

## SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

<b>Panel Reference</b>	2016SYW119
<b>DA Number</b>	DA0254/16
<b>LGA</b>	Ku-ring-gai
<b>Proposed Development</b>	Alterations and additions to an existing educational establishment including increase in student and staff numbers
<b>Street Address</b>	1-3 Billyard Avenue and 15 Cleveland Street, Wahroonga
<b>Applicant/Owner</b>	Knox Grammar School C/- Statewide Planning Services PO Box 394 Pyrmont
<b>Number of Submissions</b>	Seven
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	School (private infrastructure) and has a capital investment value of more than \$5 million
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55; State Environmental Planning Policy No. 64; State Environmental Planning Policy (Infrastructure) 2007; Ku-ring-gai Local Environmental Plan 2015</li> <li>• Ku-ring-gai Development Control Plan 2016, Ku-ring-gai Section 94A Plan 2015</li> <li>• Environmental Planning and Assessment Regulation 59, 93, 98</li> </ul>
<b>Is a Clause 4.6 variation request required?</b>	No
<b>Does the DA require Special Infrastructure Contributions conditions (S94EF)?</b>	No
<b>Have draft conditions been provided to the applicant for</b>	Yes

<b>comment?</b>  <b>Have any comments been considered by council in the assessment report?</b>	Yes
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>- Zoning map extract</li> <li>- Submitters map</li> <li>- Architectural Plans</li> <li>- Traffic report</li> <li>- Landscape Plan</li> <li>- Head lamp light analysis</li> </ul>
<b>Recommendation</b>	Approval
<b>Report prepared by</b>	Adam Richardson
<b>Report date</b>	November 2016

## **EXECUTIVE SUMMARY**

<b>Primary Property</b>	1 – 3 Billyard Avenue and 15 Cleveland Street Wahroonga
<b>Lot &amp; DP</b>	Lot 271 and 272 DP 608835
<b>Proposal</b>	Alterations and additions to an existing educational establishment including increase in student and staff numbers
<b>Development application no.</b>	DA0254/16
<b>Ward</b>	WAHROONGA
<b>Date Lodged</b>	8 June 2016
<b>Estimated cost of works</b>	\$13,892,175
<b>Issues</b>	Nil
<b>Applicant</b>	Knox Grammar School C/- Statewide Planning Services
<b>Owner</b>	The Uniting Church In Australia Property Trust
<b>Submissions</b>	Seven
<b>Land &amp; Environment Court</b>	N/A
<b>Recommendation</b>	Approval
<b>Assessment Officer</b>	Adam Richardson

## **LEGISLATIVE REQUIREMENTS:**

<b>Zoning</b>	SP2 – Infrastructure
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<b>Permissible under</b>	KLEP 2015 and SEPP (Infrastructure) 2007
<b>Relevant legislation</b>	SEPP 55 SEPP (Infrastructure) 2007 SREP 20 Hawkesbury Nepean River KLEP 2015 KDCP 2016 KS94A Contributions Plan 2015
<b>Integrated development</b>	No

## PURPOSE FOR REPORT

This matter is reported to the Sydney North Planning Panel (SNPP) for determination as the application relates to a school (private infrastructure) and has a capital investment value of more than \$5 million (\$13,892,175). Pursuant to Clause 6 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the SNPP is the consent authority.

## HISTORY

### Site history:

The subject site has an ongoing use as an educational establishment. The NSW Land and Environment Court granted consent to DA0557/02 for alterations and additions to the existing school, new car park and an increase in student numbers. That approval was subsequently modified in 2004 and again in 2015, with an increase in the number of students permitted under that consent. Currently, the school has consent for 676 students and 71 staff, with current site operations reflecting these numbers.

## THE SITE AND SURROUNDING AREA

### The site:

Zoning	SP2 – Infrastructure
Visual character study category:	Pre 1920/1945
Lot/DP	Lot 271 and 272 DP 608835
Area	29,924 m <sup>2</sup>
Cross Fall	South / North
Easements/rights of way:	No
Heritage Item:	Yes
Heritage conservation area:	Yes
In the vicinity of a heritage item:	Yes
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

### Site description:

The subject site is an irregular shaped allotment, located on the south-eastern intersection of Billyard Avenue and Cleveland Streets and extending eastwards to Sutherland Avenue. The site has an area of just under 3ha (29,924m<sup>2</sup>) and is developed and operated as a primary school, the majority of which has been purpose built. The site is a locally listed heritage item and

contains a remnant building, a former dwelling private, 'The Lodge' prior to the school use of the site. The site currently contains two large playing fields located along its extensive street frontages. The site also contains many large canopy trees. The site is located within the Wahroonga Heritage Conservation Area and adjoins, or is adjacent to, several locally listed heritage items.

### **Surrounding development:**

Development to the south and east consists of single dwellings which are generally one and two storeys in height, set on large allotments amongst cottage style gardens.

## **THE PROPOSAL**

The following works are proposed:

- Alterations and additions to the existing school facilities including:
  - i. a new 68m x 50m synthetic playing field surface for Yeldham Field and associated replacement netting
  - ii. an increase of 40 on-site parking spaces (total 111) involving construction of a new 85-space car park beneath Yeldham Field, with a dedicated off-street 22 space drop off / pick up facility accessible from Cleveland Street, retention of 26 existing car spaces access from Sutherland Avenue
  - iii. new change room and sanitary facilities (including accessible toilets and showers), stairs and lifts, covered walkways (including new clock tower) and external pathways
  - iv. removal of 17 trees
  - v. construction of new identification signage and fencing along both street frontages
  - vi. associated site stormwater works and earthworks in Council's footway
- Increase in student numbers by 164 to a total of 840
- Increase in staff numbers by 19 to a total of 90.

## **COMMUNITY CONSULTATION**

In accordance with the notification requirements of Ku-ring-gai Development Control Plan 2016, Council notified and advertised the proposed development for 30 days to surrounding and affected property owners from 24 June 2016. The amended proposal submitted on 13 October 2016 was not required to be notified as it did not give rise to greater environmental impacts than the

original scheme.

During the notification period, Council received 7 submissions from the following:

1. Dr. J Fox – 22A Billyard Avenue, Wahroonga
2. H & R Garnett – Po Box 26, Turramurra
3. L & P Chaney – 3A Stuart Street, Wahroonga
4. C & R Colfer - 12 Cleveland St, Wahroonga
5. P & L Heath - 16 Cleveland St, Wahroonga
6. N. Rivett – 22 Illoura Lane, Wahroonga
7. K. White – 19 Billyard Avenue, Wahroonga
8. J. Zhao - 10 Cleveland Street, Wahroonga

The submissions raised the following issues:

***The houses on the opposite side of Cleveland Street to the basement entry will be severely impacted by light glare.***

The applicant has submitted a detailed headlamp analysis (**Attachment 6**) which demonstrates that vehicles exiting the basement at night would not directly shine light into the adjacent dwellings' windows (10 Cleveland Street). This is due to favourable gradients of the drive at the point of exit, existing fencing and vegetation at the front of 10 Cleveland Street and the position of windows in this dwelling. The impact is therefore assessed as being acceptable.

***The local street network cannot sustain the additional traffic movements or demand for onstreet car parking. There will be an increase in the number of car spaces parked across the driveways to houses in Cleveland Street. The proposed development will impact upon the traffic movements and conditions at the Wahroonga village.***

Both Council's Development Engineer and the Roads and Maritime Service are satisfied that the local road network can sustain the additional traffic movements within the surrounding local street network. There is no evidence to suggest that the additional students numbers will result in an increased frequency of cars parking across driveways, rather, the purpose built facility would likely reduce this through the proposed dedicated drop-off / pick-up bays.

***The basement entry will impact adversely on the streetscape.***

The basement entry does change the existing streetscape along a small section of Cleveland Street, however this change is assessed as being acceptable, particularly when considered in the context of the school land use. The structure is satisfactorily integrated into the built architecture of the existing school.

***When cars are parked on both sides of the streets surrounding the***

***school, it is difficult for cars to manoeuvre.***

It is anticipated that the traffic situation will be improved as the demand for parking generated by the school will be accommodated within the proposed basement and not on street.

***The proposed development will place additional demand on the already poor road surface of the surrounding street network. Any approval should require Knox to upgrade these surfaces.***

**Condition 36** requires the payment of a Section 94A contribution to Council, being a monetary contribution for the additional demand on services that the development generates. The S94A contributions plan allocates funds for local road upgrades.

***The increase in traffic should be offset with a dedicated 'kiss and ride' facility on either the Cleveland or Billyard Street frontages.***

This is not considered necessary as a dedicated 22 space drop-off / pick-up facility is proposed in the basement. Were such a facility to be situated on street it would span in-excess of 100m, severely impacting upon the availability of onstreet car parking.

***The extent of excavation and construction will have a significant impact upon residents.***

The major elements of construction are to be undertaken during school holiday periods so as to lessen the impact upon residents and the school. However, where construction works are undertaken during the school terms, deliveries and truck movements, etc, will be restricted to (via **Condition 9**) outside of school drop-off and pick-up hours.

## **APPLICANT'S SUBMISSION**

The applicant made the following written representation to Council in relation to (**Condition 36**) of the recommended consent.

*....'we note that Section 1.4 of the S.94A plan pertains to 'Development to which the s94A Contributions Plan applies', but this does not include 'alterations and additions to an existing educational establishments', only 'educational establishments'.*

*Section 1.4 of the S.94A plan clearly outlines other categories of alterations and additions to various other forms of development and therefore, it is contended that a S.94A levy should not be applied in this instance as DA0254/16 is for alterations and additions to an existing educational establishment and is not a new educational establishment'....*



The position put to Council by the applicant in relation to applicability of the S.94A contributions plan has been considered by Council's Infrastructure Contributions Planner. The advice provided to the applicant is that the objective of Council's S.94A contribution plan is to capture development categories and types not covered under the S.94 contributions plan, which includes educational establishments. The applicant has questioned the reference to educational establishments within the plan and that fact that the plan simply refers to 'educational establishments' and does make reference to additions and alterations to educational establishments as it does with other development categories and types. The purpose of the plan is to capture and levy the educational establishment landuse type and, as this proposal seeks approval for the expansion of an educational establishment, is it captured and subject to the plan. The only reason why the S94A plan refers to additions and alterations to residential development is due to the fact that this development typology is captured by the S94 plan and the express reference to *additions and alterations* is necessary to ensure that the correct plan is applied as only one plan can be levied on a development proposal.

For these reasons Council maintains that the S.94A contributions plan is appropriate to the development and recommends the levy in **Condition 36**.

## INTERNAL REFERRALS

### Heritage

Council's Heritage Advisor commented on the proposal as follows:

#### ***Heritage status***

*The site at 1-3 Billyard Avenue, Wahroonga is listed as a heritage item in Schedule 5 (Part 1) of the KLEP – Ewan House (formerly Innisfail) Lodge, Lanterned Pavilion, Lot 272, DP 608835; Item No 1831. Formerly, the site was included as a heritage item in the KPSO. The LEP came into effect on 2 April 2015. Council's inventory information does not contain a detailed history or description of the property however, it is noted that the School holds historical records about the site and previous development applications have included detailed historical information and descriptions of the item. It is also understood that the School has prepared several heritage reports on "The Lodge", the small brick building located on the corner of Billyard Avenue and Cleveland Street.*

*The site is within the immediate vicinity of a relatively large number of heritage items, including:*

- *Nos 5-7, 10 & 23 Cleveland Street; and*
- *Nos 19, 3- & 34 Billyard Avenue;*

*The property is also located in a heritage conservation area (HCA),*

*Area C 1 – “Wahroonga”- in Schedule 5 (Part 2) of the KLEP.*

*The heritage provisions in the KLEP Part 5.10 apply to the site including the following:*

*Clause (2) (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building making changes to its detail, fabric, finish or appearance):*

- (i) a heritage item;*
- (ii) an Aboriginal object; and*
- (iii) a building, work, relic or tree within a heritage conservation area.*

*Clause (2) (c) of the LEP requires consent to disturb or excavate an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance of excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.*

*Clause (2) (e) of the KLEP requires consent for erecting a building on land making structural changes to the interior or making change to anything inside the item.*

*Clause (4) of the KLEP requires that before granting consent to the proposed works Council must consider the effect of the works on the item, nearby items or conservation area concerned.*

*Clause (5) of the KLEP allows Council to require a HIS before granting consent.*

*A supporting development control plan (KDCP) came into effect on 2 April 2015. Chapter 19 of the DCP contains detailed objectives for additions and alterations to heritage items and properties in HCAs.*

### ***Heritage management document***

*The applicant included a Statement of Heritage Impacts prepared by an experienced consultant. It includes a description of the site, documentary evidence on previous owners, information on the architect of the original dwelling (now Ewan House and the Lodge), a description of the proposal, a heritage impact assessment against the guidelines in the NSW Heritage Council guideline for preparing such documents and makes the following conclusion:*

*“In conclusion, while there will be some change to the existing presentation of the school to Cleveland Street, the proposed works described in this application do not adversely affect the identified heritage significance of the subject site, the heritage items in the vicinity of the role or the place as a contributing element in the Wahroonga Conservation Area”.*

*The proposed works associated with the car parking structure will be largely concealed from view and will not change the landscaped setting of the heritage item. The new above ground structures are designed to complement the established school site. Additional landscaping works to the setting of The Lodge will generally enhance the building.*

### **Comments**

*From a heritage perspective, the small building on the corner of the site – “The Lodge” is considered to be highly significant. The trees that surround it and existing grassed areas further to the south assist in forming a visual setting and curtilage to the site and also assist in understanding the earlier configuration of the site as one of the large grand dwellings in the Wahroonga area. This is also a prominent corner to the site and has also prominence within the broader HCA. Some of the trees proposed to be removed are considered to be significant and should be retained. Discussions with Council’s Landscape Assessment Officer confirm that the trees can be retained.*

*As currently exists, the area to the south of The Lodge is primarily an open grassed area that is used for passive and active purposes by the school. It is likely that this area was formerly landscaped and might have contained garden structures, other built elements or objects that do not currently exist on the surface but some evidence might exist below the ground. As proposed, there would be considerable excavation to this area and there is potential to expose deposits or relics that might be retained in the area. Consistent with the NSW Heritage Act, standard archaeological conditions need to be applied to determination due to the disturbance of the area proposed in this application.*

*The overall concept of providing underground parking to an area that is largely grassed and used as a passive or active play area is considered to have relatively low heritage impacts on the visual setting of the item and relatively low impacts on the nearby heritage items and the HCA. The issue that is of heritage concern is the proposed masonry wall about 3m high behind the proposed new garden on the corner of Cleveland Street and Billyard Avenue. Currently, there is a small garden and a discrete sign in this area.*

*As part of this application, several trees are required to be removed providing a slightly more open setting to “The Lodge”. The louvered vents and northern wall to the car park would form a backdrop to “The Lodge”. It will have some limited impact on its visual setting but, with appropriate tree retention and appropriate new plantings, is considered acceptable from a heritage perspective.*

*The proposed new covered walkways, and paths will have minimal impact on the important heritage structures associated with the site when it was a dwelling. The stairs, open areas and lifts are all*

*necessary elements to make the proposed carparking accessible and useable and there is no heritage objection to those elements. The proposed change room and clock tower will have a limited and acceptable impact.*

### **Amended application**

*Amendments were made to the application received 13 October 2016.*

*With regard to heritage, the response is:*

*“The proposed entry feature/signage on the corner of Billyard and Cleveland Street has been amended by Drew Dickson Architects, with input from NBRSP, in order to ensure acceptable impact on the nearby item of heritage significance.*

*The maximum height of the wall is now 1.8m and materials have been altered to include face brickwork with sandstone capping.”*

*The revised drawing shows the masonry wall on the corner of Cleveland Street as 1800mm high and located on a splayed angle. The length of the masonry wall is about 3200mm along each street elevation (scaled) and it includes a stone planter box with stone capping on the planter box and top of wall. It includes a sandstone sign with bronze text and similarly designed logo attached to the masonry wall. Beyond the brick wall 1800mm high open metal fence is provided along the Billyard Avenue frontage providing an open visual setting and continues along Cleveland Street with a low retaining wall constructed of sandstone faced masonry stepping in response to the levels.*

*It is assessed as being satisfactory.*

### **Conclusion**

*The proposed carpark and associated structures including walkways, lifts, open areas, stairs, lifts and new elements such as the change room and clock tower are all considered to have minimal and acceptable impact on the heritage significance of the site, nearby heritage items and the HCA.*

*Due to the extent of excavation, there is potential for archaeological deposits to be uncovered. An archaeological condition is considered necessary (**Condition 40**).*

### **Landscaping**

Council's Landscape Assessment Officer commented on the proposal as follows:

## **Tree impacts**

*The development will result in the removal of numerous trees located on site and within Council's road reserve. The proposed tree removal will significantly alter the existing streetscape and landscape setting within the Cleveland St site frontage. Some trees proposed for removal have heritage value as they are associated with the landscape setting that surrounds 'The Lodge'. An arboricultural impact assessment report has been submitted with the application. The following comments are made:*

- Tree numbers T47, T48, T50 & T53, located at the northern end of the site have previous consent for removal under DA557/02, which has been activated (advice given by assessing planner). As such, they have been omitted from the current application.*
- T40 Camellia sasanqua grouping, adjacent to the north-eastern corner of the site, are nominated for removal. The Camellia grouping is in good health and condition, providing internal landscape amenity. The proposal will have a major encroachment within the TPZ due to excavation of the carpark. The removal of this tree grouping is acceptable.*
- T55 & T56 Ulmus procera (English Elm), located at the northern end of the site. The trees are located within the existing embankment. The development works will result in a major encroachment within the TPZ. The trees are of moderate value and significance, providing landscape amenity as part of the landscape setting to 'The Lodge' with T54 and T56. The removal of T55 and T56 is acceptable, subject to super advanced replenishment planting of the same species within the Cleveland St frontage to 'The Lodge' to maintain the landscape setting and streetscape character. Council's Heritage Advisor concurs with this requirement, which is conditioned, (**Condition 19**).*
- T65 Cinnamomum camphora (Camphor laurel), located adjacent to the Cleveland St site frontage. The tree has had tree management works undertaken (removal of deadwood) and is otherwise in good health and condition with healthy regrowth. The tree has previously been impacted by unauthorised landscape works with the construction of a gravel carpark surrounding 'The Lodge' and the placement of compacted fill within the SRZ and TPZ. The submitted Landscape Plan includes reinstatement of soft landscape area surrounding 'The Lodge' with the removal of the gravel carpark. This will improve the growing conditions for the tree. The tree has heritage significance as it is a species planted as part of ornamental*

*gardens consistent with the original mansion and 'The Lodge'. The tree is evident as a mature specimen in the 1943 aerial photograph. The tree contributes positively to the streetscape setting of Billyard Avenue and Cleveland Street. The proposed footpath, replaces an existing footpath at existing grades, and as such, should not have additional adverse impact. The proposed retaining wall can be constructed utilising pier and beam footings, further reducing tree impact. The retention of T65, will reduce the visual impact of the removal of T66 and T67. Due to the tree's heritage values, visual significance, species resilience and improved growing environment, it should be retained, (**Condition 19**).*

- *T66 & T67 Ulmus procera (English Elm), located adjacent to the north-western corner of the site, adjacent to the Cleveland Street frontage. The trees are both in good health and condition. T67 has higher landscape significance as it contributes positively to the streetscape setting of Cleveland Street. The trees spatially conflict with the proposed vehicular entry. At the Pre DA discussions with the applicant it was advised that the trees be retained with the relocation of the vehicular entry to the south-western carpark corner. This request was not complied with. The removal of T66 and T67 would be acceptable, subject to the retention of T65, as the removal of the trees will have a significant detrimental impact upon the existing streetscape and landscape character. Tree replenishment planting of super advanced trees (min 200litres) of the same species is required within the Cleveland Street frontage of 'The Lodge' to maintain the streetscape and landscape setting (**Condition 69**).*
- *T173 Quercus palustris (Pin Oak), located within the Cleveland St road reserve/nature strip. Plans indicate regrading and reconstruction of the pedestrian path and the construction of a retaining wall and fence within the tree's SRZ and TPZ. To minimise tree impacts, the pedestrian path will be reconstructed at existing grades within the TPZ (7.0m), development works to be directly supervised by an AQF5 arborist and the proposed wall is to be constructed utilising pier and beam footings, with any excavation to be done by hand with the preservation of tree roots greater than 30mm.*
- *T175 is a mature Jacaranda mimosifolia (Jacaranda) located within the Cleveland St road reserve/nature strip. The tree is in good health and condition and contributes positively to the streetscape character of Cleveland St, being part of an avenue planting. The proposed regrading of the road reserve and the construction of the driveway crossover will result in an adverse impact to the tree. The tree's removal is accepted, subject to the planting of two super advanced specimens (min 200litres) within the road reserve, between the Billyard Avenue intersection and*

*the proposed vehicular entry, to replenish the street tree avenue planting (**Condition 66**).*

- *T78, T79, and T80 are mature *Phoenix canariensis* (Canary Island Date Palms) located parallel to the pedestrian entry from Cleveland St. The palms have streetscape and landscape value as they are part of the original landscape setting prior to the construction of the K-2 building. While their removal is not supported, the species can be readily transplanted and therefore there is no objection to the palms being transplanted elsewhere within the Cleveland Street frontage within the landscape context of the K-2 Building. This is consistent with the previous LEC approval (**Condition 69**).*
- *T81-T84 *Gleditsia tricanthos* ‘Sunburst’ located adjacent to the K-2 Building. The trees do not have broader landscape significance or value and were planted as part of the K-2 Building works. Their removal is acceptable.*
- *Other tree impacts due to excavation for the carpark are at an acceptable threshold. The assessing Landscape Officer concurs with the consultant arborist.*

#### ***Landscape plan / tree replenishment***

*The submitted landscape plan is generally accepted. Changes required facilitating tree replenishment planting and species amendments are conditioned (**Condition 19**).*

#### ***Stormwater plan***

*Acceptable.*

#### ***Conclusion***

*The application is acceptable, subject to conditions.*

### **Environmental Health**

Council’s Environmental Health Officer commented on the proposal as follows:

*The acoustic report by Wilkinson Murray (Report 15183 Version A dated November 2015) indicates that the predicted noise levels from the increase in students and associated road traffic noise will comply with the noise criteria based on noise standard noise modelling criteria. The predicted noise environment is acceptable and the recommendations made are satisfactory.*

## Engineering

Council's Development Engineer commented on the proposal as follows:

### **Water management**

*The stormwater plans submitted detail a system which satisfies the intent of Part 24 of Ku-ring-gai Development Control Plan in relation to on-site detention, retention, water quality and discharge from the site.*

*The amended stormwater design shows the collection and discharge of roof water from the existing Oval Building and surface runoff from the playing field to a belowground rainwater tank of 150m<sup>3</sup> located at the eastern end of the underground carpark. The overflow from the rainwater reuse tank will be conveyed to the on-site detention tank (OSD) of 150m<sup>3</sup> located at the northern end of the underground carpark prior to discharging to the street drainage in Cleveland Street via a new stormwater pipe.*

*The rainwater reuse tank proposes water supply to irrigate the existing Ireland field and landscaped /vegetated area of the existing Lodge Building. The proposed rainwater tank satisfies the requirements of Part 24C.3-4 of the KDCP.*

*The OSD cross section shows the top water level being higher than the carpark level. It is conditioned that an overflow pipe is to be provided in the OSD tank and connected to the OSD pipe outlet that is conveyed to Pit 7(**Condition 21**). The overflow must be designed to cater for total system failure (blockage) in extreme storm events as per the requirements of Part 24R.5(12) of the KDCP.*

*The captured stormwater is to be treated by using a proprietary device located under the new driveway access prior to connection into Council's public drainage system. The results of the MUSIC Modelling indicates the rainwater reuse tank, on-site detention tank sump, grass swales within the western landscaped area and a proprietary stormwater treatment pit confirm that the stormwater treatment standards / targets outlined in Ku-ring-gai DCP Part 24C.6 have been satisfied.*

*The Stormwater Management plans, prepared by Taylor Thomson Whitting Project No. 151482 C00/B, C10/B, C30/E, C31/C, C53/C, C80/B, C81/B and C82/B are acceptable, subject to conditions.*

### **Vehicular access**

*Access to the sports field carpark will be provided from Cleveland Street towards the northern side of the carpark. The proposed driveway*



*comprises two 4.2m wide lanes with a central island to prevent right turn movements to and from the driveway.*

*The driveway widths, internal circulation, aisle widths, height clearances and driveway gradient comply with Australian Standard 2890.1 (2004) "Off-Street car parking".*

*The disabled parking spaces are also compliant with AS2890.6:2009 with regards to having a minimum width of 2.4m plus 2.4m shared area.*

*Design details of retaining walls or batter on Council's land is to be provided.*

### **Parking provision**

*The parking requirements of Ku-ring-gai Development Control Plan Part 22R.1 for Schools are 1 space per equivalent full time employee.*

*It is proposed to increase the student population to 840 students. The current approval for the school permits a maximum population of 676 students, which involves 71 Full Time Equivalent (FTE) staff. The proposed increase in population over the current consent is 179 students and 19 FTE. For the purpose of the traffic assessment, the increase has been measured against the current population (179 additional students and 19 additional staff members).*

*The proposal provides 85 parking spaces (including 22 drop-off spaces and 2 disabled spaces) within the proposed car park beneath Yeldham Field.*

*The current parking provisions within the Prep School comprise of 71 spaces adjacent to the tennis courts located on Sutherland Avenue. According to the statement submitted, it is understood that following completion of the proposed Yeldham Field Car Park, 26 of the 71 spaces available at the Sutherland Avenue car park will remain in use. The remaining 45 spaces will be retained for over-flow parking or as required for staff parking which was a result of the previous modification.*

*The proposal provides 111 spaces (85 spaces within the Yeldham car park and 26 within the Sutherland Avenue car park). This satisfies the requirements of the DCP for 90 FTE staff.*

*The application was referred to Roads and Maritime Services under Schedule 3 of the SEPP (Infrastructure) 2007 for comment. RMS raises no objection to the proposal.*

*To discourage drop-off and pick-up along the Cleveland Street frontage, and to maintain sight distance, it is conditioned that 'No*

*Stopping' signs be installed from the intersection of Billyard Ave and Cleveland Street to the unrestricted area south of the driveway crossing in Cleveland Street (**Condition 73**). The proposed signage would require approval from the Local Traffic Committee.*

*According to the Traffic consultant, the existing use of the student drop-off loading zones along the Billyard Avenue and Cleveland Street frontages (approximately 40 vehicles) will be removed. Given that the proposal now seeks to provide the drop-off and pick-up within the new underground carpark for 22 vehicles, Council's Traffic Section intends to replace the student loading zones with unrestricted parking for commuters. This is conditioned (**Condition 73**) and will also address the concerns raised by the submissions with regards to increasing the parking in Billyard Avenue and Cleveland Street.*

### **Traffic generation**

*A staff survey was undertaken to record staff travel and parking characteristics. The survey confirmed that a high portion of staff (85%) arrive by car as a driver or passenger. The increase of 179 students would result in 70 and 61 additional morning and afternoon trips respectively. The increase in additional trips in Cleveland Street is not expected to have a significant effect on traffic flows or detrimental impact on the adjacent road network.*

*An addendum to the traffic report has been submitted. The modelling analyses the impacts of the redistribution of traffic movements at the Millewa Avenue intersection as a result of the increase in movements utilising Cleveland Street.*

*The traffic consultant confirms that vehicles will not be turning right from Cleveland Street as only left-in and left-out movements is proposed in order to limit the impact on through traffic in Cleveland Street.*

*The report finds as a result from the additional 87 additional trips and the distribution of Millewa Avenue, that the increase in traffic is not sufficient to cause any detrimental impact at the Millewa Ave / Cleveland St intersection.*

### **Construction management**

*Construction access to the site will be provided from Cleveland Street, with trucks entering and exiting the site in a forward direction. Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan (CTMP) must be submitted for review by Council Engineers prior to the commencement of any works on site. The CTMP would also confirm the approach and departure routes.*

*It is conditioned that no construction vehicles movements are to occur during the school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm) on school days or during Saturday sport activities held at the school unless approved by the School (**Condition 9**).*

### **Impacts on Council infrastructure**

*The applicant will be required to construct a new footpath along the Cleveland Street site frontage on opposite sides of the new driveway crossing. Design levels of the driveway would also need to be submitted and approved prior to issue of a Construction Certificate (**Condition 28**).*

### **Waste collection**

*Additional bins will be provided located near the pedestrian entrances to the carpark. Knox Grammar School will continue to implement their waste management policies and the general management of the site post construction. No access to service the school's waste storage areas is necessary via the basement carpark.*

### **Geotechnical investigation**

*A field work investigation was undertaken based on 10 borehole testing. The boreholes identified fill between 0.3m and 0.8m in all boreholes and test pits of 0.1m to 0.8m of silty sands as well as fill comprising sandy clay to depths of 1.8m and 2.1m in two boreholes. Silty clay was encountered to depths of between 2.1m and >5m that graded into Shale / siltstone and Laminite to termination depths of 12.0m and 15.0m respectively in two boreholes.*

*No groundwater was observed during excavation / augering, however, some seepage flows should be expected along the top of the clay surface and also at the interface of the residual clay and bedrock. Ongoing monitoring of the water levels would be required.*

*All recommendations, including any survey required prior to commencement of works, shall be implemented as specified within the submitted geotechnical report (**Condition 48**).*

### **Building**

Council's Building Surveyor considered the proposed development and raised no objection, subject to **Conditions 38, 85 and 90**.

### **EXTERNAL REFERRALS**

As discussed below, the matter was required to be referred to Roads and Maritime Services (RMS). In their letter of reply on 18 July 2016, RMS raised no objection to the development nor did they recommend or require any

conditions of consent, should the application be approved.

## **STATUTORY PROVISIONS**

### **Acts**

The proposal is “Local Development” under Part 4 of the Environmental Planning and Assessment Act, 1979, as amended, and requires development consent.

The relevant provisions of environmental planning instruments, proposed instruments, DCPs, the regulations and policies are addressed below. The likely impacts, suitability of the site and public interest are also addressed. It is noted that neither the site or development is subject of a voluntary planning agreement.

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)**

SEPP Infrastructure sets out the process for simplifying the approval pathway and establishing permissibility for defined categories of infrastructure within the state.

The proposal is lodged pursuant to the requirements of SEPP Infrastructure. The relevant clauses of the SEPP and an assessment against those clauses have been provided below.

#### **28 Development permitted with consent**

- (1) *Development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone.*
- (2) *Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
  - (a) *development for the purpose of educational establishments—on land on which there is an existing educational establishment,*
  - (b) *development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*
- (3) *An educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, whether or not it is a commercial use of the establishment.*

- (4) *Subclause (3) does not require consent to carry out development on land if that development could, but for this Policy, be carried out on that land without consent.*

The proposed permitted use is within the zone and is also permissible pursuant to Clause 28(2) (a) of SEPP Infrastructure as the development involves works to an existing educational establishment.

### **32 Determination of development applications**

- (2) *Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*
- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002);*
  - (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006); and*
  - (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*
- (3) *If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.*

Clause 32 directs the consent authority to take into consideration the School Facilities Standards (landscaping, design and specification) when determining a DA. These standards provide construction level detailed design criteria for School development. The proposal is considered satisfactory to the extent that may be applied for DA purposes with additional detail to be provided prior to issue of a Construction Certificate (**Condition 18**).

### **104 Traffic-generating development**

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
- (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*

*(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*

*(ii) the accessibility of the site concerned, including:*

*(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

*(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

*(iii) any potential traffic safety, road congestion or parking implications of the development.*

*(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Being an educational establishment that seeks an increase of more than 50 students, it is a category of development identified in Column 1 of Schedule 3 referred to in Clause 104 of the SEPP. The application was therefore referred to Roads and Maritime Services. On 18 July 2016 RMS advised that it has no objection to the development and did not recommend any conditions.

### **State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)**

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.

The site has an ongoing education establishment use, prior to its residential occupation which is not a category of land use likely to cause contamination. The proposed development has been supported by a detailed contamination investigation which has, despite the site history identified contaminants which just exceed the tolerances of the soil be classified as 'excavated natural material' of ENM, being soil that is free from contamination, subsequently classifying the site as being 'contaminated'. This is a minor exceedance of the thresholds for contaminated soil, likely to be from fill previously brought onto the site.

The contamination report finds that the site can be made suitable for the proposed development and does not present a significant risk of harm. It requires that, in order to address and treat the contaminants, during excavation for the field, the excavated material is to be continually tested and classified and, if identified as contaminated, is to be taken to an appropriate waste facility. **Conditions 41 and 75** are recommended in this regard.

### **State Environmental Planning Policy No. 64 – Advertising and signage**

## **(SEPP 64)**

The relevant and applicable sections of SEPP 64 are as follows:

### **8 Granting of consent to signage**

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Council, as detailed within this assessment has considered all relevant aspects promoted by Clause 8 and is of the view that the proposed signage is consistent with the objectives and is satisfied when the signage is considered against the criteria of Schedule 1, as detailed below.

<b>Schedule 1 Assessment Criteria</b>	
<b>1. Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, recognising that the area of the signage in which the signage is to be located is a heritage conservation area and that the proposed signage is consistent with that currently displayed on site / in the area
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, it is not inconsistent with it
<b>2. Special Areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is characterised as a special area. The type, scale and design of the site is considered to complement the site and area and in no way detract from it
<b>3. Views and Vistas</b>	
Does the proposal obscure or compromise important views?	No

Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	N/A
<b>4. Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
<b>5. Site and Building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, its scale is appropriate for its location
Does the proposal respect important features of the site or building, or both?	Yes, particularly its heritage curtilage
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	N/A
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	No illumination proposed
Would illumination affect safety for	N/A



pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A
<b>8. Safety</b>	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

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### **Plan No. 20 - Hawkesbury-Nepean River (SREP 20)**

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposal is considered to achieve the relevant aims under this policy on the basis of the proposal not being located within close proximity to a waterway.

### **Local content**

#### **Ku-ring-gai Local Environmental Plan 2015**

#### **Zoning and permissibility:**

The site is zoned SP2. The proposed development is defined as an educational establishment and permissible in the zone.

#### **SP2 zone objectives:**

The development seeks to expand and enhance an existing and operational educational establishment. The objectives of the zone require development in the zone:

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

The proposed development therefore upholds the zone objectives.

### **Development standards:**

There are no development standards applicable to this development, as the zoning of the site as SP2 – Infrastructure does not nominate a maximum building height, FSR or any other standards that restrict or guide development. This is in recognition of the site providing for a necessary or critical service, being in this case, education.

### **Clause 5.9 – Preservation of trees or vegetation**

Council's Landscape Assessment Officer is satisfied that the proposed development will not unduly impact upon any existing significant trees or vegetation, subject to conditions.

### **Clause 5.10 – Heritage conservation**

The site is listed as a local heritage item, is located within the Wahroonga Heritage Conservation Area and is in the vicinity of a number of other locally listed heritage items.

The extent of works proposed in this application are those which require development consent pursuant of Clause 5.10(2) of the KLEP.

As required by Clause 5.10(4), the effect of the proposed development on the site, HCA and adjoining items has been considered. Consistent with the discussions of Council's Heritage Advisor contained elsewhere in this report, the proposed building works and intensification of use are assessed as having an acceptable heritage impact. It is noted that this heritage impact has been quantified through a detailed heritage assessment submitted to Council in accordance with Clause 5.10(5) of the KLEP.

## **Part 6 Additional local provisions**

### **Clause 6.2 – Earthworks**

The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics.

### **Clause 6.3 - Biodiversity protection**

Council's Landscape Assessment Officer, in consultation with Council's Ecological Assessment Officer is satisfied that the proposed development has

been designed to minimise impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the LEP.

### Clause 6.5 - Stormwater and water sensitive urban design

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater run-off as per the requirements of the LEP.

### Policy provisions

### Ku-ring-gai Development Control Plan (2016)

#### Section A

COMPLIANCE TABLE		
Development control		
Part 2 Site Analysis		
Appropriate site analysis required	Provided	YES

#### Section B

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 12 Signage and advertising		
12.1 Signage general		
<ul style="list-style-type: none"> <li>- signage to be constructed on robust materials</li> <li>- Not to flash, move or the like</li> <li>- Not to advertise a third party</li> <li>- Not to be illuminated</li> <li>- No pole signs</li> </ul>	The design and materials of the sign satisfy the general design requirements of the DCP	YES
12.3 Identification signs - Business		
<i>Residential</i> <ul style="list-style-type: none"> <li>- Maximum 1 sign</li> <li>- Maximum height 2m</li> <li>- Located within property boundaries</li> </ul>	The signage has been designed and positioned to comply with the requirements of the DCP	YES
12.5 Advertising on heritage items or in heritage conservation areas		
<ul style="list-style-type: none"> <li>- Design sympathetic to setting and character of item or HCA</li> <li>- Appropriately located</li> <li>- No to detract from view or fabric</li> <li>- Freestanding signs encouraged to avoid impact on fabric / curtilage</li> </ul>	Design, location and style of the signage is acceptable and not considered to have an impact upon the heritage setting of the	YES

	site	
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### Part 15 Land Contamination

As discussed earlier in this report, soil testing undertaken on site has identified readings of soil contaminants which just exceed the threshold for soil to be classified as contaminated and not excavated natural material, or soil that is free from contamination.

It is considered that the site can be made suitable for the development and the contamination identified does not present a significant risk of harm. The contamination has likely originated not from contaminating activities on the site but from previous fill imported to the site.

It is recommended by the applicant's consultant that, given the very low to nominal levels of contamination identified during the testing, during the bulk excavation works the soil being removed be constantly tested to determine if it contains contamination and if so, directed it to the appropriate waste facility (**Condition 41**) is recommended requiring this. Furthermore, **Condition 75** requires that prior to occupation, a site auditor must certify that the site is suitable for its ongoing education establishment use.

### Part 18 – Biodiversity

The site is located in an area identified and mapped as Greenweb land in the DCP. Council's Landscape Assessment Officer, in consultation with Council's Ecological Assessment Officer is satisfied that the proposal will not have an impact upon the mapped areas of biodiversity on the site.

### Part 19 – Heritage Items and Heritage Conservation Areas

The site is heritage listed, in the vicinity of other heritage items and is located in a heritage conservation area. Council's Heritage Advisor has raised no objection to the proposal and controls of Part 19 of the DCP, subject to the matters discussed in that referral earlier in this report.

## **Section C**

COMPLIANCE TABLE		
Development control	Proposed	Complies
Ku-ring-gai Development Control Plan		
Part 21 General Site Design		
- 0.6m width between retaining walls	Scope of works alter existing ground level	NO

<ul style="list-style-type: none"> <li>- Retaining walls max height 1.0m</li> <li>- No change in levels within 2m of boundary</li> <li>- Modified ground levels not to affect ground water flow</li> </ul>	within 2m of Cleveland Street boundary, otherwise acceptable with respect to controls	
Landscape Design <ul style="list-style-type: none"> <li>- Site planning and design must retain and enhance vegetation and biodiversity corridors.</li> </ul>	Satisfactory	YES
<b>22.1 Equitable access</b>		
<ul style="list-style-type: none"> <li>- new development to demonstrate compliance with DDA (Section 23 of Act)</li> <li>- Access to be integrated into design / building</li> </ul>	Equitable access has been provided and sufficiently integrated into the proposed buildings	YES
<b>22.2 General vehicle access</b>		
<ul style="list-style-type: none"> <li>- Driveway locations to comply with AS2890.1</li> <li>- Vehicle and pedestrian access separated</li> <li>- Driveway width minimum 3.7m</li> </ul>	Driveway and pedestrian access comply with the requirements of the DCP and meets the satisfaction of Council's development engineers	YES
<b>22.3 Basement car parking</b>		
<ul style="list-style-type: none"> <li>- Efficient layout required</li> <li>- Natural ventilation encouraged</li> <li>- Basements to be fully tanked</li> <li>-</li> </ul>	Basement car park layout accords with Council's DCP and meets the satisfaction of Council's development engineers	YES
<b>22.5 Parking for people with a disability</b>		
<ul style="list-style-type: none"> <li>- 2% (minimum) of spaces to be accessible parking</li> </ul>	Number of accessible spaces meet the minimum requirements of the DCP	YES
<b>22.6 Pedestrian movements with car parks</b>		
<ul style="list-style-type: none"> <li>- Marked pathways to be provided and comply with AS1428.1</li> </ul>	Pedestrian movements within the basement car parking area suitably arranged to ensure no conflict between vehicle and pedestrian movements	YES
<b>22R.2 Car Parking Rates</b>		

<ul style="list-style-type: none"> <li>- 1 space per equivalent full-time employee plus 1 space per 8 Year 12 students. Where an auditorium or similar rooms are proposed, additional parking might be required. Provision for an onsite set down / pick up of students and a set down / pick up management plan is required.</li> </ul>	<p>90 fulltime staff proposed, no Year 12 students in attendance. Minimum of 90 parking spaces required. Total 111 spaces provided + access to a further 45 spaces on the Sutherland Avenue frontage.</p> <p>22 space drop off / pick up facility to be managed by staff as a dedicated driver remains with car facility, aiming to turn vehicles over in 45 seconds. This to be formalised through a management plan to the satisfaction of Council's Engineer (<b>Condition 32</b>)</p>	YES
<b>23.3 Sustainability of building materials</b>		
<ul style="list-style-type: none"> <li>- Materials where possible from recycled or renewable sources</li> </ul>	Materials proposed in development acceptable in circumstance proposed	YES
<b>23.4 Materials and finishes</b>		
<ul style="list-style-type: none"> <li>- Materials to be durable and of high quality finish</li> <li>- Avoid large expanses of unbroken finish</li> <li>- To avoid highly reflected finishes</li> <li>- New materials to complement existing finishes and materials</li> </ul>	Materials proposed in development acceptable in circumstance proposed	YES
<b>23.6 Building services</b>		
<ul style="list-style-type: none"> <li>- Services to be integrated into building design</li> <li>- Ventilation stacks to be concealed within building and exhaust at street level</li> </ul>	Building services appropriately integrated into the building. Exhaust fan riser integrated into covered walkway roof design	YES
<b>Part 23.9 General visual privacy</b>		
<ul style="list-style-type: none"> <li>- Visual privacy maintained for occupants and for neighbouring dwellings, no balconies or decks that overlook neighbouring properties</li> </ul>	Proposed development does not create any visual privacy issues, recognising the significant separation from the proposed works	YES

	to adjoining land uses	
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### Part 21 – General site design

The proposed basement car park and associated sports field would alter the existing ground level within 2m of the Cleveland Street frontage / boundary. Whilst a change in ground levels within 2m of a boundary is not encouraged by the DCP, it is assessed as being satisfactory in this instance as the modified levels are tied into and integrated with the finishes ground levels of the footway, creating an integrated arrangement that maintains the streetscape through consistent ground levels and landscaping.

### Part 24 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater run-off as per the requirements of the DCP, subject to **Conditions 1, 21, 79, 80 and 81**.

### Part 25 – Notification

The application has been notified in accordance with the requirements of the DCP. The submissions received have been addressed.

## **Section 94 Plan**

Educational establishments are identified under Section 1.4 of Council's 94A Contributions Plan 2015 as a development type subject to that Plan. Pursuant to the table of Section 1.8 of the Plan, the development is subject of a contribution of 1% of the estimated cost of works of \$13,892,175.00. **Condition 36** therefore requires the payment of a \$138,892.17 contribution prior to the issue of any Construction Certificate.

## **LIKELY IMPACTS**

The proposed development, is assessed as having an acceptable impact on the surrounding environment, subject to conditions of consent.

Of relevance to the consideration of the likely impacts of the proposal is the proposed increase in student numbers.

The most recent modified approval, MOD0070/15, modified amongst other matters, Condition 89 of the consent to DA0557/02, that sets the current maximum student and staff numbers associated with this school. Condition 89 as modified reads:

*....(89) Following completion of the buildings the subject of the consent, total school numbers shall be limited to:*

- a. 676 students*
- b. 71 fulltime staff.....*

Critically, Condition 89 of the consent only operates when all buildings authorised under DA0557/02 are completed. To date and as acknowledged by the applicant, all buildings authorised under DA0557/02 have not been completed and subsequently, the School's operation does not have the strict benefit of the student and staff numbers allowed under Condition 89, despite the school currently operating with 661 students and 71 staff.

Notwithstanding, consent is now sought for 840 students and 90 staff. The assessment of the application concludes that, pending the completion of the works proposed under this application, sufficient facilities would be available to accommodate the proposed student and staff population with an acceptable impact. To this end, it is recommended that any consent issued contain a condition requiring that upon activation of a consent issued for this DA, the approved student and staff number for this site are those permitted under DA0557/02, upon completion of the additional site works approved under MOD0070/15. Increasing students to 840 and staff to 90 is permitted upon completion of all works proposed under this development application (DA0254/16). That would still allow the outstanding school buildings approved under DA0557/02 to be built, however student numbers authorised under this application would not be contingent on them being completed.

The proposed increase in student numbers is considered acceptable, subject to proper sequencing of works as required by **Condition 86**.

## **SUITABILITY OF THE SITE**

The site is considered to be suitable for the proposed development.

## **ANY SUBMISSIONS**

The submissions received during the notification period have been considered.

## **PUBLIC INTEREST**

The interest is best served by the consistent application of the relevant EPIs and by ensuring that any adverse environmental impacts at the site or on the surrounding area are minimised through the implementation of conditions of consent. The proposal has been assessed against the relevant EPIs and policy provisions and is deemed satisfactory in its current form.

## **CONCLUSION**

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

## **RECOMMENDATION**

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING



## AND ASSESSMENT ACT, 1979

That the Sydney North Planning Panel, as the consent authority, grant development consent to DA0254/16 for alterations and additions to Knox Grammar School Preparatory School, including new basement car park, sporting field, signage and landscaping works and the increase in student numbers to 840 and 90 staff, at 1 – 3 Billyard Avenue and 15 Cleveland Street, Wahroonga, for a period of 2 years from the date of the Notice of Determination, subject to the following conditions.

### CONDITIONS THAT IDENTIFY APPROVED PLANS:

#### 1. Approved architectural plans and documentation

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan no.	Drawn by	Dated
A-001 Issue E	Drew Dickson Architects	17.03.2016
A-004 Issue E	Drew Dickson Architects	17.03.2016
A-1001 Issue E	Drew Dickson Architects	28.09.2016
A-1002 Issue D	Drew Dickson Architects	28.09.2016
A-1003 Issue D	Drew Dickson Architects	09.09.2016
A-1004 Issue D	Drew Dickson Architects	17.03.2016
A-1005 Issue D	Drew Dickson Architects	17.03.2016
A-1006 Issue D	Drew Dickson Architects	17.03.2016
A-101 Issue J	Drew Dickson Architects	04.04.2016
A-102 Issue J	Drew Dickson Architects	04.04.2016
A-201 Issue E	Drew Dickson Architects	17.03.2016
A-202 Issue D	Drew Dickson Architects	17.03.2016
A-301 Issue D	Drew Dickson Architects	17.03.2016
C00 Issue B	Taylor Thomson Whitting	03.06.2016
C10 Issue B	Taylor Thomson Whitting	03.06.2016
C30 Issue E	Taylor Thomson Whitting	30.08.2016
C31 Issue C	Taylor Thomson Whitting	03.06.2016
C50 Issue B	Taylor Thomson Whitting	03.06.2016
C53 Issue C	Taylor Thomson Whitting	03.06.2016

C80 Issue B	Taylor Thomson Whitting	03.06.2016
C81 Issue B	Taylor Thomson Whitting	03.06.2016
C82 Issue N	Taylor Thomson Whitting	03.06.2016
LDA01-5	NBRS+Partners	02.06.2016
LDA02-3	NBRS+Partners	02.06.2015

<b>Document(s)</b>	<b>Dated</b>
Disability Access Report - prepared by Chung access Ref: 091406	16 November 2015
Knox Yeldham Carpark Development Noise Assessment Report No. 15183, prepared by Wilkinson Murray	November 2016
Report on Geotechnical Investigations project 85122.00, prepared by Douglas Partners	February 2016

**Reason:** To ensure that the development is in accordance with the determination.

## **2. Inconsistency between documents**

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

**Reason:** To ensure that the development is in accordance with the determination.

## **3. Approved landscape plans**

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
15327-LDA01-5 15327-LDA02-3	NBRS + Partners	02/06/2016

**Reason:** To ensure that the development is in accordance with the determination.

## **4. No demolition of extra fabric**

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the development consent.

## **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

### **5. Asbestos works**

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

**Reason:** To ensure public safety

### **6. Notice of commencement**

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

**Reason:** Statutory requirement.

### **7. Notification of builder's details**

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

### **8. Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter of Cleveland Street over the site frontage
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure

so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works commence.

## **9. Construction and traffic management plan**

The applicant must submit to Council a Construction Traffic Management Plan (TMP), which is to be approved prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The TMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for the longest heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- Demolition
- Excavation
- Concrete pour
- Construction of vehicular crossing and reinstatement of footpath
- Traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

**NO construction vehicles movements are to occur during the school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm) on school days.**

When a satisfactory TMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved TMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

#### **10. Sediment controls**

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

#### **11. Tree protection fencing**

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

<b>Tree/Location</b>	<b>Radius in metres</b>
T54 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	3.5m
T56 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	3.0m
T63 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Cleveland St site frontage	6.5m
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St site frontage	12.0m
T68-T76 Numerous species Cleveland St site frontage	2.0m setback west of proposed carpark excavation works, 1.0m south of proposed driveway,

	retention of existing western boundary fence, northern edge of existing pedestrian path. Effectively enclosing all retained trees adjacent to the Cleveland St site frontage
T168-T173 Numerous species Cleveland St nature strip	Top of kerb, southern edge of proposed driveway, western edge of existing pedestrian path 3.0m south of T168. Effectively enclosing all existing street trees

**Reason:** To protect existing trees during the construction phase.

## **12. Tree protective fencing type galvanised mesh**

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

**Reason:** To protect existing trees during construction phase.

## **13. Tree protection signage**

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

## **14. Tree protection mulching**

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

**Reason:** To protect existing trees during the construction phase.

#### **15. Trunk protection**

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained during the construction of the new boundary wall/fence.

Any damage to the tree/s shall be treated immediately by an experienced AQF3 Horticulturist/Arborist and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

<b>Tree/Location</b>
T63 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Cleveland St site frontage
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St site frontage

**Reason:** To protect existing trees during the construction phase.

#### **16. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

#### **17. Noise and vibration management plan**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including

- residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

**Reason:** To protect the amenity afforded to surrounding residents during the construction process.

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

### **18. School facilities standards**

Pursuant to Clause 32 of SEPP (Infrastructure) 2007, the relevant school facilities standards must be addressed by a suitably qualified consultant including a detailed report in response to the provisions, providing an assessment of the development against the relevant standards. The report must be to the satisfaction of the principal certifying authority prior to the issue of any Construction Certificate.

**Reason:** Statutory requirement.

### **19. Amendments to approved landscape plan**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
15327-LDA01-5 15327-LDA02-3	NBRS+Partners	02/06/2016



The above landscape plan(s) shall be amended in the following ways:

- T60 is to be re-identified as T63 consistent with the Arboricultural Impact Assessment Report
- T65 is to be shown to be retained.
- Two additional *Ulmus procera* (English Elm) with a minimum pot size of 200 litres shall be provided within the lawn area of the Cleveland Street site frontage of 'The Lodge'. The trees shall be appropriately spaced as specimen plantings to ensure their ongoing viability.
- Two evenly spaced *Jacaranda mimosifolia* (Jacaranda) with a minimum pot size of 200 litres shall be provided within the nature strip between the Billyard Avenue intersection and the proposed driveway.
- Notation is to be placed on plan that the proposed perimeter wall/fence is to be constructed utilising pier and beam construction methods within a 12.0m radius of T65, 7.5m radius of T173, and 6.5m radius of T63.
- The tree schedule is to be amended to show T65 and T75 to be retained, and T175 to be removed.
- Notation is to be placed on plan for the existing gravel carpark and compacted subgrade surrounding 'The Lodge' is to be removed to previous natural levels and grades.
- The plant schedule is to be updated to reflect required changes to the soft landscape works.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended as required by this condition.

**Note:** An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

**Reason:** To ensure adequate landscaping of the site

## 20. Amendments to approved plans

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
A-004 Rev E A-1001 Rev D	NBRS+Partners	17/03/2016 17/03/2016
A-101 Rev J A-201 Rev E		04/04/2016 17/03/2016

The above plan(s) shall be amended in the following ways:

- The new public pedestrian path within a 7.5m radius of T173 *Quercus palustris* (Pin Oak) is to be shown at existing levels and grades. Any regrading to meet the proposed driveway levels is to be located outside of the 7.5m radius.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the plan/s has been amended as required by this condition.

**Note:** An amended plan, prepared by a suitably qualified professional shall be submitted to the Certifying Authority.

**Reason:** To minimise tree impacts.

## **21. Amendments to approved engineering plans**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved engineering plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

The Stormwater Management Drawings Project No. 151482 prepared by Taylor Thomson Whitting shall be amended as follows:

1. The results of the MUSIC Modelling are to be submitted to confirm that the stormwater treatment standards / targets outlined in Ku-ring-gai DCP Part 24C.6 have been satisfied. Water quality measures are to be shown on the drawings.
2. An overflow pipe is to be provided in the OSD tank on the northern side of grated Pit 8 and connected to the OSD pipe outlet that is conveyed to Pit 7. The overflow must be designed to cater for total system failure (blockage) in extreme storm events as per the requirements of Part 24R.5(12) of the KDCP.

**Note:** An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

## **22. Long service levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

## **23. Outdoor lighting**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

## **24. Access for people with disabilities**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

## **25. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

## **26. Pier and beam footings near trees**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the approved boundary

fence/wall will be isolated pier or pier and beam construction within the specified radius of the trunk/s of the following tree/s:

Tree/Location	Radius from trunk
T63 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Cleveland St site frontage/West of 'The Lodge'	6.5m
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St site frontage/West of 'The Lodge'	12.0m
T173 <i>Quercus palustris</i> (Pin Oak) Cleveland St road reserve/nature strip	7.5m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

**Note:** Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

**Reason:** To protect existing trees.

## 27. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

**C1. Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

## 28. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Cleveland Street:

- a new 1.2m footpath along the Cleveland Street site frontage on opposite sides of the new driveway crossing.
- driveway layback and crossover

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

**Reason:** To ensure that the plans are suitable for construction purposes.

## **29. Utility provider requirements**

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

## **30. Underground services**

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

**31. Infrastructure damage security bond and inspection fee**

To ensure that any damage to Council property as a result of construction activity is rectified in a timely matter:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

(e) In this condition:

“Council property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure damage security bond and infrastructure inspection fee” means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

### **32. Operational management plan**

An Operational Management Plan must be developed and adopted by Management at the school and cover issues such as (but not limited to) the effective management and operation of the drop-off / pick-up facilities, noise management, complaints handling and security. The updated Operational Management Plan must reflect the conditions of this consent and a copy must be provided to Council prior to issue of the Construction Certificate. A copy must be kept onsite in the main office.

**Reason:** To ensure the operation of the facility minimises impact on neighbouring residents.

### **33. Noise control - noise generating equipment 7am to 10pm**

All noise generating equipment associated with the use of the car park and sports field, including but not limited to air conditioning systems, mechanical ventilation systems, amplified sound equipment and lift motors, must not emit a noise level of greater than 5dbA above the background when measured at the nearest boundary.

**Reason:** To protect the amenity of surrounding residents.

### **34. Noise control - noise generating equipment 10pm to 7am**

All noise generating equipment associated with the use of the car park and sports field, including but not limited to air conditioning systems, mechanical ventilation systems, amplified sound equipment and lift motors, must not exceed the background noise level at all between 10pm and 7am when measured at the nearest property boundary.

**Reason:** To protect the amenity of surrounding residents.

### 35. Tree protection bond

Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$2000.00 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site:

Tree/Location	Bond value
T173 <i>Quercus palustris</i> (Pin Oak) Cleveland St road reserve/nature strip	\$2000.00

The bond shall be lodged in the form of a deposit or bank guarantee. The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged and are in a healthy condition.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

**Reason:** To ensure that the trees are maintained in the same condition as found prior to commencement of work.

### 36. Section 94A contributions

In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and **Ku-ring-gai S94A Contributions Plan 2015** \$13,892.17 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$13,892,175.00.

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the **Ku-ring-gai S94A Contributions Plan 2015** and inflated by the Consumer Price Index (All Groups Sydney).

The monetary contributions shall be paid to Council:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to



ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

**Ku-ring-gai S94A Contributions Plan 2015** may be viewed at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) <<http://www.kmc.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

**Reason:** To cater for the increased demand for community infrastructure resulting from the development in accordance with Ku-ring-gai S94A Contributions Plan 2015.

## **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

### **37. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

### **38. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

### **39. Hours of work**

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and

1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

#### **40. Archaeology**

In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately and the NSW Heritage Council notified of the discovery.

Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

**Reason:** To be consistent with the relic's provisions of the NSW Heritage Act (1977).

#### **41. Contamination**

A detailed site contamination investigation must be undertaken by an appropriately qualified environmental consultant in order to provide information for the development of a Remedial Action Plan (RAP).

The RAP must be prepared by an appropriately qualified environmental consultant and submitted to Council for its information. This RAP must comply with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites, and must set the remediation objectives and determine the most appropriate remedial strategy to ensure that the site will be suitable for the education establishment use.

No Construction Certificate shall be issued until the RAP has been provided to the certifying authority.

**Reason:** To satisfy the requirements of SEPP 55..

#### **42. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

#### **43. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

**Reason:** To ensure compliance with the Australian Standards.

#### **44. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

#### **45. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice

- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

#### **46. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

#### **47. Post-construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

**Reason:** Management of records.

#### **48. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the **Geotechnical Investigation Report dated February 2016 Ref: 285122.00** prepared by **Douglas Partners**. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

**Reason:** To ensure the safety and protection of property.

#### **49. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **50. Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### **51. Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

## **52. Protection of public places**

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

**Reason:** To protect public places.

## **53. Recycling of building material (general)**

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

## **54. Maintenance period for works in public road**

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason:** To protect public infrastructure.

## **55. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged,

repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

## 56. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

## 57. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

## 58. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Tree/Location	Time of inspection
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St site frontage	Direct supervision of all excavation works within 12.0m radius *At the completion of all landscape works
T68 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St site frontage	Direct supervision of all excavation works within a

	6.5m radius
T173 <i>Quercus palustris</i> (Pin Oak) Cleveland St nature strip	Direct supervision of all excavation and construction works within a 7.5m radius

**Reason:** To ensure protection of existing trees.

#### 59. Trees on nature strip

Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$20,000,000:

Tree/Location
<i>Jacaranda mimosifolia</i> (Jacaranda) Cleveland St nature strip

**Reason:** To ensure protection of existing trees.

#### 60. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which may be necessary to accommodate the approved building works shall be undertaken by an experienced AQF3 Arborist/Horticulturist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Tree/Location	Tree works
T69 <i>Ulmus procera</i> (English Elm) Cleveland St frontage	Root pruning on eastern side to accommodate bulk excavation works
T70 <i>Ulmus procera</i> (English Elm) Cleveland St frontage	Root pruning on eastern side to accommodate bulk excavation works
T73 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	Root pruning on eastern side to accommodate bulk excavation works
T74 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	Root pruning on eastern side to accommodate bulk excavation works
T75 <i>Lophostemon confertus</i> (Brush Box) Cleveland St frontage	Root pruning on eastern side to accommodate bulk excavation works

**Reason:** To protect the environment.

#### 61. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.



**Reason:** To protect existing trees.

## **62. Cutting of tree roots**

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees:

<b>Tree/Location</b>	<b>Radius from trunk</b>
T54 <i>Ulmus procera</i> (English Elm) Northern end of Carpark/oval	4.0m
T56 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	3.5m
T63 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Cleveland St frontage	6.5m
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St frontage/NW corner of carpark	11.0m south, 15.0m elsewhere
T68 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.5m
T69 <i>Ulmus procera</i> (English Elm) Cleveland St frontage	5.0m east, 8.2m elsewhere
T70 <i>Ulmus procera</i> (English Elm) Cleveland St frontage	8.0m
T73 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.0m east, 11.5m elsewhere
T74 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.0m east, 9.5m elsewhere
T75 <i>Lophostemon confertus</i> (Brush Box) Cleveland St frontage	6.0m east, 8.5m elsewhere
T76 <i>Ulmus parvifolia</i> (Chinese Elm) Cleveland St frontage	4.0m
T173 <i>Quercus palustris</i> (Pin Oak) Cleveland St nature strip	7.5m

**Reason:** To protect existing trees.

## **63. Approved tree works**

Approval is given for the following works to be undertaken to trees on the site:

<b>Tree/Location</b>	<b>Approved tree works</b>
T40 <i>Camellia sasanqua</i> (Chinese Camellia) grove Northeast corner of carpark/oval	Removal
T55 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	Removal
T57 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	Removal

T66 <i>Ulmus procera</i> (English Elm) Cleveland St site frontage	Removal
T67 <i>Ulmus procera</i> (English Elm) Cleveland St site frontage	Removal
T78 <i>Phoenix canariensis</i> (Canary Is Date Palm) Southwest corner of carpark/oval	Transplantation per requirements of Condition 69
T79 <i>Phoenix canariensis</i> (Canary Is Date Palm) Southwest corner of carpark/oval	Transplantation per requirements of Condition 69
T80 <i>Phoenix canariensis</i> (Canary Is Date Palm) Southwest corner of carpark/oval	Transplantation per requirements of Condition 69
T81 <i>Gleditsia tricanthos</i> 'Sunburst' (Honey Locust) Southern end of carpark/oval	Removal
T82 <i>Gleditsia tricanthos</i> 'Sunburst' (Honey Locust) Southern end of carpark/oval	Removal
T83 <i>Gleditsia tricanthos</i> 'Sunburst' (Honey Locust) Southern end of carpark/oval	Removal
T84 <i>Gleditsia tricanthos</i> 'Sunburst' (Honey Locust) Southern end of carpark/oval	Removal
T175 <i>Jacaranda mimosifolia</i> (Jacaranda) Cleveland St nature strip/southern side of proposed driveway	Removal

Prior to any tree removal all trees are to be clearly tagged consistent with the Arboricultural Impact Assessment Report dated 06/05/2016 by ArborSafe. Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

**Reason:** To ensure that the development is in accordance with the determination.

#### 64. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius from trunk
T54 <i>Ulmus procera</i> (English Elm) Northern end of Carpark/oval	4.0m
T56 <i>Ulmus procera</i> (English Elm) Northern end of carpark/oval	3.5m
T63 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Cleveland St frontage	6.5m
T65 <i>Cinnamomum camphora</i> (Camphor laurel) Cleveland St frontage/NW corner of carpark	11.0m south, 15.0m elsewhere
T68 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.5m
T69 <i>Ulmus procera</i> (English Elm) Cleveland St frontage	5.0m east, 8.2m elsewhere
T70 <i>Ulmus procera</i> (English Elm) Cleveland St	8.0m

frontage	
T73 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.0m east, 11.5m elsewhere
T74 <i>Pinus radiata</i> (Monterey Cypress) Cleveland St frontage	6.0m east, 9.5m elsewhere
T75 <i>Lophostemon confertus</i> (Brush Box) Cleveland St frontage	6.0m east, 8.5m elsewhere
T76 <i>Ulmus parvifolia</i> (Chinese Elm) Cleveland St frontage	4.0m
T173 <i>Quercus palustris</i> (Pin Oak) Cleveland St nature strip	7.5m

**Reason:** To protect existing trees.

#### **65. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

#### **66. Tree planting on nature strip**

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Cleveland St. The tree/s used shall be a minimum 200 litres container size specimen/s:

<b>Tree/Species</b>	<b>Quantity</b>	<b>Location</b>
<i>Jacaranda mimosifolia</i> (Jacaranda)	2	Evenly spaced between Billyard Ave intersection and proposed driveway

**Reason:** To provide appropriate landscaping within the streetscape.

#### **67. Tree replenishment planting**

The following tree species shall be planted, within the Cleveland St site frontage of 'The Lodge' to replenish removed trees and to maintain and enhance the landscape and streetscape character. The tree/s used shall be a minimum 200 litres container size specimen/s:

<b>Tree/Species</b>	<b>Quantity</b>	<b>Location</b>
<i>Ulmus procera</i> (English Elm)	2	Within the proposed lawn area to the west of 'The Lodge' as specimen plantings, outside the canopy spread of retained trees.

**Reason:** To provide appropriate landscaping within the streetscape.

#### **68. Tree removal on nature strip**

Following removal of the *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

**Reason:** To protect the streetscape.

#### **69. Supervision of transplanting**

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

<b>Species/From</b>	<b>To</b>
T78 - T80 <i>Phoenix canariensis</i> (Canary Island Date Palm) Southern side of pedestrian path	Within the Cleveland St site frontage in front of the K-2 Building

**Reason:** To protect the trees during transplanting.

#### **70. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

#### **71. Canopy replenishment trees to be planted**

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

**Reason:** To maintain the treed character of the area.

#### **72. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

**Reason:** To protect the environment.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

### **73. 'No Stopping' restrictions**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that 'No Stopping' signs during school peak times (7.00-9.00am and 4.00- 6.00pm, Mon-Fri) be installed from the intersection of Billyard Avenue and Cleveland Street to the unrestricted area south of the driveway crossing in Cleveland Street.

The parking restriction is to discourage parents/carers pick-up and drop-off of children and ensure pedestrian safety and vehicle sightlines. The proposed signage would require approval from the Local Traffic Committee.

The existing use of the student drop-off loading zones along the Billyard Avenue and Cleveland Street frontages (approximately 40 vehicles) will be removed to unrestricted parking for commuters.

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install this restriction. Appropriate Council's Application fees shall be paid by the applicant.

The applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee.

Where approval of the 'No Stopping' restrictions is resolved by the Committee, the necessary signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site.

**Reason:** To ensure that appropriate measures have been made for the operation of the site at all times.

### **74. Mechanical ventilation**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the National Construction Code and comply with Australian Standard AS1668.2 Parts 1 and 2.

**Reason:** To ensure adequate levels of health and amenity to the occupants of the building.

### **75. Validation report and site audit statement**

After completion of the remediation works, a validation report must be

prepared by an appropriately qualified environmental consultant, outlining that the required remediation has been completed. This report must comply with the NSW EPA guidelines for consultants reporting on contaminated sites and is to be submitted to Council.

The validation report must be reviewed by an EPA accredited site auditor who shall provide Council with a copy of the site audit report and site audit statement. The site audit statement must indicate that the site has been remediated to the level required for the education use. No final occupation certificate shall be issued by the certifying authority until the site audit statement has been issued and verifies that the site meets the required standard for an educational establishment/

**Reason:** To ensure that the site is suitable for the proposed use.

## **76. Completion of landscape works**

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

## **77. Accessibility**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

## **78. Retention and re-use positive covenant**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the

Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to Ku-ring-gai DCP Part 24R.8.2). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

## **79. Certification of drainage works**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai DCP Part 24C.5 respectively, have been achieved
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

## **80. WAE plans for stormwater management and disposal**

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by

the Principal Certifying Authority prior to issue of the Occupation Certificate.  
The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

**Reason:** To protect the environment.

#### **81. OSD positive covenant/restriction**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to Ku-ring-gai DCP Part 24R.8.1). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.



**Reason:** To protect the environment.

## **82. Certification of as-constructed driveway/carpark**

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- the vehicular headroom requirements of:
  - Australian Standard 2890.1 – “Off-street car parking”,

**Note:** Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with the consent.

## **83. Infrastructure repair**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

## **84. Mechanical ventilation**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

**Reason:** To ensure adequate levels of health and amenity to the occupants of the building.

## **85. Fire safety certificate**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

**Note:** A copy of the Fire Safety Certificate must be submitted to Council.

**Reason:** To ensure suitable fire safety measures are in place.

## **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

### **86. Maximum student and staff numbers**

This approval authorises a maximum of 840 students and 90 staff. Students and staff numbers shall not rise to these maximums until a final occupation certificate has been issued for the development.

Until such time that a final occupation certificate has been issued for the development, maximum student and staff numbers authorised under DA0557/02 and amended by MOD0070/15 shall remain in force.

**Reason:** To manage the site appropriately.

### **87. Maintenance of signage**

The signs are to be maintained in good order at all times, with any damage or requirements for maintenance being promptly attended to.

**Reason:** To protect the amenity of the surrounding properties.

### **88. Illumination of signage**

The signage shall not in any way be illuminated.

**Reason:** To protect the amenity of the surrounding properties.

### **89. Sports field night play and illumination**

The sports field shall not be used for night play and its illumination by any means is prohibited.

**Reason:** To protect the amenity of surrounding residents.

### **90. Annual fire safety statement**

Each 12 months after the installation of essential fire or other safety measures, the owner of a building must cause the Council to be given an Annual Fire Safety Statement for the building. In addition a copy of the

statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

**Reason:** To ensure statutory maintenance of essential fire safety measures.

A Richardson  
**Executive Assessment Officer**

R Kinninmont  
**Team Leader Development Assessment**

C Swanepoel  
**Manager Development Assessment Services**

M Miocic  
**Director Development and Regulation**

**Attachments:**

1. Location Sketch
2. Zoning Extract
3. Architectural Plans
4. Traffic Report and Addendum
5. Landscape Plan
6. Headlamp Analysis