbacks, traffic, parking, noise and the like. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposed development has been considered against all relevant controls contained in LEP2013, DCP2013, and all other relevant plans and policies as being acceptable.

Following assessment of the plans, the development application is recommended for **approval**.

## DESCRIPTION OF PROPOSAL

The proposed development involves alterations and additions to an existing school building (St Mary's Primary School) North Sydney and includes the following works:

### *34 & 36 Ridge Street*

- Demolition of the existing two (2) storey vacant building (corner of Ridge Lane and Ridge Street). Construction of a new three (3) storey school building.
- Refurbishments to the existing two (2) storey school building, including demolition works to the ground floor, first floor and roof, whilst retaining the existing façade / breakout area of the building fronting Ridge Street.
- Construction of a new covered break out area on the third floor, resulting in an additional level to the existing two (2) storeys. This area will be behind the existing building façade (to be retained).
- Modification of multi-purpose space to the north of the buildings at the subject site involving the proposal to remove some existing trees; and
- Retain existing Jacaranda tree within the multi-purpose space.

### *40 Ridge Street*

- Erection of temporary demountable buildings to the rear of the Presbytery (*Note that previous Council Development Consent DA265/10 approved the demolition of existing structures at the rear of the Presbytery*). The demountable buildings will provide a temporary general learning area for the students during the construction period (approximately 9-12 months).
- Construction of a new shade structure covering the existing multi-purpose space within the southern portion.

The proposed additions will allow for 155 additional students. The existing school

provides for 295 students and therefore the resultant student number will be 450.

The proposed additions will allow for additional staff including 6 full time staff; 2 support staff, 6 part time staff and 2 office staff.

No change to vehicular parking is proposed. The school presently benefits from on-site student drop off and car parking with vehicular ingress being from 40 Ridge Street whilst vehicular egress exits via Miller Street. No change is proposed to this situation.

### ***Proposed front elevation***



## **STATUTORY CONTROLS**

North Sydney LEP 2013

- Zoning – SP2 Infrastructure (Educational Establishment)
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes (No.40 Ridge Street)
- Conservation Area - No

Environmental Planning & Assessment Act 1979

SEPP No. 55 - Contaminated Lands

SEPP No. 64 - Advertising Signs

SREP (2005)

Local Development

SEPP (Infrastructure)

## **POLICY CONTROLS**

DCP 2013

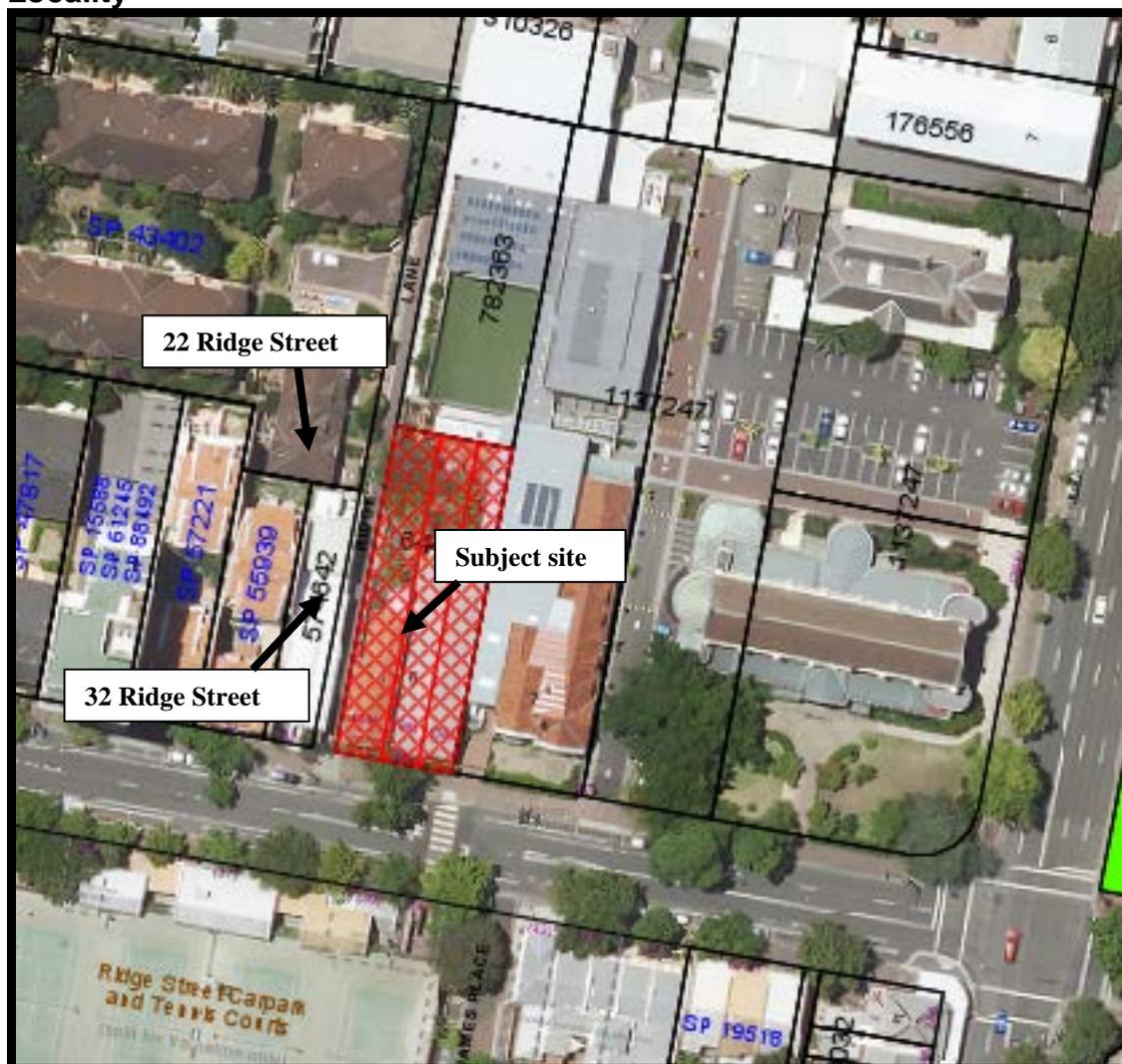
## **DESCRIPTION OF LOCALITY**

The site, owned by the Trustees of the Roman Catholic Church for the Archdiocese of Sydney, occupies an area of approximately 20,000sqm. The site occupies the land bordered by Ridge Street (to the south), Miller Street (to the east), Carlow Street (to the north) and Ridge Lane (to the west), with the exception of two terrace houses that front Miller Street towards to the north-east corner of the site.

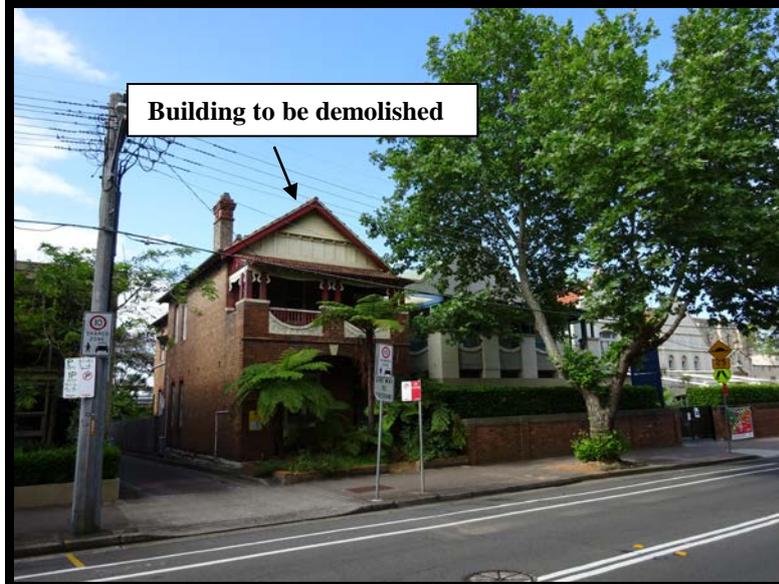
The southern portion of the site currently houses St Mary's Church, St Mary's Primary School, the existing Monastery and Presbytery buildings, and car parking for approximately 110 vehicles. The northern portion of the site houses Marist College, North Sydney (a high school), a day care centre and the conversion of private residences to accommodation for the Marist Brothers.

**The subject Development Application relates only to St Mary's Primary School.**

### Locality



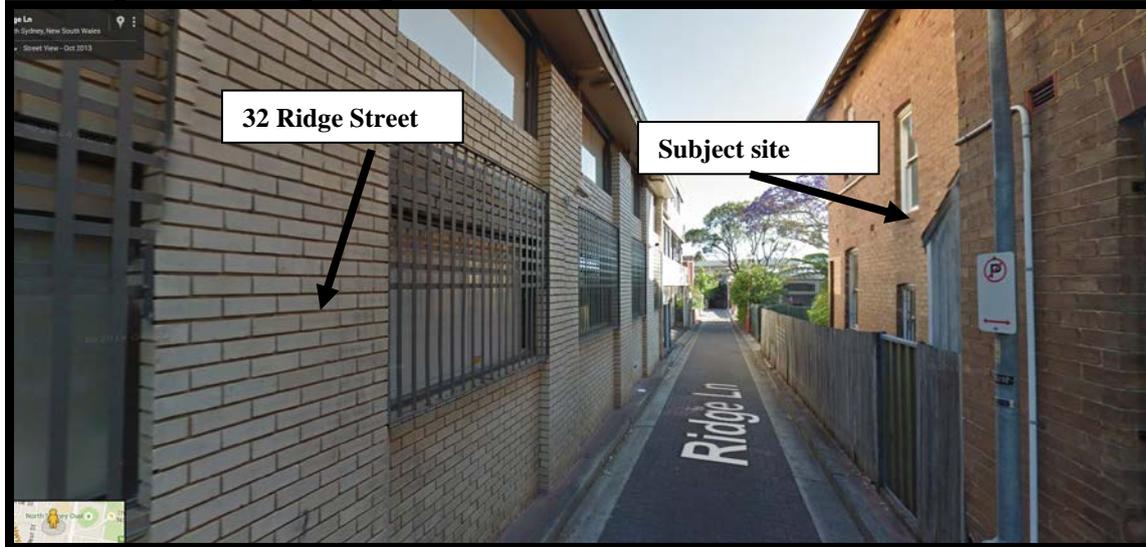
***Existing front elevation subject site – Ridge Street***



***Existing front elevation subject site***



**Looking north along Ridge Lane**



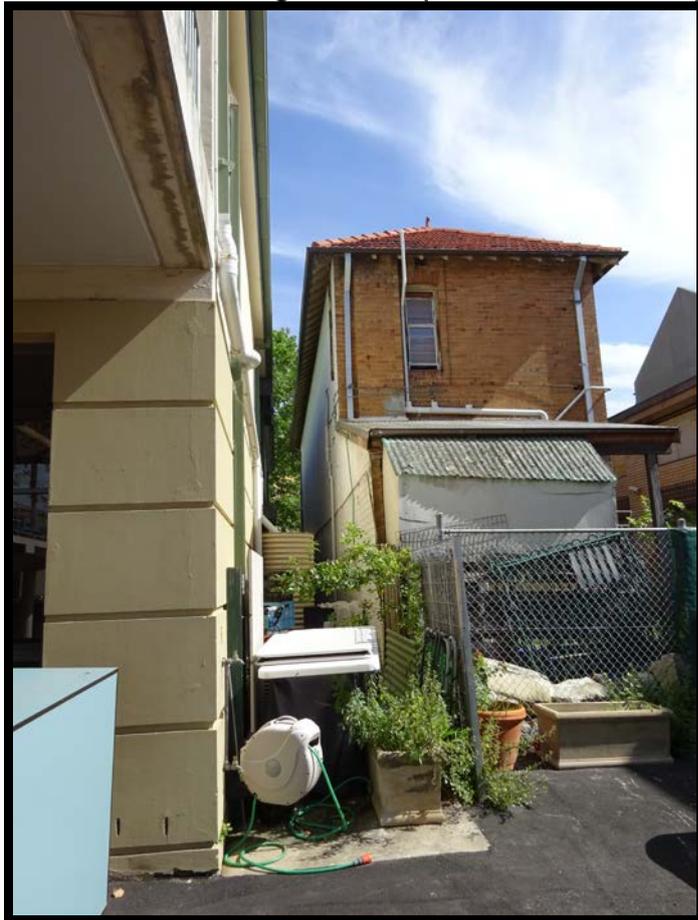
**Looking South along Ridge Lane (Towards Ridge Street)**



***Existing Rear Multi-purpose space***



***Rear of No.34 Ridge Street (to be demolished)***



***Existing play space to the rear (north) of the site – no works proposed to this space***



**Existing car park – location of proposed temporary demountable classrooms**



**RELEVANT HISTORY**

**Development Application DA265/10** was considered by the Joint Regional Planning Panel (JRPP) at its meeting held on 15 December 2010. The Development Application proposed:

(1) Partial demolition and alterations and additions to the existing Presbytery building – It was proposed to renovate the existing Presbytery building to improve the existing accommodation for the Parish Priests. Works proposed to the Presbytery building included:

- Existing office space currently located on the ground floor level of this building to be relocated elsewhere on the site to allow increased residential accommodation to be provided.
- Demolition of an existing rear component of the building.
- Construction of a ground and first floor addition.
- Internal modifications to the building and
- Fenestration changes

(2) Demolition of the existing Monastery building and erection of a new multi-purpose building for the Church and Primary School.

The proposal included demolition of the existing Monastery Building and construction of a two-storey multi-purpose building, with basement car parking for 42 vehicles. The new building proposed to accommodate a Parish Centre, multi-purpose hall at ground level and Parish Offices at the first floor.

The proposed multi purpose hall was to be used by the students of the primary school

and for social functions for the Parish (both during the day and evening). The proposal also involved the provision of additional playground space, multi-purpose space. The first floor of the building was proposed to be an administrative centre for the Parish, Primary 2) School and other local parishes.

The proposed underground carpark comprised of one basement level with 42 car parking spaces. Access to the proposed car park will be via an entrance on the northern side of the proposed building.

The Planning Report was prepared by a Consultant on behalf of Council and it was recommended for refusal for the following reasons:

1. *The proposed demolition of a heritage item (the Monastery) is inconsistent with the objectives of Clause 48 of NSLEP2001 to ensure the retention of heritage items. Furthermore, insufficient information has been submitted to justify the demolition of a heritage item (the Monastery) pursuant to the requirements of Clause 48;*
2. *The proposed works to the Presbytery are inconsistent with Clause 48 of NSLEP2001 as these works will result in the loss of original and significant fabric from the building;*
3. *The proposed development is inconsistent with the Clause 3( c) of NSLEP2001 and with the zone objectives of the Special Use zone as listed at Clause 14 of NSLEP2001 in that the proposal will result in adverse amenity impacts to adjoining residential properties.*
4. *The proposed development is non-compliant with the landscaped area development standard pursuant to Clause 34(3)(b) of NSLEP2001 and insufficient documentation has been submitted to allow variation to this standard and the proposed works will result in an inappropriate landscaped treatment to the street.*
5. *The proposed new Parish Centre is inconsistent with Section 8.8(h) – Form, massing and scale, (i) – Roofs, (l) – Windows & doors, (m) – Materials & colours and (o) – Details of NSDCP2002 as the proposed development is out of architectural character with surrounding buildings;*
6. *The proposed development will result in an increase in parking provision contrary to DCP2002 and may result in potential impact in terms of traffic movements to and from the site.*

The Panel at its meeting held on 15 December 2010 however resolved:

*The Panel resolves unanimously that it would be willing to approve the applicant subject to:*

- 1.a) *The applicant preparing amended drawings for the works on the Presbytery that comply with the recommendations of the David Scobie report, incorporate an acoustic wall between the new playground and the*

- nearby residential buildings and re-use some of these materials from the demolished Monastery building in the new Parish Centre, in line with the recommendations of the David Scobie report.*
- b) *Suitable conditions being prepared by the Council's Planning Assessment Officer.*
  - c) *An objection under SEPP1 to the landscaped area development standard.*
2. *The Panel requires the applicant to lodge amended drawings by 7 January 2011, including a letter by David Scobie that his recommendations have been followed.*
  3. *The Panel requests the Council's Planning Assessment to prepare conditions of consent by 14 January 2011 and the applicant to comment on these by 21 January 2011. The conditions should include a requirement for a construction traffic management plan.*
  4. *Following the receipt of the above materials the Panel will make a determination by electronic means of communication.*

The additional information and conditions were subsequently submitted the Panel approved the development application on 28 January 2011.

Various Section 96 modifications have been subsequently approved on the site.

These works have since been mostly carried out and an Interim Occupation Certificate has been issued. The site now benefits from the approved on-site drop off area which is accessed via Ridge Street and cars exit onto Miller Street.

Council is advised the remaining approved works being the demolition of part of the existing presbytery will be carried out to facilitate the proposed demountable buildings which are now proposed.

**Development Consent DA235/14** was approved by North Sydney Council on 16 September 2014 which all allowed various alterations to the existing school building at No.40 Ridge Street which has since been completed.

### **Current Development Application**

The subject Development Application DA368/15 was lodged on 8 October 2015. Additional information was requested being:

1. *Acoustic Report*

*Council requires an acoustic report demonstrating the likely impact of your proposal in terms of noise nuisance and the likely strategies to be adopted to maintain residential amenity.*

This additional information was submitted on 25 November 2015. Following a detailed assessment, the applicant was advised the following issues remained outstanding:

- 1) Heritage – Council's Conservation Planner advised the proposal to demolish the

entire building at No.34 Ridge Street and replace it with a highly contemporary building is not supported on heritage grounds, due to the impact on the significance and curtilage of the school and wider St Mary's precinct and its presentation to Ridge Street. It was advised the proposed building, being highly contemporary and considerably higher than the existing buildings on the school site, is not considered to appropriately respond to the significance and scale and character of the heritage listed school. (Refer to Heritage Referral Section for full comments).

- 2) Traffic – Council's Traffic Manager raised concerns with the queuing and traffic analysis and further reports were requested (Refer to Traffic comments Section)
- 3) Engineering Information – Additional information was requested on the proposed stormwater drainage from the site.
- 4) Acoustic Report – Additional Acoustic information was requested.
- 5) Privacy to west facing windows – Privacy to west-facing windows fronting Ridge Lane and their impact on adjacent properties was requested to be addressed.
- 6) Infrastructure SEPP – The applicant was requested to address the Infrastructure SEPP and Clause 32 School Facilities Standard (including recent amendments).
- 7) Signage details – Additional details were requested to the proposed new LED signage within Ridge Street setback. The proposed signage was not detailed within the photomontage plans.
- 8) Accessibility – Inadequate information was submitted with regard to accessibility throughout the new and adjoining additions. A report was requested accordingly.
- 9) Solar access – Elevational shadow diagrams were requested outlining impacts to the adjoining residential properties.
- 10) Confirmation of no encroachments – Submitted plans were unclear as to the boundary location with regards to Ridge Lane. The applicant was advised no encroachments over Council's land would be permitted.
- 11) Built form – On the basis of Conservation Planner's comments, the proposed built form was considered to be contrary to the following DCP2013 controls:
  - The form of the addition fails to respond to the existing characteristics of the school site within which the subject building forms part, contrary to the objectives of Section 3.3.1 NSDCP2013 (Context).
  - The design of the addition fails to reflect, reinforce or complement the existing character of the school and church precincts, or surrounding streetscape, contrary to the objectives of Section 3.3.7 NSDCP2013 (Form, massing and scale).
  - The design of the addition does not have a consistent form and scale, size, location and proportions of window, door openings and roof form to the adjacent school and church precinct within which it forms part, contrary to provision P8

NSDCP2013 (Form, massing and scale).

- The building elements such as materials, finishes and window dimensions fail to relate to neighbouring buildings, contrary to Provision P11 NSDCP2013 (Form, massing and scale).
- The design of the addition does not respect the setting and cartilage of the adjacent heritage items within the school and church precinct, contrary to Provision P14 NSDCP2013 (Form, massing and scale and Part B Section 13 NSDCP2013)
- The new additions do not reflect or reinforce the existing and desired character of the adjacent school and church precinct, and surrounding locality, contrary to Section 3.3.9 NSDCP2013 (Colours and materials).

Meetings were held with the applicant to discuss the required amendments on 2 February, 16 February and 23 February 2016 to resolve the issues. Amended plans and additional were received on 26 February 2016:

The amended plans reduce the bulk of the upper level addition, amended the design of the front façade. Additional information was also provided as requested. The amended plans and additional information are considered within this report.

## REFERRALS

### Building

Council's Senior Building Surveyor advised that the applicant's submitted documentation outlines that the proposal is able to comply with BCA and DDA requirements. No objections are raised subject to the imposition of standard conditions requiring compliance with the BCA and disabled access.

### Health

Council's Environmental Health Team Leader (F.Mulcahy) provided the following comments in relation to the applicant's originally submitted Acoustic Report.

*"The report advises of a back ground noise level assessed at 12 Carlow Street.*

*Predicted noise levels are assessed at 32 Ridge Street. By taking the background noise readings at 12 Carlow Street we are getting a picture of noise levels if the school was not there at all. However as the school has been operating for some years now it would be useful to know the current operating noise levels for outdoor play at the nearest residential receivers and by how much this is predicted to increase.*

*It can be assumed that an additional 150 students will increase noise levels from outdoor play areas. The acoustic report acknowledges that there will be noise resulting from outdoor play during the defined recess and lunch breaks however it offers no recommendations for noise mitigation that could be adopted – such as acoustic screens or fencing for example.*

*Whilst it is acknowledged that the premise is a school and a certain level of noise is expected from such, it is considered that where possible, with the proposed increase in student numbers, that noise reduction measures would be considered and adopted where possible.*

The submitted report recommends a Noise Management Plan shall be prepared to minimise and manage the impact of outdoor play noise on nearby sensitive receivers:

- Children will be supervised at all times;
- The behavior of the children will be monitored and modified as required by adequately trained staff. This will include quieting excessively noisy children;
- The number of children playing in the existing outdoor play area will be limited to 450 children;
- Parents and guardians will be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;
- Staff will ensure the total time children (more than 100) spend playing outside is less than 2 hours per day;
- The use of outdoor play areas will be limited to between the hours of 8.40am and 6.00pm;
- No loudspeakers will be located in outdoor areas and amplified music or speech will not be used in outdoor areas, and
- Contact details for the school will be displayed prominently, so the public are easily able to contact the school to register any comments or complaints.

A condition is recommended for imposition to require this Noise Management Plan be put in place. Subject to this condition, the impacts are considered to be reasonable as discussed further within the DCP Table.

## **Heritage**

Council's Conservation Planner (L.Trueeman) provided the following comments in relation to the originally submitted proposal:

*"Part of the subject property, being 36 - 40 Ridge Street, is listed as a Heritage item significant for being: 'Important local school and associated with St. Mary's Church, the main parish church for North Sydney. Important relic of divergence of Protestant/Catholic educational systems in Australia. Direct successor to first Catholic school on the North Shore'.*

*The property is not located within a Conservation Area. It is located directly adjacent to a heritage item, being St Mary's Church , significant for being: 'The prime Catholic church in North Sydney and the direct successor to the original Catholic church on this site. An impressive and remarkable building of monumental scale in a prominent location.' It is also located within the vicinity of several heritage items being St Mary's Church Presbytery (at rear), and 45 – 51 Ridge Street (across road).*

*The proposal involves the total demolition of the existing dwelling at 34 Ridge Street. This part of the property is not heritage listed, nor is it located within a conservation area. However, the building on the site, being a two storey Federation house built c 1910, is considered to be a good example of that style of building that, in its current form, complements the listed school and broader St Mary's Church precinct in terms of style, form, scale and character. The building also contributes to the character of the Ridge Street streetscape. It is noted that the front façade of the existing classroom building at 36 Ridge Street, built in 1992, was designed specifically to respond to the building at 34 Ridge Street, and strongly references its form, scale and details resulting in a neutral impact on the significant buildings on the school and church site.*

*The proposal to demolish the entire building at No. 34 Ridge Street and replace it with a highly contemporary building is not supported on heritage grounds, due to the impact on the significance and curtilage of the school and wider St Mary's precinct, and its presentation to Ridge Street. The applicant is requested to retain the front section of the Federation house within the new design, in order to retain the building's contribution to the streetscape and limit the impact of the proposal on the presentation of the school precinct to Ridge Street. Further, the proposed building, being highly contemporary and considerably higher than the existing buildings on the school site, is not considered to appropriately respond to the significance, and scale and character of the heritage listed school. No objections are raised to the extension of the adjoining classroom block, if the front part of the building at 34 Ridge Street is retained within the extension. The new building may have a contemporary presentation internally and behind the retained front section the cantilevered roof over the upper level adds excessive height and bulk to the building, overwhelming the original school building. The setback of this roof from Ridge Street should be increased and its overall height reduced in order to reduce its impact.*

*In conclusion, the application is not supported in its current form and amendments are requested based on the comments and issues raised above."*

In response amended plans were received on 26 February 2016 which are considered within this report. The following additional comments have been provided in relation to the amended plans:

### **1. Heritage Status and Significance:**

- Heritage item significant for being: *'Important local school and associated with St. Mary's Church, the main parish church for North Sydney. Important relic of divergence of Protestant/Catholic educational systems in Australia. Direct successor to first Catholic school on the North Shore.*
- Directly adjacent to a heritage item, being St Mary's Church , significant for being: *'The prime Catholic church in North Sydney and the direct successor to the original Catholic church on this site. An impressive and remarkable building of monumental scale in a prominent location.'*
- In the vicinity of several heritage items being St Mary's Church Presbytery (at rear), 45 – 51 Ridge Street (across road)

## **2. The property:**

*The property contains two attached buildings that are used as a primary school, and a detached Federation former dwelling- house on a separate allotment. The significant building on the site is the c1888 two storey brick school building that was extended in 1896. The building has been extensively modified internally, but retains its external form and features. A separate two storey masonry classroom building, built in 1992/3, is located at the Ridge Street frontage, to the west of the significant 1880s building. The area between the two buildings was covered in 2010, and an addition was built at the rear of the heritage item at that time. The separate Federation house and its site are currently not part of the school campus. That property is not listed as a heritage item, nor is it located within a conservation area.*

## **3. The proposal:**

*The proposal is for the demolition of the detached Federation dwelling, and its replacement with a new classroom building that will be attached to the existing 1990s classroom building. The proposed building is four storeys with a contemporary design and cantilevers roof. The proposal also involves alterations and additions to the existing building, in order to link it with the new building and create open learning spaces.*

## **4. Original Submission**

*An assessment of the works as originally submitted was undertaken on 3 November 2015, and the following comments were made:*

*'Part of the subject property, being 36 - 40 Ridge Street, is listed as a Heritage item significant for being: 'Important local school and associated with St. Mary's Church, the main parish church for North Sydney. Important relic of divergence of Protestant/Catholic educational systems in Australia. Direct successor to first Catholic school on the North Shore'.*

*The property is not located within a Conservation Area. It is located directly adjacent to a heritage item, being St Mary's Church , significant for being: 'The prime Catholic church in North Sydney and the direct successor to the original Catholic church on this site. An impressive and remarkable building of monumental scale in a prominent location.' It is also located within the vicinity of several heritage items being St Mary's Church Presbytery (at rear), and 45 – 51 Ridge Street (across road).*

*The proposal involves the total demolition of the existing dwelling at 34 Ridge Street. This part of the property is not heritage listed, nor is it located within a conservation area. However, the building on the site, being a two storey Federation house built c 1910, is considered to be a good example of that style of building that, in its current form, complements the listed school and broader St Mary's Church precinct in terms of style, form, scale*

*and character. The building also contributes to the character of the Ridge Street streetscape. It is noted that the front façade of the existing classroom building at 36 Ridge Street, built in 1992, was designed specifically to respond to the building at 34 Ridge Street, and strongly references its form, scale and details resulting in a neutral impact on the significant buildings on the school and church site.*

*The proposal to demolish the entire building at No. 34 Ridge Street and replace it with a highly contemporary building is not supported on heritage grounds, due to the impact on the significance and curtilage of the school and wider St Mary's precinct, and its presentation to Ridge Street. The applicant is requested to retain the front section of the Federation house within the new design, in order to retain the building's contribution to the streetscape and limit the impact of the proposal on the presentation of the school precinct to Ridge Street.*

*Further, the proposed building, being highly contemporary and considerably higher than the existing buildings on the school site, is not considered to appropriately respond to the significance, and scale and character of the heritage listed school. No objections are raised to the extension of the adjoining classroom block, if the front part of the building at 34 Ridge Street is retained within the extension. The new building may have a contemporary presentation internally and behind the retained front section. The cantilevered roof over the upper level adds excessive height and bulk to the building, overwhelming the original school building. The setback of this roof from Ridge Street should be increased and its overall height reduced in order to reduce its impact.*

*In conclusion, the application is not supported in its current form and amendments are requested based on the comments and issues raised above.'*

## **5. Further information and amended proposal**

*In response to Council's concerns, the applicant submitted further information addressing the comments regarding the demolition of the existing building, and outlining the reasons why they are unable to retain the Federation building at 34 Ridge Street.*

*'As detailed in the Heritage Impact Statement for 34 Ridge Street, the building present on the site is a typical example of a two storey Federation period residential dwelling. While the building has some contributory values to the historical development of North Sydney area, it is not considered of sufficient significance to warrant listing on the LEP. Retention of the building to some extent was considered but the required facilities could not be accommodated within the existing configuration. As noted in the Heritage Impact Statement, retention of the building may be warranted if it was part of an urban context that is characterised by a number of similar Federation or earlier buildings. However, the current context of the building*

*is dominated by larger buildings of varying styles and heights dating from the 20th Century onwards. The proposed new building will add much needed education space to the St Mary's school, improving the existing facilities present and responding to the demand. It is of some distance from the heritage item, being the St Mary's Primary School building, and as such it will not detrimentally impact on its heritage attributes.*

*The building at 34 Ridge Street does not have a significant connection to the St Mary's heritage listed site having been acquired during the 1950s and has a limited visual relationship with the St Mary's school building. As noted previously, the internal layout, the poor condition and low integrity of areas other than the front rooms do not have the ability to cater to the required educational spaces.*

*The proposed new building will add much needed additional space for the St Mary's school. By demolishing the building at 34 Ridge Street, unnecessary intervention into the heritage building of the site will be avoided. The proposal allows for the retention of the school's important heritage buildings and will prevent their further modification. The proposed new development also serves to increase the amenity of the school, improve functionality and ultimately viability of the school as an educational facility catering the present day educational standards, demand and requirements.'*

*After consideration of this information and after further detailed discussion with the applicant about the specific needs of the school community, and noting that the building is neither listed as a heritage item nor located within a conservation area, it is considered neither reasonable nor justifiable to further insist on the retention of the existing building. The applicant will be required, via condition of consent, to undertake a photographic survey of the building, which will be kept in Council's Heritage Centre.*

*In addition, amendments to the design of the proposed new building have been made in response to comments from Council, particularly relating to the front parts of the building facing Ridge Street. The setback of the upper level cantilevered roof has been increased by 3.8m, and its height reduced by 740mm, in order to reduce its impact on the adjacent heritage item. The front portion of the pitched roof of the classroom building has been retained, as requested.*

*In addition, the materials and details of the front façade have been amended to better reflect the character of the St Mary's precinct. The façade is now predominantly a perforated copper sheet that has been selected to reference the roof of St Mary's church dome.*

*The reduction in the height, bulk and scale of the proposed building, the increased setback of the roof, the retention of the hipped roof of the existing classroom building and the changes of materiality of the front facade have successfully addressed Council's concerns in relation to the heritage impact of*

*the proposed building. The proposed building, as amended, makes reference to the heritage values of the site whilst being clearly identifiable as new work, in accordance with conservation principles.*

## **6. Conclusion and Recommendations**

*An assessment of the proposed works at St Mary's School, 34 - 40 Ridge Street North Sydney, has been undertaken in terms of Part 5 Clause 5.10 (Heritage Conservation) of the North Sydney LEP 2013 and Section 13 (Heritage and Conservation) of the North Sydney DCP 2013.*

*Part of the subject property is listed as a heritage item of local significance. 'Important local school and associated with St. Mary's Church, the main parish church for North Sydney. Important relic of divergence of Protestant/Catholic educational systems in Australia. Direct successor to first Catholic school on the North Shore'.*

*The significant fabric on the property is restricted to the original school building that fronts Ridge Street on the south eastern corner of the site, which was built in the 1880s, with a later addition in the 1890s. The other structures on the site are modern additions built in the 1990s and 2010s. The school site also forms part of the heritage listed St Mary's church precinct that includes St Mary's Catholic Church and presbytery.*

*The proposal involves the total demolition of the existing dwelling at 34 Ridge Street. This part of the property is not heritage listed, nor is it located within a conservation area. However, the building on the site, being a two storey Federation house built c 1910, is considered to be a good example of that style of building. Council initially requested that the applicant consider the retention of at least the front section of the house and its incorporation into the new development. However, the school provided further information and details demonstrating that even the partial retention of the building would make it impossible to meet the requirements of the school community in terms of learning spaces.*

*Noting that the building is neither listed as a heritage item nor located within a conservation area, it is considered neither reasonable nor justifiable to further request the retention of the front part of the existing building. The applicant will be required, via condition of consent, to undertake a photographic survey of the building, which will be kept in Council's Heritage Centre.*

*Initial concerns were also raised concerning the impact of the proposed building, as originally submitted. Being highly contemporary and considerably higher than the existing buildings on the school site, it was considered to adversely impact on the significance, scale and character of the heritage listed school.*

*In response, amendments to the design of the proposed new building were made to the front parts of the building facing Ridge Street. The amendments included a 3.8m increase in the setback of the upper level cantilevered roof, and*

*reduction in its height by 740mm. The front portion of the pitched roof of the existing classroom building has now been retained, as requested, in order to retain the existing character of the site and reduce the impact of the new building as viewed from Ridge Street. In addition, the materials and details of the front façade have been amended to better reflect the character of the St Mary's precinct. The façade is now predominantly a perforated copper sheet that has been selected to reference the roof of St Mary's church dome.*

*The reduction in the height, bulk and scale of the proposed building, the increased setback of the roof, the retention of the hipped roof of the existing classroom building have reduced the impact of the proposed additional height and bulk on the nearby heritage items. The new materials proposed to the front facade are more consistent with established character of the heritage precinct. The amendments have generally addressed Council's concerns in relation to the heritage impact of the proposed building. The proposed building, as amended, makes reference to the heritage values of the site whilst being clearly identifiable as new work, in accordance with conservation principles.*

*In conclusion, the proposal, as amended, is considered to have a neutral impact on the significant buildings on the St Mary's site, whilst providing considerable improvements to the amenity of the school. Accordingly, no objections to the proposal are raised on heritage grounds.*

*Should the application be approved, the following conditions are recommended:*

**Standard Conditions**

- A4 No demolition of extra fabric
- C12 External Finishes and Materials (Heritage Items)
- D1 Photographic Survey (No.34 Ridge Street only)
- E1 Reuse of Sandstone
- E 11 Removal of extra fabric

**Planning Comments** – The above comments are noted and conditions will be imposed.

**Engineering/Stormwater**

Council's Traffic Engineer (V.Ristic) requested additional information in relation to the original development as follows:-

*'The proposed stormwater concept plan does not demonstrate reduction in stormwater drainage discharge from the site.*

*If a rainwater tank is proposed as a solution to minimise post development stormwater drainage discharge then the reservoir must be plumbed to appropriate end uses (eg toilet, flushing, garden irrigation or car washing) to ensure sufficient use of rainwater tank. The location of the rainwater tank must be suitable for collection of stormwater from the roof and must allow overflow*

*from the reservoir to be discharged by gravity.*

*Amended plans are requested and would need to provide the size of the existing pipe – proposed for connection of a new roof and where the pipe is connected to Council's system (kerb / gutter or stormwater line). '*

The applicant provided amended hydraulics plans and included the provision of a rainwater tank to be used for toilet flushing, hose taps and irrigation. Council's Development Engineer raised no concerns subject to imposition of a number of conditions of consent.

## **Traffic**

Council's Manager Traffic and Transport Operations (M.Kemp) provided the following advise on the initially submitted information:

*I have reviewed the Traffic Impact Assessment prepared by Lyle Marshall & Associates Pty Ltd (LMA) dated August 2015 for Stage 2 Development at St Mary's Primary School.*

### **Existing Site**

*The school campus accommodates 293 students and 23 staff.*

*The School constructed an internal pick-up and drop-off area as part of Stage 1 works with entry from Ridge Street and exit on Miller Street.*

*The adjoining church also has parking for 61 vehicles.*

### **Proposed Development**

*The development proposes an increase in student enrolments to 450 and increase in staff to 29 over 5 years by 2020.*

### **Queuing Analysis**

*I do not agree with the calculation in the LMA report for the projected queuing length.*

*Based on the available queuing area the following maximum acceptable vehicle arrival rates based on the 98<sup>th</sup> percentile queue were derived by Council's traffic engineer:*

	<b>AM Drop off</b>	<b>PM Pick up</b>
<i>Available queue length</i>	<i>54 m = 9 cars</i>	<i>164 m = 27 cars</i>
<i>Service rate</i>	<i>15 sec</i>	<i>30 sec</i>
<b>Acceptable Vehicle Arrival rate</b>	<b>162 vehicles/ hour</b>	<b>105 vehicles/hour</b>

*Table 1: Acceptable Arrival Rate*

## Discussion

*The use of Ridge Street carpark can not be relied upon. The carpark is for use by the general public and as land uses in the surrounding area change over time, the use and operation of the carpark may also change. The LMA report indicates that the ancillary use of the Ridge Street car park for picking up and dropping off school children will increase proportional to the increase in student numbers. This is not sustainable and would impact on the other members of the community who use the car park.*

*The internal pick-up and drop-off zone should therefore be of sufficient size such that there is no overflow relying on the Ridge Street carpark.*

*It is not clear how the vehicle numbers for the Ridge Street car park in Section 3.3 of the LMA report were derived. However I have calculated the following figures based on the projected student numbers and average vehicle occupancies observed for the AM and PM respectively, and no additional overflow to the Ridge Street carpark:*

Stage 2 (Future) Population	Morning Drop-off (occ 1.26)		Afternoon Pick-up (occ 1.38)	
	No. vehicles	No. Students	No. vehicles	No. Students
<i>Ridge Street carpark</i>	74	94	69	96
<i>St Mary's driveway</i>	168	211	87	120
<i>St Mary's carpark*</i>	31	39	23	32
<b>TOTAL</b>	<b>273</b>	<b>344</b>	<b>179</b>	<b>248</b>

Table 2: Projected traffic generation

Notes:

1. *Figures in italic are taken from the LMA report*
2. *Ridge Street carpark figures are based on average vehicle occupancy observed in St Mary's formal pick-up/ drop-off zone.*

\* car park capacity = 61 less reserved parking, disabled parking and staff parking

*It was observed that vehicles arrived over a shorter period of time (30 minutes) in the afternoon pick-up than the morning drop-off (1 hour). The following arrival rates should therefore be used in the queuing analysis:*

	AM drop-off arrival rate (vehicles/ hour)	PM pick-up arrival rate (vehicles per hour)
<i>St Mary's driveway</i>	168	174

Table 3: Project vehicle arrival rates

## Conclusion

*As seen from Table 1 and Table 3 the projected vehicle arrival rates exceed the acceptable vehicle arrival rates for the existing pick-up and drop-off areas. This means that the queue will reach saturation point and vehicles will be queuing*

*onto the footpath and Ridge Street both in the morning and afternoon. However this is of particular concern for the afternoon pick up.*

*It is therefore recommended that the applicant provide details on how the pick-up and drop-off facility will be developed such that there is no queuing onto the local roads.*

**The applicant was requested to respond to these concerns and provided a further response, outlining that their additional required car parking would not rely upon the use of the Ridge Street car park. To ensure there is no additional queuing onto Ridge Street, the additional information provides the following recommendation:**

*A Management Plan would appear to be a practical alternative so that arrival and departures are more evenly distributed over a 1 hour period in the morning and a half hour period in the afternoon. My suggestion is that parents be issued with the following management policy by the school board:*

	<b>Drop off by car</b>	<b>Pick up by car</b>
Years 2 to 6	8.00 – 8.30am	3.20 - 3.40pm
Kinder classes	8.30 – 9.00am	3.00 – 3:20pm

*The effects of this policy if implemented would limit the queue length to 22 vehicles in the PM and 8 vehicles in the AM.*

Council's Traffic Manager provided the following further comments:

*I generally agree that an appropriate measure to address the over-flow in the on-site drop-off pick-up zone would be for the School to develop a management plan for the drop-off and pick-up operations. It is recommended that the following conditions be included if the development is approved:*

- 1. THAT the School submit a management plan to Council's Traffic & Transport Operations Manager detailing how the drop-off and pick-up operations will be managed to minimise the risk of vehicles queuing onto Ridge Street footpath and road. The management plan shall be reviewed and submitted to Council's Traffic & Transport Operations department on an annual basis.*
- 2. THAT it be noted that no changes to on-street parking will be made to extend the drop-off and pick-up zones onto Council roads.*
- 3. THAT A green travel plan is to be developed to highlight to staff and students the available public and alternative transport options for travelling to the site. This is to be submitted to Council for approval prior to the issue of the Occupation Certificate.*

**Planning comments:** The above comments are noted and recommended conditions will be imposed.

## Landscaping

Council's Landscape Development Officer provided the following comments:

*"In the area proposed for the works there is a 12m high Jacaranda mimosifolia (Jacaranda) which is located in the centre of the playground area with seating around its trunk. It makes a significant addition to the landscape setting of the school. It is in good health and is proposed to be retained. There is also a Melaleuca armillaris (Bracelet Honey Myrtle) of approximately 9 m height located close to the boundary of Ridge Lane that has a very open canopy and makes only a minor contribution to the streetscape of the laneway. It is proposed for removal. The remainder of the existing landscaping that is to be demolished consists of shrubs and ground covers which are easily replaced. There is a Platanus x hybrida (Plane Tree) street tree outside 36 Ridge St.*

*The proposed landscape works will be minimal due to the increased footprint of the proposed new building. The imposition of a landscape setback as a requirement to comply with NSDCP 2013 Part B 16.5.1 Objective O1 as seen further to the north along Ridge Lane would assist in ameliorating the visual impact of the development on the laneway. It is acknowledged however, that this would sterilise the site from development if the Jacaranda tree is also to be retained.*

*No objection is raised to the proposed planting within the front setback on Ridge St as it will be sympathetic to the character of other plantings in the streetscape. The proposal satisfies NSDCP 2013 Part B Section 16.5.1.*

*The retention of the Jacaranda tree will require specific construction techniques to ensure its longevity as described in the arborist's report. Conditions are therefore recommended to ensure that the landscape proposed outcome is acceptable.*

**Planning comments:** Recommended conditions are included within the attached draft conditions. Laneway setbacks are discussed elsewhere within this report.

## Roads and Maritime Services

The RMS provided correspondence dated 16 November 2016 advising that they have reviewed the application and raise no objection.

## SUBMISSIONS

Adjoining properties and the Hayberry Stanton Precinct were notified of the proposed development between 23 October – 6 November 2015. A Notice was placed in the Mosman Daily on 22 October 2015. Six (6) submissions have been received with the main issues raised summarised below:

Name Address	& of	Basis of Submissions
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Submittor	
Precinct: Stanton	<ul style="list-style-type: none"> <li>• Comment: St Mary's Catholic Primary School is to add 155 additional student places with this DA, which will unfortunately involve the demolition of a house that fits in with the streetscape.</li> </ul>
Paul Dunn Nicholas Dunn & Associates 16 Moodie Street, Cammeray	<ul style="list-style-type: none"> <li>• I am alarmed at the DA proposal. When No.36-38 Ridge Street was being prepared, North Sydney Council for the development of the now existing classrooms and facilities, North Sydney Council expressed strongly the view that it was essential to reinforce the context, the streetscape and the heritage aspects of Ridge Street and that it should relate in form and features to the existing 2 storey, Federation bungalow at 34 Ridge Street. Consequently, the primary southern façade was designed to include:               <ul style="list-style-type: none"> <li>○ A verandah area at the ground level;</li> <li>○ A first floor balcony with 5 sets of paired timber posts supported on brick piers;</li> <li>○ A sloping roof over the first floor balcony;</li> <li>○ A highly pitched blank end wall – with 2 slots,</li> </ul> </li> <li>• All of which were features of 34 Ridge Street.</li> <li>• The submitted Heritage Statement concedes that No.34 is of some aesthetic significance. The submitted Heritage Statement introduces irrelevant similar buildings scattered through the municipality, none of which are in Ridge Street, or close to Ridge Street.</li> <li>• The Heritage Statement does not indicate the significance of the terraces opposite St Mary's Primary School at 45-51 Ridge Street, where the facades were kept and the internals changed to meet the requirements of the tenants/ owners.</li> <li>• The submitted Building Code of Australia Report contains no assessment or analysis.</li> <li>• The Geotechnical Investigation is for 40 Ridge Street and not the subject site.</li> <li>• The Fire Safety Schedule consists of 4 points.</li> <li>• The BCA Compliance consists of 4 points.</li> <li>• The JRPP should request:               <ul style="list-style-type: none"> <li>○ The removal of the basement storage – irrelevant and expensive</li> <li>○ The retention of the southern articulated façade.</li> <li>○ The redesign of the proposal around the retention of this façade.</li> <li>○ Resubmission of documentation from the required consultants including a thorough access report, due to the number of children who will attend this school.</li> </ul> </li> </ul>
Bryony Cooper 13 Emmett Street Crows Nest	<ul style="list-style-type: none"> <li>• The traffic impact assessment fails to consider the impacts of additional traffic on the local community. Both West Street and Ridge Street are busy streets that form part of North Sydney's cycle network.</li> <li>• The Traffic Impact Assessment fails to consider the interaction of vehicles egressing the Ridge Street carpark as well as the Church carpark. This already impacts traffic movements queuing</li> </ul>

	<p>across the zebra crossing.</p> <ul style="list-style-type: none"> <li>• The assessment does not consider local pedestrians.</li> <li>• Whilst I support the expansion of this school, I object on the basis of traffic with implications on safety, particularly pedestrians and cyclists. These impacts should be properly identified and mitigated through suitable planning.</li> </ul>
<p>John Anderson          Rehab Direct Pty          Ltd          32 Ridge Street,          North Sydney</p>	<ul style="list-style-type: none"> <li>• We require the overall height of the main roof and also the lower roof on the western elevation of the building and the shadow diagrams as required by Council as part of the DA. We are an adjoining owner. The heights and shadow diagrams are not provided on the documentation sent to our address.</li> </ul>
<p>Margaret          Chambers</p>	<ul style="list-style-type: none"> <li>• I am very concerned that the beautiful Federation era building will be demolished. In this Conservation Area I find it very disappointing that such a precious building could not be incorporated into the plans.</li> <li>• An additional 155 students means an additional number of cars which will add to the already congested street conditions at drop off and pick up times.</li> <li>• Open space is rapidly disappearing. Where will all the students play? Pressure will be placed on St Leonards park to provide additional recreational space for St Mary's students.</li> <li>• Across the road there is a proposal to redevelop the parking area and tennis courts with a possible addition of a six storey building which will generate even more traffic congestion and more mass of concrete.</li> <li>• I am concerned about overdevelopment of the school and the increased number of (often out of area) students and their parents / carers who will be adding to the very busy traffic conditions already in existence.</li> </ul>
<p>Annabel Sacks          21 West Street,          North Sydney</p>	<ul style="list-style-type: none"> <li>• The application proposes a gross over development of the site. At present the school has only minimal open space and a very small area of soft landscaping for recreational needs of its current students. This is evidenced by the increasing use of St Leonards Park by the school to provide play space.</li> <li>• The proposal to accommodate over 150 extra pupils may provide extra revenue for the school but it will add an extra 150 cars twice a day, putting further strain on the local roads and the neighbourhood (extra traffic, parking). There is no shortage of schools locally, with 8 in walking distance plus 2 new government schools.</li> <li>• The proposal to demolish the two storey heritage building fronting Ridge Street will permanently and adversely affect the streetscape. North Sydney has worked hard to maintain heritage buildings, it should also preserve this one.</li> <li>• The proposal should not succeed as it will result in a very poor environment for the children attending this school. They deserve good outdoor playspaces with real trees and plants especially given the urban nature of the site.</li> </ul>

The amended plans received at Council on 26 February 2016 proposed generally a

reduction in bulk of the upper level addition, an amended façade design and addressed a number of other concerns raised by Council for further information. Given the modification to the building's appearance, the amended plans were re-notified to adjoining properties between 4-18 march 2016. An additional 2 submissions were received with the main concerns summarised as follows:

Name & Address of Submitter	Basis of Submissions
Shau Yee Wong and Voon Ching Wong (Lot 3)  Yu Qing Wang and Jia Ya Hu (lot 2)  Hoi Sze Wong (Lot 1)  1-3/22 Ridge Street, North Sydney	<ul style="list-style-type: none"> <li>• The construction plans have disregarded the welfare and quality of life of the occupants of the four town houses directly facing the school buildings on the opposite side of Ridge Lane (very narrow) and also the residents in the Stanton precinct at 22 Ridge Street as a whole.</li> <li>• The height and direction of the proposed new buildings are such that they will block out much morning sunlight and all the views looking out from the balconies of the aforementioned town houses. This takes into consideration the fact that the townhouses are only 2 storeys high whereas the proposed new buildings are 3 storeys tall.</li> <li>• There will be absolutely no privacy for the residents of the four townhouses opposite as the front windows in the proposed new school buildings look directly into the upstairs bedrooms.</li> <li>• There will be an increase of noise during school hours as a result of the increase of 155 new students. We would also expect additional traffic noise and an increase in pollution before and after school.</li> <li>• The school had carried out extensions in the past. During construction on each occasion, there was much disruption to power supply and traffic along Ridge Lane for an extended period which caused unnecessary inconvenience and hardship to the residents of 22 Ridge Street.</li> </ul>
Bruce Fraser Executive Committee The Stanton 22 Ridge Street North Sydney	<ul style="list-style-type: none"> <li>• We lodge our objections on behalf of the residents of 22 Ridge Street.</li> <li>• Notwithstanding the height restrictions that prevail, the proximity of the development to Units 1, 2 and 3 of the Stanton, particularly in view of the narrowness of Ridge Lane, will cause a serious loss of amenity to these owners, as it is currently proposed.</li> <li>• There will be significant loss of privacy, the outlook from their balconies will be seriously impaired and the flow of natural light impeded.</li> <li>• I draw your attention to Section 3, Non-residential development in residential zones of the NSDCP2013. Section 3.1.1 General Objectives states that a non-residential development in a residential area should ensure that it 'does not have adverse impacts on residential amenity or environmental quality'. Specific sections 3.2.10 Acoustic Privacy and Section 3.2.12, Visual Privacy, provide very clear directions on how these issues should be addressed. We do not believe these have been</li> </ul>

	<p>adequately addressed in the DA.</p> <ul style="list-style-type: none"> <li>• In addition, Section 3.3.3 Laneways and Section 3.3.6 Setbacks in our view are designed to address problems that arise with Ridge Lane and the proximity of surrounding buildings. Our reading of the plans submitted by SARM Architects, as part of the DA submission, suggest that these setback requirements have not been met.</li> <li>• The Committee is particularly concerned about the potential disruption to access via Ridge Lane during the construction phase. The laneway accommodates considerable foot traffic, vehicular traffic for visiting tradesmen to the 44 units in the Stanton, rubbish removal trucks and in need emergency vehicles such as fire engines and ambulances. During the construction phase there needs to be adequate supervision of all traffic using the laneway and proper policing of the Stanton's designated parking lot which is for the exclusive use of vehicles serving the Stanton. Our experience in the past with respect to developments by the school was that no serious attempt was made by the developer to monitor and police the traffic in the laneway to the extent the resident's safety was put at risk. We would hope that a recurrence of this situation is avoided.</li> </ul>
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## CONSIDERATION

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

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated in the following compliance tables. More detailed comments with regard to the major issues are provided later in this report.

### Compliance Table

#### NSLEP 2013 Compliance Table

<b>Principal Development Standards – North Sydney Local Environmental Plan 2013</b>			
<b>Site Area - 930m<sup>2</sup> ( Lot 6 in DP64401 including 34, 36 &amp; 38 Ridge Street)</b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
<b>Approx 22,000sqm for the school precinct</b>			
Clause 4.3 – Heights of Building	11.2m	12m	YES

#### DCP 2013 Compliance Table

Section 3 (Non-residential development in residential zones) applies to development for any purpose on land zoned SP2 – Infrastructure, and where any adjacent or adjoining land is zoned:

- (i) R2 – Low density residential
- (ii) R3 – Medium density residential
- (iii) R4 – High density residential
- (iv) E4 – Environmental living

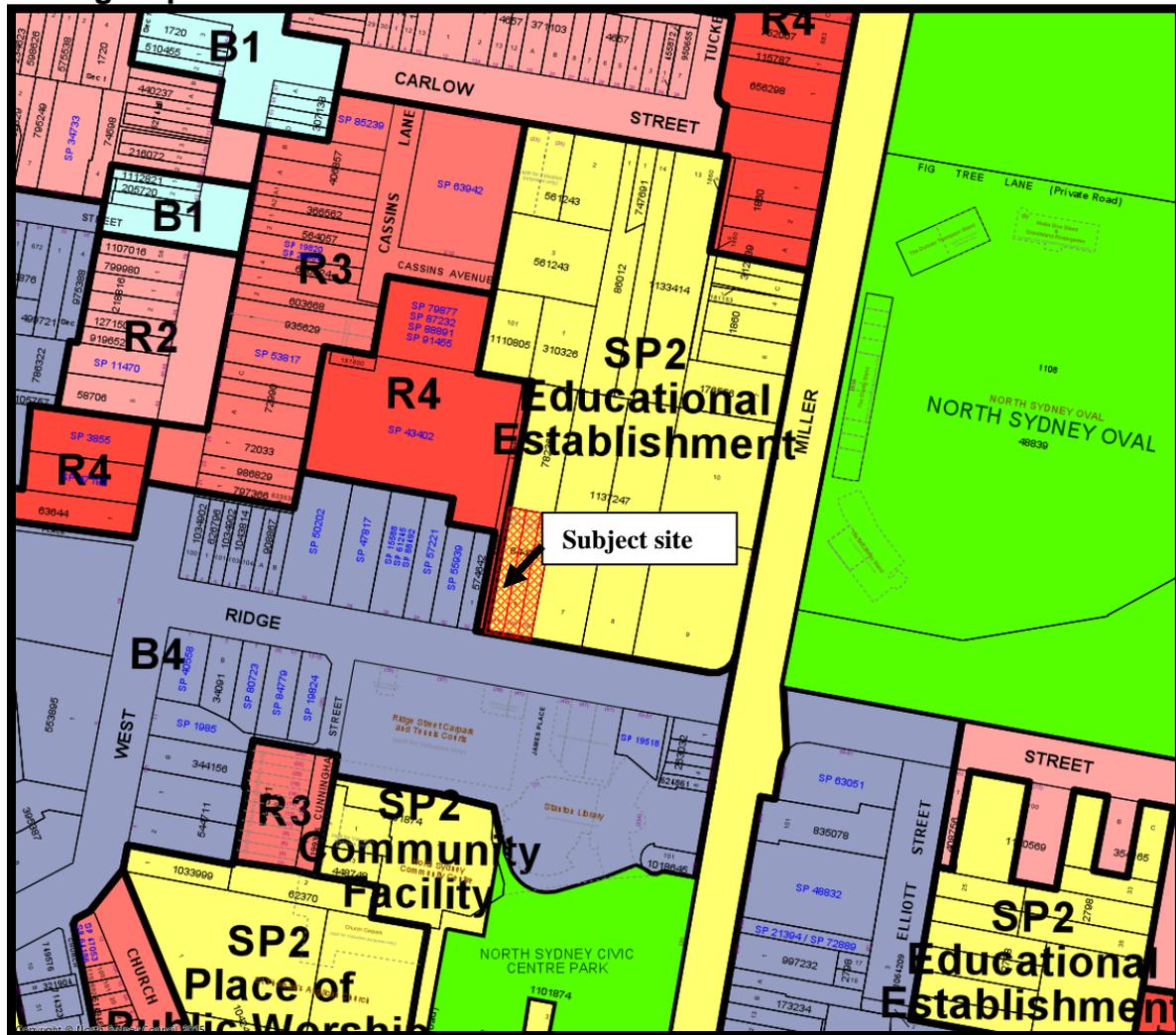
This section requires: If land zoned SP2 Infrastructure is located adjacent to more than one of the following zones:

- (a) R2 – Low density residential
- (b) R3 – Medium density residential
- (c) R4 – High density residential, or
- (d) E4 – Environmental living

Then the controls of the most restrictive zone will apply to the subject site. For example, if the subject site is located adjacent to land zoned R2 – Low Density Residential and R4 – High Density Residential, then the provisions of the R2 – Low Density Residential would apply.

As set out within this report, the subject site is zoned SP2 (Educational Establishment). Development on the western side of adjoining laneway is B4 (Mixed Use) adjacent to the southern portion of the site, and R4 (High density residential) adjacent to the northern portion. As such, where relevant the controls for R4 (High density residential) are considered to be applicable.

**Zoning Map**

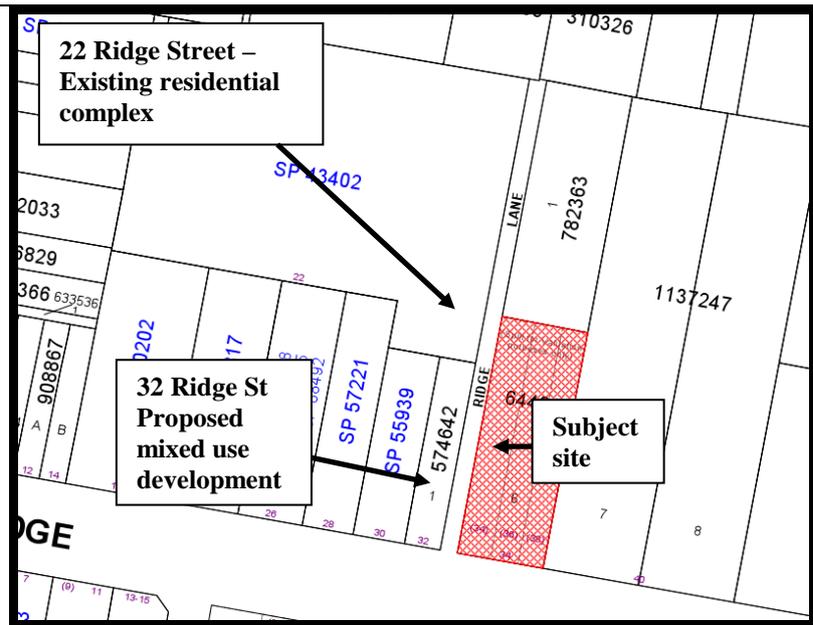


**DEVELOPMENT CONTROL PLAN 2013 – Part B Section 3 – Non-residential development in residential zones**

	<i>complies</i>	<i>Comments</i>
<b>3.2 Environmental Criteria</b>		
<b>Topography</b>	Yes	The land levels on the site within the front setback and ground level break out space will be generally retained.
	No (merit)	Excavation is proposed within 600mm of the western boundary wherein Council’s controls set a minimum 1m. However, the adjacent land is Ridge Lane and not a private property. Conditions can be put in place to protect the adjoining laneway during construction and thereafter.
<b>Noise</b>	Yes	The submitted Acoustic Report concludes that:  <i>“Mechanical plant noise is predicted to comply with relevant noise emission criteria at the nearest receiver. No</i>

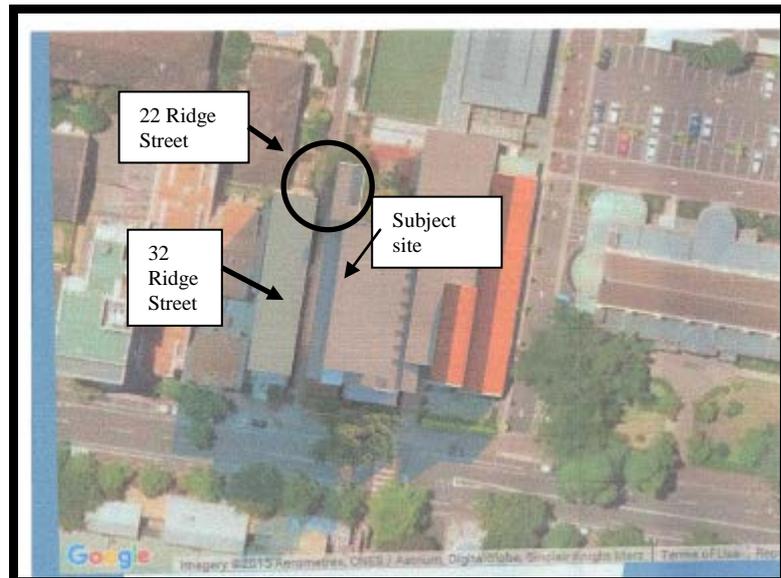
		<p><i>additional acoustic treatment is required.</i></p> <p><i>Predicted noise levels from educational activities with the teaching spaces are predicted to comply with the relevant criteria, provided windows are closed during noisy activities. Windows may be open during quiet work periods.</i></p> <p><i>Predicted noise levels from activities in outdoor play areas are likely to exceed the AAAC guideline criteria at times at the nearest residential boundaries. However, it is noted that child play noise is already a characteristic of the area and increases to the overall existing noise levels are expected to be minor. Noise management procedures shall be implemented to minimize any impacts.</i></p> <p><i>A noise management plan for the outdoor play areas has been presented in this report. If this is implemented then it is unlikely that nearby residents will be adversely affected by noise from the redevelopment'.</i></p> <p>The Noise Management Plan proposed by the applicant is:</p> <p><i>Noise Management Principles</i></p> <p><i>In order to minimize and manage the impact of outdoor play noise on nearby sensitive receivers, it is recommended that the following noise control recommendations be incorporated into management procedures:</i></p> <ul style="list-style-type: none"><li><i>• Children will be supervised at all times;</i></li><li><i>• The behavior of the children will be monitored and modified as required by adequately trained staff. This will include quieting excessively noisy children;</i></li><li><i>• The number of children playing in the existing outdoor play area will be limited to 450 children;</i></li><li><i>• Parents and guardians will be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;</i></li><li><i>• Staff will ensure the total time children (more than 100) spend playing outside is less than 2 hours per day;</i></li><li><i>• The use of outdoor play areas will be limited to between the hours of 8.40am and 6.00pm;</i></li><li><i>• No loudspeakers will be located in outdoor areas and amplified music or speech will not be used in outdoor areas, and</i></li><li><i>• Contact details for the school will be displayed prominently, so the public are easily able to contact the school to register any comments or complaints.</i></li></ul>
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		<p>A condition is recommended to be imposed to ensure the applicant implements the recommended noise management plan at all times.</p> <p>In addition, standard conditions of consent will be imposed to require compliance with relevant noise conditions.</p> <p>Subject to these conditions, on balance, the resultant noise impacts are considered to be reasonable in the circumstances.</p>
<b>Reflectivity</b>	Yes (condition)	Standard conditions of consent can be imposed regarding reflectivity.
<b>Artificial illumination</b>	Yes (condition)	Conditions regarding outdoor lighting are recommended to ensure any illumination does not cause light nuisance.
<b>Views</b>	Yes	<p>The proposed building will remove outlook across the site from surrounding buildings however this loss of outlook is not considered to be material. The views to be lost are limited to views currently directly into the school and its play areas. The building height complies with the maximum 12m building height applicable across the site.</p> <p><b>Existing view looking east across Ridge Lane into the site</b></p> 
<b>Solar Access</b>	Yes	Two existing developments are located on the western side of Ridge Lane. One existing development being part of the Stanton development is a residential development comprising 4 town houses facing Ridge Lane. The second development at No.32 Ridge Street is an existing commercial development however a current Development Application DA430/15 is presently being assessed by Council to redevelop this site to a mixed use development.



**22 Ridge Street** - The applicant has submitted shadow diagrams which detail that at 9am, there will be no additional overshadowing falling upon No.22 Ridge Street.

**9am Midwinter solstice**



**32 Ridge Street**

The proposed development will cast shadow across the eastern façade of No.32 Ridge Street at 9am. As set out above, this site presently comprises a commercial development however a current DA430/15 is being considered by Council proposing a mixed use development on this site, consistent with its zoning.

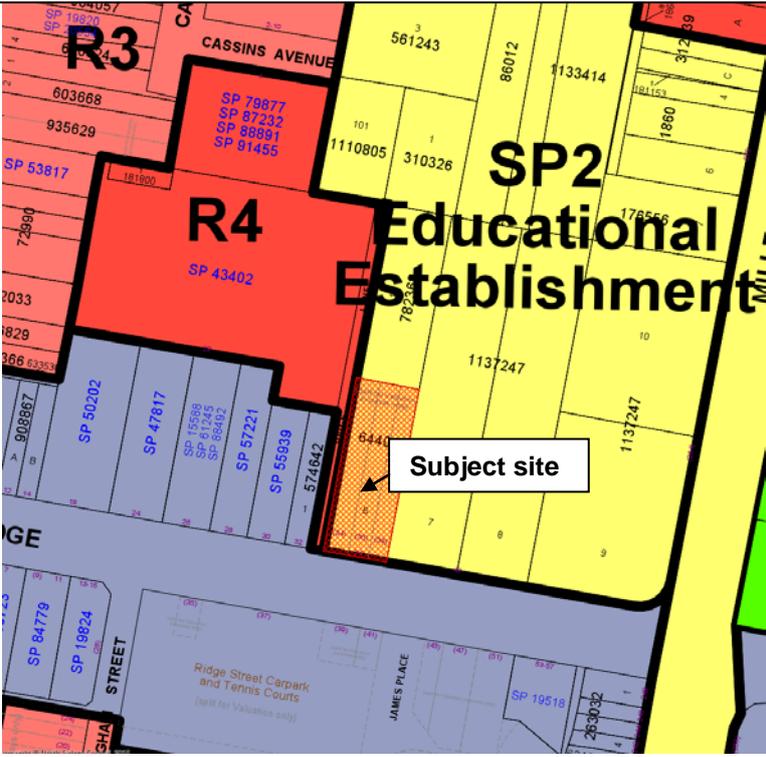
The LEP maximum building height over 32 Ridge Street is

		<p>10m. The maximum building height of the subject site is 12m, however it is noted that the building height of the proposed development along the eastern boundary is approximately 10m and three storeys, with the upper level roof (approximately 11m in height) set back by 2m.</p> <p>The proposed development is considered to have a reasonable impact on solar access of No.32 Ridge Street given that:</p> <ul style="list-style-type: none"> <li>• The site currently contains no residential development. Notwithstanding this, the impact on a future mixed use building must be considered.</li> <li>• Overshadowing to No.32 Ridge Street will be generally onto the lower 2 levels of any proposed building on that site up to 11am, with the upper level capable of receiving solar access.</li> <li>• The proposed building height at the boundary being 10m is consistent with the maximum building height permitted on any future redevelopment at No.32 Ridge Street.</li> <li>• The nil setback to the Laneway is consistent with the nil setbacks that apply to 32 Ridge Street.</li> <li>• With regards to the design of any new development at No.32 Ridge Street, inadequate setbacks exist within the laneway to enable any primary windows or outlook to the Laneway, and as such any design could not rely upon Ridge Lane for its primary sources of sunlight.</li> <li>• The proposed development is not considered to unreasonably reduce solar access opportunities within any future redevelopment of No.32 Ridge Street given the generally consistent nature of the proposed development in the context of its location adjacent to a mixed use zoning.</li> </ul> <p><b><u>Commercial buildings on the southern side of Ridge Street</u></b></p> <p>Minimal solar access impacts will occur to the commercial buildings on the southern side of Ridge Street. These impacts in any case result from a compliant Building Height on the site.</p>
<p><b>Acoustic Privacy</b></p>	<p>Yes (on balance)</p>	<p>The Acoustic impacts to surrounding properties have been discussed within this DCP table and are considered to be reasonable.</p> <p>The school is an existing facility and no concerns are raised with regards to road noise impacts to students on this</p>

		basis.
<b>Vibration</b>	Yes	There are no known issues of vibration impacts to the facility.
<b>Visual Privacy</b>	Yes	The western elevation will be provided with highlight windows along the northern end, and a mixture of privacy louvers / opaque glazing to windows towards the southern end. This is considered to adequately address privacy to adjoining residential development.
<b>3.3 Quality built form</b>		
<b>Context</b>	Yes	The amended design is considered to respond appropriately to the bulk of the existing development on the site and surrounding development. Refer to Council's Conservation Planner's comments.
<b>Streetscape</b>	Yes (condition)	The existing street tree within Ridge Street will be required to be protected during all works.  No new streetscape works are proposed.
<b>Laneways</b>	Yes	Provision P6 requires <i>'all new and rebuilt fences and structures (including car parking spaces) must be setback 1.2m from the laneway frontage. The setback is to be landscaped with appropriate maintenance plants.'</i>  No side setback is proposed to the Laneway. However, it is noted that provision P8 of Clause 3.3.5 (discussed further below) outlines that:  <i>'Despite P1 and P5 above, all buildings and structures must be setback 1.2m from a laneway. This provision does not apply to side setbacks.'</i>  No additional traffic or pedestrian access or material amenity arises from the lack of setbacks.  Therefore, as this is a side setback within a Laneway, it is considered that a Laneway setback is not necessary.
<b>Subdivision Pattern</b>	Yes	No changes to subdivision is proposed.
<b>Siting</b>	Yes	The proposed siting is considered to be characteristic and acceptable. Setbacks and built form are discussed further in other sections.
<b>Setbacks - Front</b>	Yes	The proposed 6m front setback is consistent with the characteristic front setback of the school buildings on the site, and will have a greater front setback compared to mixed use buildings located to the west of the subject site.
<b>Setbacks - Side</b>	No (merit)	DCP controls set out that the controls applicable to the most restrictive adjoining use apply to the site. In this case, the majority of the site is located adjacent to B4 Mixed Use, with the northern part of the site located adjacent to R4 High density residential. As such, the controls relating to

		<p>the R4 high density residential zone take precedent.</p> <p>In this instance, the provisions of P3 set out that the R4 – High Residential Density zone requires following side setbacks:</p> <ul style="list-style-type: none"><li>• 1.5m; and</li><li>• <i>The building must not exceed a building height plane commencing at 3.5m from side boundaries and projected internally to the site at 45 degrees.</i></li></ul> <p>It is noted that these controls apply to boundaries, whereas this site benefits by the separation of Ridge Lane.</p> <p>Further, Provision P4 outlines: <i>‘Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement’.</i></p> <p>As set out above, the proposed building has a length of approximately 40m. Approximately 34m of the length of this building is located immediately opposite No.32 Ridge Street which is zoned B4 Mixed Use. The applicable controls for the adjoining mixed use site are contained within the DCP Section 2 (Commercial and Mixed Use Development) which sets side setbacks as follows:</p> <p>P5 Section 2.4.3 DCP2013 requires <i>‘A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).’</i> It is noted that the Character Statement for the Civic Centre, no side setbacks are identified. As such, the relevant controls for 32 Ridge Street are:</p> <ul style="list-style-type: none"><li>• Building height of 10m;</li><li>• No side setbacks required given the site is located opposite a SP2 Infrastructure zone and not a residential zone;</li><li>• No laneway setback required.</li></ul> <p>The proposed development is located adjacent to the mixed use building for 34m out of the proposed 40m building. The height of the building on the Laneway is 10m to match the height of the adjoining building (despite the applicable building height being 12m), with the 11m building height component being set back from the boundary. Side setbacks generally match the applicable built form dictated by the controls on this adjoining site at 32 Ridge Street.</p>
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		<p>The remaining northern 6m of building protrudes beyond the mixed use zone to be located adjacent to the R4 High Density Zone. Development immediately adjacent includes town house development set back from Ridge Lane with a front setback. Whilst the additional 6m length of building is located adjacent to the R4 high density zone, this additional length of building is considered to result in no material impact on adjoining properties. The building results in <b>no material overshadowing</b> to any building within the R4 High Density Residential zone. In the circumstances, the setback is considered to be acceptable given:</p> <ul style="list-style-type: none"><li>• The site is located adjacent to a Laneway and not a property boundary;</li><li>• Provision P8 Section 3.3.6 outlines that a 1.2m side setback is not applicable to a side setback;</li><li>• The built form results in no material overshadowing to any land within the R4 High Density Residential Zone;</li><li>• The immediately adjoining town house opposite the proposed development within No.22 Ridge Street is two storeys in height. The lower 2 storeys would remove existing outlook. There is considered to be no material benefit from setting back the building at this location.</li></ul> <p>On balance, the three storey building to the boundary with zero side setback is considered to be acceptable. The proposed change in materials is considered to assist with breaking up the appearance of the building's bulk.</p>
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		 <p>Therefore, despite strict compliance requiring a 1.5m setback and a 3.5m building height plane being applicable to the entire development, the proposal is considered on its merits given the nature of adjacent development.</p> <p>In accordance with provision P4, the proposed zero setback is considered to match those applicable immediately adjacent.</p>
<p><b>Setbacks – Rear</b></p>	<p>Yes</p>	<p>The rear setback is considered to be consistent with adjoining development. It is noted that the proposed rear setback will be reduced compared to the existing rear setback of the two storey school building currently over No.36 Ridge Street.</p>
<p><b>Setbacks - Laneways</b></p>	<p>Yes</p>	<p>As set out above Provision 8 outlines that <i>‘Despite P1 and P5 above, all buildings and structures must be set back 1.2m from a laneway. This provision does not apply to side setbacks.’</i> As such, no side setback is considered to be necessary in this instance.</p>
<p><b>Form Massing Scale</b></p>	<p>Yes</p>	<p>The amended plans are considered to have satisfactorily addressed the concerns raised by Council’s Conservation Planner with regards to form, massing and scale. (Refer to Heritage Referrals Section).</p> <p>It is considered that the form and scale of the western elevation would be similar to that permitted by the mixed use controls on the adjacent side of Ridge Lane. Whilst the length of this wall protrudes 6m north of the boundary with 22 Ridge Street, the form is considered acceptable in the</p>

		circumstances.
<b>Entrances and Exits</b>	Yes	An access Compliance Capability Statement has been submitted, prepared by City Plan Services which outlines that the development is capable of comply with relevant BCA requirements relating to entrances and exits. A condition requiring compliance with the BCA will be imposed in any case.
<b>Colours and materials</b>	Yes	Council's Conservation Planner raises no concerns with the revised colours and materials, or the proposed patterned front facade.  The applicant has submitted a materials board which is considered to be acceptable and a condition will be imposed to ensure they are implemented.
<b>Front fences</b>	Yes	A new brick fence is proposed along the part of the Ridge Street frontage to match existing. The corner with Ridge Lane will be provided as palisade fencing which is considered to result in greater visibility to Ridge Lane and a greater level of safety. New fencing is considered to be acceptable.
<b>3.4 Quality Urban Environment</b>		
<b>Accessibility</b>	Yes	An access Compliance Capability Statement has been submitted, prepared by City Plan Services which outlines that the development is capable of comply with relevant BCA requirements relating to accessibility.
<b>Safety and security</b>	Yes (condition)	A condition is recommended to be imposed to ensure that the applicant retains / provides appropriate lighting within the Laneway. Existing street lights are provided adjacent to the existing building.  The proposed development raises no other known safety and security concerns.
<b>Vehicle Access and Parking</b>	Yes	Council's Traffic Manager has raised no concerns with regards to the proposed development subject to conditions as outlined within this report.
<b>Site Coverage</b>	No (merit)	The site wherein the works are proposed being 34 - 38 Ridge Street has a site area of 928sqm and the proposed site coverage of this lot would be 54%, being non-compliant with the maximum DCP control of 45%.  However, the site area when considering St Mary's Primary School in totality is approximately 6,000sqm. The site coverage as existing is 37% and the proposed site coverage is 44%, complying with the maximum 45% site coverage required by Council's DCP.  In the circumstances the proposed site coverage is considered to meet the objectives of the control in that:

		<ul style="list-style-type: none"> <li>• The development is not considered to be an over development of the site. The applicant has demonstrated that adequate open space and play area is provided for students. The proposed development is considered to be an appropriate use of the site in accordance with objective O1.</li> <li>• The streetscape presentation has been amended and its bulk is considered generally in keeping with existing and likely future surrounding development, in accordance with Objective O2.</li> <li>• The site density is considered to be reasonable in the context of the use of the site as a school in accordance with Objective O3.</li> <li>• The site is provided with adequate landscaped area for the purpose of play space for the school and within the front setback to ensure it results in an acceptable impact upon Ridge Street, in accordance with Objective O4.</li> </ul> <p>On balance, the new building will comprise mostly under utilised land on the site and the increase in site coverage is supported having considered the special use of the site as an educational establishment and for reasons set out above.</p>
<b>Landscape Area</b>	No (merit)	<p>DCP 2013 requires a minimum of 40% landscaped area. When considered against the subject site, the site provides approximately 10%, being significantly under. Further, Section 3.4.5 sets a maximum unbuilt upon area of 15% and the site provides 36%.</p> <p>However, as set out above within the Site Coverage discussion, adequate front setbacks and adequate play space is provided on the site for its purpose. The subject site in any case is part of the wider school precinct wherein a greater level of landscaped area is provided in totality.</p> <p>In this instance, there is considered to be little opportunity to provide additional landscaped area. The proposed landscaped area and open space is supported.</p>
<b>Excavation</b>	No (merit)	<p>An excavated storage level is proposed with no setback proposed to the side boundary. Given this is located adjacent to the Laneway, no objections are raised subject to conditions being imposed to protect the laneway during and after construction.</p>
<b>Landscaping</b>	Yes	<p>Council's Landscape Development Officer raises no concerns with the proposed removal of the trees on the site required for the siting of the proposed building. Conditions will be in place to ensure the existing Jacaranda Tree is appropriately protected during construction.</p>

<b>Front Gardens</b>	Yes	The proposed front garden area will generally match the surrounding front setbacks.
<b>Garbage Storage</b>	Yes	Adequate space is provided on the site for the storage of garbage.
<b>3.5.6 Efficient Use of Resources</b>		
<b>Energy Efficiency</b>	Yes	A BASIX Certificate is not required for the proposed development.

## **NORTH SYDNEY LEP 2013**

### **1. Permissibility within the zone:**

The subject site is zoned SP2 Infrastructure (Educational Establishment). Development that is permitted with consent includes the purpose shown on the Land Zoning map, being an educational establishment. Accordingly, alterations and additions to the educational establishment (school) is permitted with development consent.

### **2. SP2 Infrastructure (Educational Establishment) Zone Objectives**

The Objectives of the SP2 Infrastructure (Educational Establishment) zone are:

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

The proposed development is to facilitate an extension to the existing school and is compatible with the objectives of the zone.

### **3. Building Heights**

The proposed development will comply with the maximum building height of 12m on the site in accordance with Clause 4.3 NSLEP2013.

### **4. Earthworks**

Conditions of consent are recommended to ensure the proposed excavation will comply with the objectives of Clause 6.10 and ensure the protection of surrounding land.

## **SEPP No.55 (Remediation of Land) and Contaminated Land Management Issues**

The subject site has been considered in light of the Contaminated Lands Management Act. The applicant has submitted a Preliminary Environmental Site Assessment prepared by EIS dated August 2009 which assessed potential contamination on the site. The report concluded that:

*Based on the scope of work undertaken for this assessment EIS consider that the site can be made suitable for the proposed development provided that the following is undertaken:*

- *Additional investigation to better assess the nature and extent of the asbestos impacted fill material; and*
- *Preparation of a remedial action plan (RAP) for the site.*

*An appropriate occupational health and safety plan should be prepared for the contaminants encountered at this site.*

*Normal good engineering site management practice including control of run-off and dust suppression is recommended during earthworks and construction.*

Conditions on the site are therefore recommended to require that a Remedial Action Plan is prepared for the site and other appropriate conditions of consent will be imposed to require the issue of contamination to be addressed prior to commencement of construction.

### **SREP (Sydney Harbour Catchments) 2005**

The site is located within the area covered to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. However, no primary views to the site exist from the Harbour. It is considered that the proposed development would be acceptable with regards to this Policy.

### **SEPP 64 – Advertising and Signage**

SEPP 64 applies to application given that an electronic signage is proposed within the front setback. The site is proposed as an LEP multi colour signage with dimensions 1.5m x 1.2m and will be installed on 2 poles. The sign will be a minimum of 2.2m in height on the underside of the sign. The sign is proposed to have a light sensor. The application is assessed against the aims of the SEPP64 as outlined below:

#### ***(a) To ensure that signage (including advertising)***

- (i) is compatible with the desired amenity and visual character of an area, and:*** The signage is considered to be compatible with the school use.
- (ii) provides effective communication in suitable locations; and:*** The intent of the signage is to provide communication.
- (iii) Is of high quality design and finish:*** No concerns are raised with the quality of the design and finish of the signage.

SEPP 64 also requires the proposed signage be assessed in accordance with Schedule 1 as follows:

#### ***Schedule 1 – Assessment Criteria***

- (1) Character of the area:*** The signage is considered to be compatible with the character of the school precinct and locality.
- (2) Special area:*** The proposed signage will not detract from the significance or quality of any surrounding special areas.
- (3) Views and vistas:*** The proposed signage does not obscure or

- compromise important views from any surrounding properties.
- (4) **Streetscape, setting or landscape:** The proposed signage will be acceptable and will not unduly compromise the streetscape, setting or landscaping.
  - (5) **Site and Building:** The signage will not unduly obstruct any existing building elements.
  - (6) **Associated devices and logos with advertisements and advertising structures:** No inappropriate advertising or logos are proposed.
  - (7) **Illumination:** The proposed signage is a digital board. Conditions are recommended to ensure the sign is not flashing, and that any change in message does not occur in less than 1 minute intervals.
  - (8) **Safety:** The proposed signage is considered unlikely to impact on the safety of pedestrians or traffic. The proposal was referred to the RMS who raised no concerns.

As is demonstrated in the above assessment, the proposed signage is considered to be consistent with the provisions of SEPP64 subject to the imposition of appropriate conditions.

## **SEPP INFRASTRUCTURE**

Clause 32 requires a consent authority to take into consideration all relevant standards in the following publications prior to determination of a development application.

- (a) School Facilities Standards – Landscape Standard – Version 22;
- (b) School Facilities Standards – Design Standard (Version 1/9/2006); and
- (c) Schools Facilities Standards – Specification Standard (Version 01/11/2008)

The applicant advised the design is generally in accordance with the required standards.

## **Suspensions of Covenants, agreements and similar instruments**

Council is unaware of any covenants, agreements or the like which may be affected by this application.

## **DEVELOPMENT CONTROL PLAN 2013**

### ***Relevant Planning Area (North Sydney)***

The application has been assessed against the relevant controls in the DCP 2013 with regards to the North Sydney Planning Area and the Civic Neighbourhood area. The proposed development is considered to be generally consistent with the desired character of the locality.

## **SECTION 94 CONTRIBUTIONS**

Section 94 Contributions are not required.

## DESIGN & MATERIALS

The design and materials are considered to have an acceptable impact upon the surrounding heritage buildings and locality.

## ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

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

## SUBMITTORS CONCERNS

Issues raised by submitters include:

- ***The form and appearance is inconsistent with the streetscape***

**Planning comment** – Council’s Conservation Planner has raised no objection to the proposed amended design and is generally supported.

- ***Submitted BCA Report is inadequate***

**Planning comment** – The applicant submitted a BCA report which outlines that the proposed development is capable of complying with relevant provisions.

- ***The submitted Geotechnical Report is for 40 Ridge Street and not the subject site***

**Planning comment** – It is reasonable to expect that sub terrain conditions be similar within this area. However, conditions of consent are recommended to require a Geotechnical Report be prepared prior to the issue of any Construction Certificate.

- ***Traffic impacts***

**Planning comments** – Addressed in detail in the report.

- ***Over development of the site***

**Planning comments** – The density of the site is considered to be reasonable with compliance with relevant controls and zone objectives being considered within this report.

- ***Impact of development on four east-facing townhouses on Ridge Lane***

**Planning comment** – The impacts on these properties has been addressed within the report. The proposed development results in no material overshadowing and there is no material loss of views resulting from the proposed development. Highlight windows, privacy screens and obscure glazing is proposed to ensure there is no material overlooking to these properties.

- ***Construction impacts***

**Planning comment** – Standard conditions will be imposed to ensure that construction works comply with all relevant standards during construction.

- ***NSDDCP2013 Section 3.1.1.1 outlines that non-residential development should not have adverse impact on residential amenity. The proposed development fails to comply with this clause.***

**Planning comment** – The proposed development has been assessed within this report and is considered to have an acceptable impact upon the adjacent residential properties, and future mixed use development in Ridge Lane, including visual and acoustic privacy.

- ***The proposal fails to comply with setback controls***

**Planning comment** – Setbacks have been considered within this report. It is considered that a 1.2m side setback is not required in this instance, and proposed building setbacks have been considered on merit to be acceptable in the circumstances. It is noted that there is no overshadowing occurring from the proposed development to No.22 Ridge Street and privacy impacts have also been adequately addressed.

- ***Use of Laneway during construction***

**Planning comment** – A condition of consent is recommended to require a Construction Management Plan be approved prior to construction. No approval is granted or implied

under this development consent to utilise any private parking areas for construction vehicles or ongoing access via the Lane.

## **CONCLUSION**

The proposed development is considered to achieve a reasonable level of compliance with Council's controls. The appearance of the building is considered to be acceptable and the impacts of the new development to surrounding development is considered to be reasonable.

Council's Traffic Manager generally supports the proposed development subject to imposition of conditions of consent. The acoustic impacts have been considered and are considered to be reasonable in the circumstances.

The proposed development has been considered against all relevant controls contained in LEP2013, DCP2013, and all other relevant plans and policies as being acceptable.

The proposed development is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

- A. **THAT** the Sydney East Joint Regional Planning Panel grant consent to Development Application No. 368/15 for alterations and additions to the existing school building subject to the attached conditions.

**Lara Huckstepp**  
**EXECUTIVE PLANNER**

**Stephen Beattie**  
**MANAGER DEVELOPMENT SERVICES**

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