SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	2016SYW127
DA Number	DA0262/16
LGA	Ku-ring-gai
Proposed Development	Demolition of existing multi-purpose courts and construction of a new building containing two level of car parking, with roof level multi-purpose courts.
Street Address	29 Bancroft Avenue, Roseville
Applicant/Owner	Anglican Schools Corporation / Anglican Schools Corporation
Number of Submissions	Ten (10)
Regional Development Criteria (Schedule 4A of the Act)	'Private infrastructure and community facilities over $5 million'
List of all relevant s79C(1)(a) matters	• SEPP 55 – Remediation of Land • SREP (Sydney Harbour Catchment) 2005 • SEPP (Infrastructure) 2007 • Ku-ring-gai LEP 2015 • Ku-ring-gai DCP • Development Contributions Plan 2010 • Clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000
Is a Clause 4.6 variation request required?	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Have draft conditions been provided to the applicant for comment? Have any comments been considered by council in the assessment report?	The conditions were provided to the applicant at the same time that the report was provided to the Panel. Accordingly, no comments from the applicant have been considered in the assessment report.
List all documents submitted with this report for the Panel's	i. Plans and elevations

consideration	
Recommendation	Approval, subject to conditions
Report prepared by	Jonathan Goodwill – Executive Assessment Officer
Report date	

PURPOSE OF REPORT

To determine Development Application No DA0262/16 which is for demolishion of existing multi-purpose hardcourts, construction of a building with one level of basement parking, one level of semi-basement parking, roof level multi-purpose hardcourts, access and driveways and associated landscaping. The proposed car park is for the purposes of staff and Year 12 student parking and will increase the number of car spaces from 118 to 182. The additional car parking is designed to provide a sufficient number of car spaces to enable the maximum number of students to be increased from the current maximum of 830 to 1250. A separate application to increase the number of students was lodged at the same time as the subject application and is currently under assessment.

INTEGRATED PLANNING AND REPORTING

Places, spaces & infrastructure

Community Strategic Plan Long Term Objective	**Delivery Program** **Term Achievement**	**Operational Plan** **Task**
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with State and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

HISTORY

The site history:

Roseville College is primary and secondary school for girls located at No. 29 Bancroft Avenue, Roseville. The school was established in 1908. The facilities have been altered and extended over time in response to population growth and changes to educational requirements:

SITE HISTORY				
Type	**Application**	**Description**	**Decision**	**Date**
DA	298/82	Extensions to school premises. Student numbers limited to 700.	Approved	18/04/1983
DA	1762/88	Construction of multi-purpose hall at 4, 6 and 8 Recreation Avenue.	Approved	1/12/1988
DA	4655/95	Demolition of existing dwelling at 2 Recreation Avenue Roseville and use of the allotment as a school playground.	Approved	6/12/1995
DA	1499/00	Additions and alterations – School Master Plan. Student numbers limited to 830. At least 120 car spaces to be provided on site at all times.	Approved	14/08/2001
DA	824/05	Change of use of No. 19 Bancroft Avenue to an educational facility for deaf children.	Approved	13/01/2006
DA	322/11	Change of use of 24 Bancroft Avenue to an administrative centre for Roseville College.	Approved	28/09/2011
CDC	PCDC0109/09	Addition of two school classrooms and associated works to the existing hall. New amenities and link way to the adjacent junior school.	Approved	2/11/2009
CDC	PCDC0454/11	Refurbishment works to the existing Library building of Roseville College, involving 1st Floor extension and new 2-storey addition.	Approved	3/11/2011
DA	DA0369/13	Installation of a fence to allow school bus parking adjacent to Recreation Avenue and associated landscaping works.	Approved	14/02/2014
DA	DA0261/16	Increase the number of students from 830 to a maximum of 1250 from the year 2016 to 2030	Under assessment	N/A

THE PROPOSAL

(i) Demolition of the existing ground level multi-purpose courts near the eastern side boundary of the site and the bitumen roadway between the western side of the existing multi-purpose courts and the single storey school building formerly known as No. 31 Bancroft Avenue.

(ii) Construction of two levels of car parking accessed from Recreation Avenue for use by staff and Year 12 students only. One level is partially below ground and the other is entirely below ground. Proposed finishes include dark face bricks and off-form concrete frames for openings. The building has a setback of 4m from the eastern side boundary shared with No. 37 Bancroft Avenue and 11.2m from the street boundary to Bancroft Avenue.

(iii) The existing multi-purpose courts have dimensions of 34m x 34m. The proposed car park structure is located in a similar position to the existing multi-purpose courts and has dimensions of 44.6m x 37m. The new structure maintains existing setbacks from the Bancroft Avenue boundary and reduced setbacks to the existing JYC building to the south and the Rose Cottage building to the west.

(iv) Construction of two multi-purpose courts on the roof of the car park. The finished level of the roof is RL 86.38 which is 1380mm higher than the surface level of the existing courts which are to be demolished.

(v) Relocation of bus parking to the upper level of the new car park and conversion of the existing bus parking area into a waste management area.

(vi) Construction of a new maintenance facility and general storage areas within the car park.

(vii) Landscaping and access reconfiguration within the school to the west of the car park (at the rear of Rose Cottage)

(viii) Reconstruction of parts of Recreation Avenue to make good the deteriorating road surface (subject to a separate approval under the Roads Act).

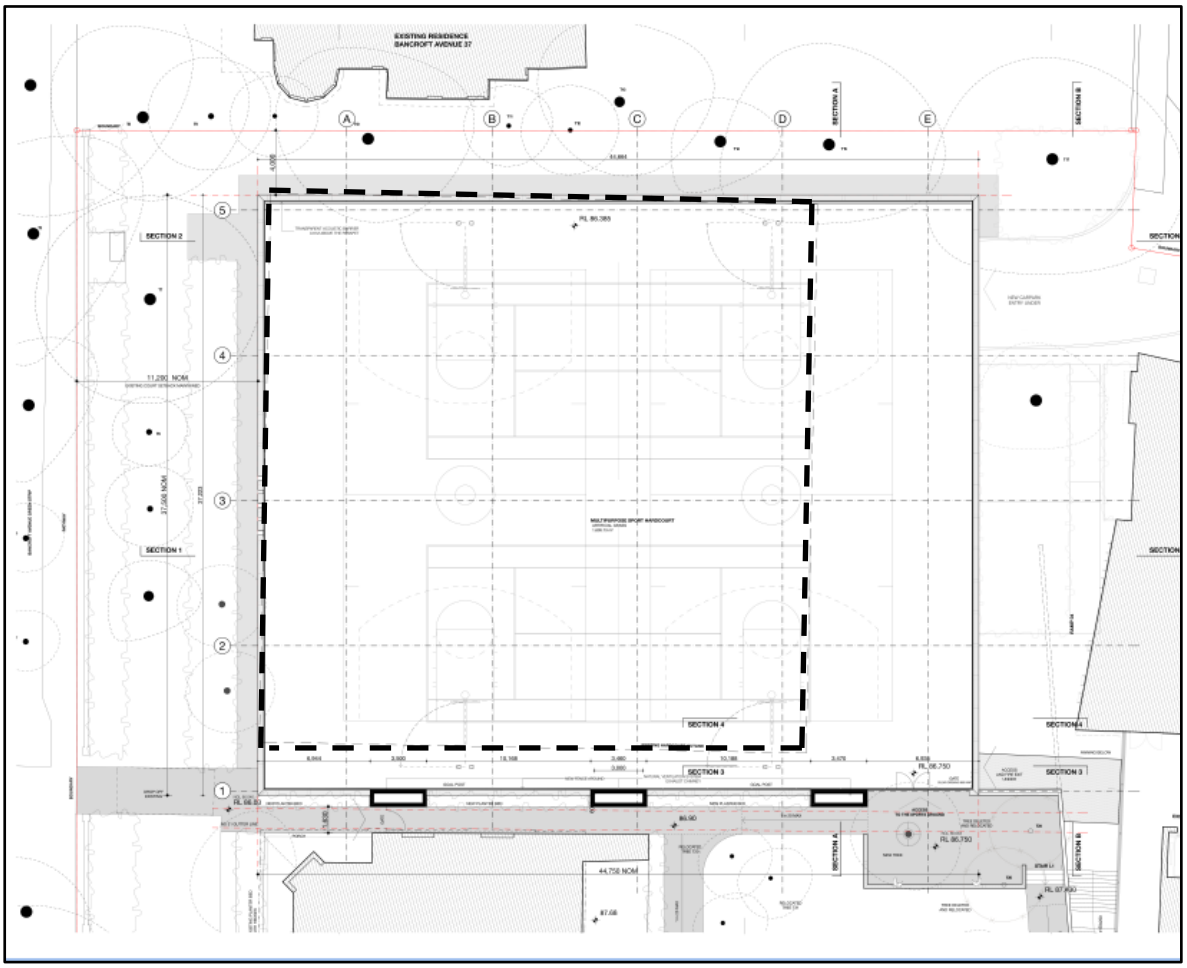

Figure 1 - Comparison between footprint of existing multi-purpose courts (heavy dashed line) and the proposed car park

THE SITE AND SURROUNDING AREA

The site:

Visual character study category	1920-1945
Easements/rights of way	Several easements identified on the survey
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within the vicinity of a heritage item	Yes: Nos 6,8,9, 10 19, 24, 26 & 28 Bancroft Avenue; andNos 16, 49, 50, & 52 Victoria Street.
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No
Within 25m of Classified Road	No
Within 25m of a rail corridor/tunnel	No

Site description:

The subject site is located on the southern side of Bancroft Avenue, between Hill Street and Wandella Avenue. The site also has a frontage to Victoria Street to the south and Recreation Avenue to the east. The main school campus comprises a single allotment known as No 29 Bancroft Avenue (Lot 2003 in DP 1084428). The school also utilises a heritage listed former dwelling house at No. 24 Bancroft Avenue (Lot 1 in DP 544047) for administration purposes. The school recently purchased No. 19 Bancroft Avenue (Lot 11 Section C in DP 5053) which shares a boundary with the main campus and the dwelling house at No. 37 Bancroft Avenue (Lot 18 DP 5035) which is opposite the site of the existing multi-purpose courts and the proposed car park / multi-purpose courts facility.

HISTORY

Pre DA

A pre-development application consultation for a proposal to demolish the existing multi-purpose courts and construct a two level basement car park with a student drop off and pick up facility, access from Recreation Avenue, egress to Bancroft Avenue and roof level multi-purpose courts was held on 23 July 2015. The applicant was advised that the key issues were:

- traffic impacts
- noise impacts
- visual impacts
- landscape screening
- ecologically sustainable development

Current Development Application

Date	Action
14 June 2016	Application lodged.
29 June 2016	The applicant was requested to submit further information to demonstrate that the provisions in clause 32 of SEPP (Infrastructure)

	2007 have been complied with.
1 July 2016	The application was notified to neighbouring property owners for a period of 30 days.
20 July 2016	The applicant submitted a letter advising that the Schools Facilities Standards referred to in SEPP (Infrastructure) 2007 were considered in the design and planning of the development application.
28 August 2016	The applicant was advised that further information which responds to the objections received by Council is required.
8 September 2016	The applicant advised that they have obtained a copy of Council's Landscape Officer comments and will provide additional information in response.
6 October 2016	The applicant was requested to provide an update on the timeframe for the submission of additional information.
21 October 2016	The applicant submitted additional information including: response to objections, revised stormwater plans with additional details, root mapping report, revised arborist report, additional traffic modelling, underground services identification survey.
16 November 2016	The applicant was asked to provide a copy of the previously requested construction staging plan.
18 November 2016	The applicant submitted a construction staging plan.

SUBMISSIONS AND COMMUNITY CONSULTATION

Community

In accordance with the notification controls of the Ku-ring-gai Development Control Plan, owners of surrounding properties were given notice of the application. In response, submissions from the following were received.

- Ken and Beverley Dunstan, 39 Victoria Street Roseville 2069
- Rod and Christine Aroney, 16 Bancroft Avenue Roseville 2069
- David and Vanessa Mulholland, 32 Bancroft Avenue Roseville 2069
- Barbara Walker, 1 Wandella Avenue Roseville 2069
- R & J Thurloe, 41 Lord Street Roseville 2069
- W R Nevill, 36 Lord Street Roseville 2069
- Bruce Meppem, 9 Bancroft Avenue Roseville 2069
- The Archbold Estate, PO Box 536 Roseville 2069
- Alan & Anita Pretyman, 4 Glencroft Avenue Roseville 2069
- Pam and Jon Denham, 2 Glencroft Road Roseville 2069

The following issues were raised in the submissions:

The area in front of the sports hall has been identified as a 'waste area' on the plans. This area is currently used for bus parking. A waste area is a different use to bus parking and this area should be concealed with a screen.

In response to this concern the applicant provided a plan showing planting in front of the new waste area. Accordingly, a condition requiring that the open palisade fencing be replaced with fencing to a maximum height of 1.8 metres and maximum permeability of 30% is included in the recommendation.

If the school's buses do not fit into the new car park where will they be parked?

The bus parking area is located in the upper level car park and has been designed for two small buses. The overhead clearance in the upper level car park is 2.8m. A small bus such as the Toyota Coaster, has a maximum height of 2.6m, therefore the 2.8m clearance height for the upper level car park will be sufficient.

The proposal will adversely affect the streetscape which has already been compromised by the increased footprint of Roseville College. The external form, bulk and height of the structure is out of character with the surrounding area.

The proposed structure has a parapet height of RL 87.70 and a maximum height of RL 90.20. The building reaches its maximum height on the eastern end of the northern elevation where the parapet has a height of 3.7m and the fence has a height of 7.3m. The building has a setback of 11.2 metres from the Bancroft Avenue boundary which is marginally greater than the setback of the existing house at No. 37 Bancroft Avenue which has a ridge height of RL 89.56. The height of the building is less than the height of the adjacent dwelling house, the street setback is consistent with the streetscape character and the proposed dark face brick material and landscaping will minimise the impact of the building on the streetscape.

The Lord Street/Bancroft Avenue Heritage Conservation Area is described by the DCP as, 'an intact portion of the wider draft HCA, characterised by single storey Federation Queen Anne style Housing. The proposed development is not of a bulk and scale that will compete with the existing streetscape of Federation Queen Anne style Housing, therefore it will not have an adverse impact on the significance of the heritage conservation area.

The noise from the multi-purpose courts will impact the amenity of adjacent dwelling houses.

An acoustic report was submitted with the application which included measurements of existing background noise levels and an assessment of the likely impacts of noise from the proposed development. The acoustic report noted that the key change between the existing and proposed multi-purpose courts is that the new courts are elevated higher above ground level. The report advises that a predicted noise level of 45dBA can be achieved at 37 Bancroft Avenue by a 800mm high acoustic fence above the parapet on the eastern side of the tennis court.

The streets surrounding the school are already subject to traffic congestion.

The proposal will increase the number of off street car spaces and reduces staff reliance on on-street car parking. Council's Development Engineer is satisfied that the increased traffic movements will not have any adverse impacts on the capacity of the road network.

The two levels of car parking should be located entirely underground instead of partly underground.

The western side of the carpark is located entirely underground, however, due to the slope of the land the eastern side of the car park is located partly above ground. Locating all the car parking underground would reduce the overall height of the building, however, as the height of the building is considered acceptable, additional excavation is considered to be unnecessary.

It is presumed that the proposed provision of additional parking meets minimum requirements of the Educational Facilities Standards and Guidelines (EFSG) to enable the proposed expansion in student numbers at the College.

The Educational Facilities Standards and Guidelines do not set car parking requirements for schools.

Additional planting in the landscaped setback area to Bancroft Avenue should be mature tree plantings.

The two new trees (Thatched Palms) in the landscaped setback area are mature plantings with a pot size of 100 litres.

Failure to demonstrate that adequate outdoor space and classroom space will be provided for the students

The proposed car park and roof level multi-purpose courts will not reduce the outdoor space and classroom space for students.

No master plan has been provided to guide future development of the school.

The planning controls do not require the preparation of a master plan.

Potential impact on the heritage conservation area as school seeks to physically expand to cater for the increased number of students

The subject application does not seek approval to increase the maximum number students.

Increased traffic from approved but not constructed apartments, i.e. 1-31 Victoria Road and the after school care facility in Lord Street should be considered in the traffic assessment.

The projected additional traffic movements that will result from the occupation of the apartments under construction at 1-31 Victoria Street Roseville have been considered in the assessment of the application by Council's Development Engineer.

Car parking arrangements for year 12 students should be specified.

Condition 23 requires that car parking for year 12 students be allocated in accordance with the parking rates specified by the DCP.

Recreation Avenue should be widened.

Council's Development Engineer has advised that Recreational Avenue is an access street with a low traffic speed, therefore, its width of 5 metres at the most narrowest point would be adequate for two oncoming cars to safely pass.

Existing traffic issues.

The existing traffic environment has been considered in the assessment of the application by Council's Development Engineer. The assessment found that the proposed carpark would not have a negative impact on the operation of the local road network.

An on site drop off and pick up facility should be provided.

Council's Development Engineer has advised that an on site drop off and pick up facility is not required as the school currently uses part of Victoria Street for student drop off and pick up purposes and that the parking survey carried out for the am and pm peak periods showed that on street parking spaces were available during these times.

Increased traffic on Recreation Avenue is a concern as driving past the school bus is difficult.

The school bus parking is being relocated from the bus parking bay off Recreation Avenue to the upper level of the proposed car park.

The school has outgrown its present site and should move one of its campuses to another side as most other schools have had to do.

The environmental impacts of the proposed car park have been assessed and are considered acceptable. The proposal is considered to be suitable for the site.

Referrals

Heritage

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

Heritage Status

> *The school site at 29 Bancroft Avenue, Roseville is not listed as a heritage item and is not within a Heritage Conservation Area (HCA).*
>
> *The school property adjoins two HCAs. "The Lord Street Bancroft Avenue, Roseville" HCA – Area C 36 in the Local Centres LEP is located to the north and western side of the school site. The boundary of the HCA includes the roadways, road verges and footpaths to the school's lot boundary. The north-eastern boundary of the site, including the property at No 37 Bancroft Avenue and Recreation Avenue is located in HCA, Area C 32 - "Clanville"; in the Ku-ring-gai LEP 2015. HCA Area C32 extends east to Archbold Road. The properties in Victoria Street between Hill Street and Spearman Street are not included in a HCA and have been rezoned for medium density development, some of which has occurred and some is under construction. However, the HCA in Victoria Street continues to the east past Spearman Street.*
>
> *The site is in the immediate vicinity of several heritage items, some located within the Local Centres Area and some located in the Ku-ring-gai LEP 2015 area including:*
>
> *Nos 6, 8, 9, 10 19, 24, 26 & 28 Bancroft Avenue; and*
> *Nos 16, 49, 50, & 52 Victoria Street.*
>
> *Nos 24 to 28 Bancroft Avenue are almost opposite the subject site but separated by the roadway, footpaths and street verges which are generally planted.*
> *The heritage provisions in Clause (4) of the LEP requires that before granting consent Council must consider the effect of the works on the nearby items or conservation area concerned.*

Clause (5) allows Council to require a HIS before granting consent.

In conclusion, the proposed works in this application as described above do not adversely affect the identified heritage significance of the adjoining heritage conservation area or that of the nearby heritage items and their settings.

Ku-ring-gai Development Control Plan

The following table is from Chapter 19 of the Ku-ring-gai DCP which applies to the proposed works:

19F Development within the vicinity of HCAs or Heritage Items	
19F.1 Local Character and Streetscape	
General 1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.	Yes
2 Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to: i) the form of the existing building or buildings including height, roofline, setbacks and building alignment; ii) dominant architectural language such as horizontal lines and vertical segmentation; iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; vi) setting and context; vii) streetscape patterns.	 Partially Partially No Yes Yes Yes Yes
Views	
4 New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	Yes
19F.2 Building Setbacks	
Setbacks	
1 The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply	No
Residential Context	
2 All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 20F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.	N/A
3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following: i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if side setback requirements are not met within the 12m) as per Figure 20F.2-2; ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades; iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 20F.2-2; Where variations in setbacks exist the larger setback will apply.	 N/A Yes Yes N/A

19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage	
1 Development in the vicinity of a Heritage Item or an HCA is to: i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting ii) retain the established landscape character of the Heritage Item or HCA. iii) include appropriate screen planting on side and rear boundaries.	 Partially Yes Yes

Form of the building

The proposed multi-purpose courts and carparks have little regard to the form or roofline of existing buildings in the HCA or nearby heritage items which are residential houses from the Federation and Inter War period set within individual gardens. However, this site is an established school and has a different architectural expression. The site of the structure is an existing tennis court. The height of the structure (excluding court fences) is similar to the existing dwellings in the HCA and the nearby items. The overall effect is a taller structure but similar in nature to the existing and incorporates car parking.

The front setback is the same as the adjoining dwellings and the existing tennis court structure on the site. In this context, the front setback, is considered acceptable

Removal of significant landscape features

Some tree removal is necessary for the proposed new structure. Mitigation is achieved by additional plantings along both the Bancroft Avenue frontage and side frontage to Recreation Avenue and additional new plantings to the rear of the structure.

Conclusions and recommendations

The overall concept of providing underground parking to the school is considered to have relatively low heritage impact on the visual setting of the HCA and nearby heritage items.

Cladding the external part of the structure with brickwork to match that commonly found in the HCA area and within the school is considered to be an adequate mitigation method together with the proposed plantings of rows of hedges to various heights along Bancroft Avenue.

Tree removal will be required but adequate new trees will be planted to buffer visual impacts of the proposed structure on the HCA and nearby heritage items.

The proposed underground parking structure and multi-purpose courts is considered to have low heritage impact on the streetscape of Bancroft Avenue, the setting of the nearby heritage items and adjoining HCAs.

As recommended in the Geotechnical report, vibration during excavations works should be kept low (3-5 mm/sec) to prevent damage to the structure at No 37 Bancroft Avenue and "Rose Cottage" a former dwelling located close to the proposed new structure.

The proposal is acceptable in terms of heritage considerations and no heritage conditions are necessary.

Landscaping

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

Tree impacts

The proposed development works are located within the SRZ and TPZ of numerous trees on site. An updated Tree Assessment Report has been submitted with the application. The following comments are made:

- *The removal of Tree 16 Jacaranda mimosifolia (Jacaranda) is acceptable. The tree does not have broader landscape value or significance and is a recent planting within the school grounds.*

- *The relocation/transplanting of Trees 18 – T25 Pyrus calleryana (Ornamental Pear) as recommended by the arborist and shown on the landscape plan is acceptable. The trees were planted as part of the development works for the construction of the Performing Arts Centre to provide landscape amenity and do not have broader landscape significance or value as they are young specimen trees. Due to their immature size they are viable for transplanting.*

- *Tree 7 is a mature Cedrus deodar (Himalayan Cedar) located within the Bancroft Ave site frontage. The tree is outwardly in moderate health and condition with previous canopy management (canopy reduction) evident. Previous development has located the hydrant within the SRZ which while having had an impact the tree is now recovering with terminal growth evident. The tree contributes positively to the streetscape and landscape character of Bancroft Ave and worthy of retention. The tree is proposed to be retained. The construction of the basement parking and multi-purpose courts in themselves would not adversely impact the tree as the development footprint is located at the same approximate setback of the existing tennis courts and additional encroachments are at an acceptable threshold at <10%. It is noted that the proposed pedestrian fire exit from the basement is approximately 0.9m below existing ground level requiring further excavation and the construction of a retaining wall or further regrading/excavation within the SRZ and TPZ to marry ground levels. It is conditioned for the fire exit excavation be limited with the addition of a retaining wall rather than the area being regraded.*

- *Tree 17 is a mature Liquidambar styraciflua (Sweet Gum) located adjacent to the eastern site corner. The tree is outwardly in good health and condition (deciduous at time of inspection) with some minor decay where previous limb removal has occurred. Structurally the tree is typical for the species. The tree is proposed to be retained. The tree has grown in association with the neighbouring tennis court and asphalt paths at grade, with an upright form and structure. Proposed development works include the basement car park/multi-purpose courts, vehicular access and drainage works within the TPZ. DA111 Issue A CTMP indicates construction access and a shaker pad within the SRZ and TPZ with a notation that the driveway to be above the root structure. It is conditioned for ground protection as per AS4970-2009 to be undertaken with the shaker pad above. It is assessed that the basement/multi-purpose courts structure*

while encroaching within the TPZ is at an acceptable threshold. The remainder of the works however increase the extent of encroachment beyond the 10% when assessed against AS4970-2009 and may have a significant impact. Plan DA110A notates a crest within the vehicular access to protect a tree root. Further details have been submitted which communicate how the root system is to be preserved. These are conditioned.

- *Development impact to other retained trees is at an acceptable threshold with the current design.*

Landscape plan/tree replenishment

The submitted landscape plan is accepted. To facilitate landscape amenity and privacy to 37 Bancroft Avenue conditions requiring additional screen planting are recommended.

Stormwater plan

The amended Stormwater Services Plan SW2 Rev 4 has satisfactorily addressed previous concerns regarding tree impact to T7.

Acoustic fence

The provision of a 2m high acoustic fence on the eastern boundary will require some minor pruning of existing trees. Pruning is minor and will not adversely impact structural form or viability.

Engineering

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

Water management

The stormwater design shows the multi-purpose courts acting as an on-site detention basin of a site storage of 110m3 which drains towards a grated drain along the north-eastern boundary which then conveyed and discharged to the existing kerb inlet pit in Bancroft Avenue via the existing stormwater outlet pipes.

Connection to the existing stormwater system in Bancroft Avenue has been investigated. A works-as-executed plan prepared by a registered surveyor has now been submitted to verify the existing stormwater pipes and pits. The plan shows 3 x 225mm diameter pipes from the development site connecting into Council's system containing a 600mm diameter pipe that runs directly opposite the road in Bancroft Avenue. Supporting hydraulic calculations also confirms that the existing drainage system to which connection is proposed has sufficient capacity to handle the post development flow.

Whilst a retention system was raised in the Pre-DA meeting, the requirement to install a rainwater reuse system would be impractical given the small area of landscaping proposed and its overall effectiveness. In this instance Council supports the recommendation by the design engineer to waive the requirements for rainwater retention and re-use to meet the 50% reduction in runoff days.

The captured stormwater is to be treated by using a proprietary pollution device 'Humeguard' gross pollutant trap and 'Humes jellyfish filter' located downslope of the detention discharge control pit prior to connection into Council's public drainage system. The results of the MUSIC Modelling confirm that the stormwater treatment standards / targets outlined in Ku-ring-gai DCP Part 24C.6 have been satisfied.

The Stormwater Management Drawings SW1/3 and SW2/4 prepared by Donnelley Simpson

Cleary Consulting Engineers and Civil Plans & Stormwater Quality Report dated 15 February 2016 prepared by Taylor Thomson Whitting are acceptable.

Vehicular access

The access to the new carpark under the sports court will be provided from Recreation Avenue. The proposed 6.5m wide driveway provides two-way traffic flow to access the first floor basement with a new ramp / tunnel connection to the lower basement accessed via the existing driveway off the existing JYC carpark.

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.

Drop off and pick up of students

Part 22R of the DCP states that provision for on site set down / pick up of students and a set down / pick up management plan is required. The proposed car park does not incorporate a student set down / pick up facility and the school currently utilises part of Victoria Street as a drop-off and pick up zone. Council's Manager of Traffic & Transport raises no objection to existing kerbside parking of up to 6 cars on the schools Bancroft Avenue being used as a new drop-off/pick-up zone if the application to increase the maximum number of students is approved. As the proposal relates to an existing school that has adequate on-street student drop-off and pick-up facilities a variation to the DCP requirement for an on site set down / pick up facility is supported.

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 and 1 space per 8 Year 12 students.

The proposal (under a separate DA currently lodged with Council) is to increase the student population to 1,250 by the year 2030. The current approval for the school permits a maximum population of 830 students. The projected staff and student numbers of the Year 2030 yields an off-street car parking requirement of 159 staff (159 spaces) and 135 Year 12 students (17 spaces) which requires a total parking of 176 spaces.

In summary, the proposal seeks provision of 182 spaces (68 spaces within the new car parking under the sports court). The proposed parking spaces satisfy the requirements of the DCP for future population, if approved. Existing visitor spaces accessed via Bancroft Avenue are proposed to be retained.

At present, the existing student drop-off/pick-up zone is located in the kerbside parking area in Victoria Street, along the school frontage. Council's Traffic Section has recently approved the extension of the drop-off/pick-up area from the existing pedestrian crossing to the western boundary of the school site by approximately 13 vehicles. No drop-off/pick-up is proposed within the new carpark. A survey was also carried out for the morning and afternoon peak periods which identified spare capacity of 9 and 3 spaces, respectively. The report also notes that no additional drop-off spaces will be required and 2 additional spaces would be required for the PM peak pick-up by the time the maximum student enrolments are achieved in the Year 2030. The additional drop-off /pick-up can be re-evaluated at a later date knowing that Victoria Street can accommodate the projected future pick-up demands. The additional drop-off and pick-up will require approval from Council's Traffic Section. Also of note, additional kerbside parking of up to 6 cars can be made available along the School's street frontage in Bancroft Avenue as a new drop-off/pick-up zone.

An addendum to the traffic report has been submitted which considers the residential flat buildings (RFB) currently under construction on the southern side of Victoria Street. The traffic

associated with the RFBs with regards to traffic movement during the PM peak will occur between 5pm – 6pm which is when the school is closed. The traffic associated with the AM peak, in this instance would be minimal given the split across the three basement carparks (two driveways located in Victoria Street and one located in Spearman Street) thus minimising any traffic movement near the School.

Traffic generation

A number of surveys were undertaken to identify the level of traffic activity generated by the existing student numbers. The survey identified a total of 165 vph dropping-off students during the AM school peak and 91 vph picking-up students during the PM school peak hour. Based on the traffic generation rates carried out by the survey and applying to the proposed increase in student numbers, the results yields a nett increase of an additional 83 vph and 43 vph for the AM drop-off and PM pick-up school peak periods.

The survey confirms that the projected additional traffic flows can be accommodated on the adjacent road network and will not have any unacceptable traffic implications in terms of road network capacity. It should also be noted that that the increase in traffic activity would be a result in the increase in student numbers expected to occur progressively till the year 2030 (if approved).

Construction & traffic management

An Environmental Site Construction Traffic Management & Excavation Plan has been submitted which is acceptable (in principle) in clearly identifying storage materials and the truck movements within the site. A Staging Construction Plan has also been submitted that shows how the operation of the existing JYC carpark and Sports Hall carpark will be maintained during the demolition, excavation and construction stages of the new carpark and sport courts. Two plans have been provided that shows construction vehicle/truck paths and a second plan for private vehicular traffic for staff and tennis club/art users.

A condition is recommended which requires 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. ***(Condition 9).***

It is also proposed that the first stage of excavation works would ideally be conducted in the vacation break at which stage, construction vehicles would be parking in the teaching staff car parking facilities.

For the construction stage, during school days, it is to be coordinated by traffic controllers with truck movements limited to minimise staff entry/exit from the car park.

Waste collection / bus parking bays

Swept paths for an 8m garbage truck to enter and exit the site in a forward direction utilising the existing bus parking bay via Recreation Avenue is acceptable. The garbage storage area is proposed to be relocated to the current bus parking area in Recreation Avenue and is collected by a private contractor.

The bus parking bays are proposed to be relocated within the new carpark. Swept paths have now been submitted for the 24 seater bus on the basement carpark plan. The proposed 24 seater bus has a height of 2.74m less than the 2.8m headroom clearance to access the basement carpark.

Impacts on Council infrastructure

Civil plans have been submitted for works along Recreation Avenue. Works include retaining wall and bridge barriers along the eastern side of the road. The public road would also need to be upgraded to include new kerb and gutter. ***Condition 24*** *requires that detailed design drawings for the new civil works is to be submitted and assessed by Council's Operations*

Department for approval under the Roads Act. The design drawings would also need to show sufficient details and including underground services for setting out for construction.

Geotechnical investigation

The preliminary investigation was undertaken, based on 3 boreholes near the vicinity of the proposed works. The boreholes identified fill of 0.5m of silty or sandy clays over clay ranging from 2 and 2.5m. Weathered shale and sandstone bedrock was encountered to a depth of 7m with layers of medium and high strength sandstone below. No groundwater was encountered in the boreholes during augering. Any seepage that does occur during excavation can be readily controlled by pumping from sumps in the excavation. Following completion of works, seepage water will be collected and pumped from the lower level basement to the stormwater disposal system. In this instance, there is no requirement that the basement be designed to be a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP nor a referral to the NSW DPI Water.

The report recommends that dilapidation surveys be carried out on adjoining properties (No. 37 Bancroft Avenue and Rose Cottage), footpaths and pavements prior to works commencing on site.

All recommendations, including any survey required prior to commencement of works, shall be carried out as specified within the report.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has been historically used for residential and educational purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not subject to the provisions that apply to the assessment of development applications as the site is not located in the Foreshores and Waterways Area.

State Environmental Planning Policy (Infrastructure) 2007

The application is subject to clause 32 of the SEPP which states:

(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),
(c) Schools Facilities Standards—Specification Standard (Version 01/11/2008).

The applicant has provided a statement certifying that the Standards were considered in the design of the development. The School Facilities Standards are detailed technical documents that include design principles and specifications for aspects of building design that are not detailed at development application stage. The School Facilities Standards have been reviewed, as the proposed development is for two levels of car parking and roof level multi-purpose court the standards have minimal application. It is noted that the provision of roof level multi-purpose courts is consistent with part

90.05.05 of the standard which states that site facilities for secondary schools should include a games court for physical education and other activities.

Ku-ring-gai Local Environmental Plan 2015

Ku-ring-gai Local Environmental Plan 2015 is the statutory LEP for the subject site.

In summary, the objectives of this plan are to:

- guide future development with respect to environmental, social, economic, heritage and cultural outcomes,
- provide housing choice,
- achieve land-use relationships that promote efficient use of infrastructure.

Permissibility

The site is zoned SP2 Infrastructure and the identified purpose of the land on the land zoning map is 'Educational Establishment'. The proposed works are consistent with the existing permissible use of the site as an educational establishment.

The zone objectives are:

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

The proposal is not of a type or design that is not compatible with or is likely to detract from the provision of new infrastructure. The proposed development is consistent with the identified use of the land and the objectives of the zone.

Development standards

The site is not subject to any development standards. It is noted that the height of the proposed multi-purpose courts is a maximum of 3.7m plus an additional 3.6m for the chain link fencing. Accordingly the maximum overall height is 7.3m which is less than the 9.5m height limit which applies to adjacent sites.

Part 5 Miscellaneous provisions

Clause 5.9 – Preservation of trees or vegetation

Refer to Landscape and Tree Assessment Officer comments.

Clause 5.10 – Heritage conservation

Refer to Heritage Advisor comments.

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. Additionally, the fill to be removed will be disposed of appropriately.

Clause 6.3 - Biodiversity protection

The site is not mapped as land comprising biodiversity significance.

Clause 6.4 - Riparian land and waterways

The site is not mapped as riparian land under Council's mapping system.

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, subject to conditions.

Ku-ring-gai Development Control Plan

KU-RING-GAI DEVELOPMENT CONTROL PLAN - COMPLIANCE TABLE		
SECTION A		
Part 2.1: Site Analysis		
Control	***Proposal***	***Compliance***
Development applications must contain a site analysis that includes: i) a sketch/diagrammatic plan with a legend; and ii) a written component.	An adequate site analysis has been provided.	YES
Part 13: Tree and Vegetation Preservation		
The proposal seeks consent for the removal of trees and works within the roof zone of trees which requires consent under the DCP.	Refer to Landscape and Tree Assessment Officer comments**.**	

SECTION B		
Control	***Proposal***	***Compliance***
Part 15: Land Contamination		
Refer to Council's *Contaminated Land Policy 2016* for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land.	The site has been used for educational purposes.	YES
Part 19: Heritage Items and Heritage Conservation		

Areas		
The site is in the vicinity of heritage items and a Heritage Conservation Area.	Refer to Heritage Advisor comments.	YES
SECTION C		
Part 21: General Site Design		
Part 21.1: Earthworks and slope		
Control	***Proposal***	***Compliance***
Development must be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	Level changes within the building footprint would not be perceptible from outside the building.	YES
Landscape cut or fill should not be more than 600mm above or below natural ground line.	Landscape cut or fill does not exceed 600mm	YES
A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.	YES	YES
Existing ground level is to be maintained for a distance of 2m from any boundary.	YES	YES
Retaining walls, excavated and filled areas shall be located and constructed to have no adverse impact on: • structures to be retained on the site; • structures on adjacent public or private land; • trees to be retained on site or on adjoining sites.	Proposed ramp construction will impact on existing trees to be retained on site. Refer to Landscape Officer comments.	NO
The design of the proposal must consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species.	The proposal is unlikely to have a significant impact on groundwater flows as no groundwater was encountered during the geotechnical investigation.	YES

Part 21.2: Landscape Design		
The site planning and design of developments must:		
i. retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality.	No impact on trees that are important to ecological processes.	YES
ii. consider subsurface/groundwater flows near bushland	N/A	N/A
Structures (including services) must be located outside the canopy spread of trees to be retained. This applies to street trees, trees on site and on adjoining sites.	Trees to be retained will not be impacted by structures or services.	YES
Disturbance of natural soil profiles must be minimised.	Disturbance of natural soil profiles primarily occurs within the footprint of the building.	YES
Existing ground level must be maintained beneath the canopy spread of trees to be retained.	YES	YES
The introduction of imported soils and disturbance of local seed banks must be avoided wherever possible.	The introduction of imported soils is not required.	YES
Vegetation retention must consider the following: i) healthy specimens that have a high Safe Useful Life Expectancy are to be the first priority for retention; ii) trees within heritage items or heritage conservation areas are to be assessed in terms of heritage significance; iii) mature trees and hollow-bearing trees within biodiversity areas are a priority for retention; and iv) while single trees may be ecologically important in their own right, or as part of a broader community, retaining and planting trees in groups.	Council's Landscape and Tree Assessment Officer has considered these provisions in his assessment of the application.	YES
Siting and choice of planting must consider: i) the desired function of the tree, shrub or groundcover (e.g. feature tree, provision of shade), screen planting, groundstabilising); ii) provision of solar access to dwellings and private open space areas on site and on adjoining sites; iii) the horticultural style of heritage item or heritage conservation area;	These provisions have been considered by Council's Landscape and Tree Assessment Officer in his assessment of the proposal. The proposed landscape plans provides an appropriate response to	YES

iv) the appropriate range of plant height and foliage density, water efficiency, aesthetic appeal and suitability to the characteristics of the site and location; v) the proximity of trees to buildings, walls and other structures on site and on adjoining sites; vi) the proximity of trees to stormwater, electricity, gas, sewer and other services; and vii) the potential hazard of planting types and densities on sites prone to bushfire risk (refer to Planning for Bushfire Protection 2006).	these controls.	
Planting beds for screen planting must be of adequate width to allow the plants to flourish.	YES	YES
The planting of species listed in Council's Weed Management Policy will not be permitted.	YES	YES

Part 22: General Access and Parking		
Part 22.1: Equitable Access		
Control	***Proposal***	***Compliance***
Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA).	An access report was submitted with the application. Ramped access is provided from the upper level basement to the ground level. Ramped access is provided from the lower level basement to the existing basement carpark of the adjacent building to the south which contains a lift. Two accessible car spaces are provided in the lower level basement. The proposed development is capable of providing access that complies with the relevant statutory provisions.	YES
Part 22.2: General Vehicle Access		
1 Except as provided in *Part 14 of this DCP*, car park entry and egress, for developments other than low density residential, must be provided from secondary streets or lanes where these are available.	The carpark is accessed from Recreation Avenue which can be described as a secondary street or lane.	YES

4 Vehicle and pedestrian access to buildings must be separated and clearly distinguished. Vehicle access must be located a minimum of 3m from pedestrian entrances.	The vehicle and pedestrian access point to the car park have been separated.	YES
5 Provide clear sight lines at pedestrian and vehicle crossings.	Pedestrians would not be required to cross the access driveway for the carpark	YES
7 For all other development types, driveway width is to comply with the table in the DCP. Greater widths will only be considered where it is required by RMS or Australian Standards relating to off-street parking and pedestrian safety.	YES	YES
9 Vehicles must be able to enter and leave the site in a forward direction.	YES	YES
10 Vehicle entries and service areas are to be set back or recessed from the main facade line and integrated into the overall façade design, so as not to dominate the building elevation.	The entry is set back from the boundary to Recreation Avenue.	YES
11 Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.	The proposed finishes are suitable for the proposed use and its proximity to the streetscape.	YES
12 Service ducts, pipes and storage facilities must not be visible from the street	YES	YES
13 External security doors may be provided where necessary. Security doors are to be of high quality material and detail and must blend into the building facade.	The roller shutters are set back behind the building.	YES
14 For driveways on sloping sites, where high retaining walls are required on both sides of the driveway, one wall is to be no higher than 1.2m. Where greater level change is required, the retaining wall should be stepped back and softened by landscaping. High solid walls should be relieved by: i) change in colour or finish; ii) recessing; and/ or iii) exposed brick or block work.	N/A	N/A

Part 22.3 Basement Car Parking		
1 A logical and efficient structural grid must be provided to the basement car park areas.	YES	YES
2 The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following: i) 2.5m for parking area for people with a disability; ii) 2.6m for residential waste collection and manoeuvring area; and iii) 4.5m for commercial waste collection and manoeuvring area.	YES	YES
3 Where natural ventilation is not possible, a ventilation system for the basement car park is to be provided and designed in accordance with *AS1668.2 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control*. Monitoring of CO2 and variable speed fans are to be provided with any basement car park mechanical ventilation systems.	The eastern side of the upper level basement is open to facilitate natural ventilation. Ventilation shafts that link the lower level basement to the open side of the upper level basement are also proposed.	YES
4 Basements must be fully tanked to prevent unnecessary subsurface or groundwater extraction.	A tanked basement is not required as no groundwater was encountered during the geotechnical investigation.	YES
6 Where ventilation grilles or screening devices are provided they are to be recessed and integrated into the overall facade and landscape design of the development.	YES	YES
7 Vehicle access ways to basement car parking must not be located in direct proximity to doors or windows of habitable rooms.	YES	YES
Part 22.4: Visitor Parking		
This section applies where visitor parking is required by this DCP. 1 Where visitor parking is required by this DCP, the spaces are to be provided on site and clearly marked. 2 Visitor parking located behind a security grille require	Visitor parking is not required for schools	N/A

an intercom system to gain entry. 3 At least one visitor parking space it to be accessible, designed in accordance with *AS2890.6*.		
Part 22.5: Parking For People With A Disability		
Appropriate number of accessible car parking spaces provided and designed in accordance with the provisions of AS2890.6.	The DCP states that 2-3% of the car spaces are to be provided as accessible car spaces. The proposal provides two accessible car spaces which satisfies these requirements.	YES
Part 22.6: Pedestrian Movement Within Car Parks		
Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting must be provided in all car parks. See *Austroads Guide to Traffic Management Part 11 - Parking*.	YES	YES
Part 22.7: Bicycle Parking And Facilities		
Bicycle parking and storage facilities are to be designed in accordance with *AS2890.3:*	Bicycle parking is not required for schools.	N/A
Part 22R.1 – Car Parking Rates		
1 space per equivalent full-time employee plus 1 space per 8 Year 12 students	The proposed car park will provide a sufficient number of car spaces to allow the maximum number of students to be increased to 1230. The proposal to increase the number of students is subject to a separate application.	YES
Provision for on site set down / pick up of students and a set down / pick up management plan is required.	Refer to Development Engineer comments.	NO

Provision is to be made for bus services in all applications made by schools.	Two bus parking spaces are provided in the upper level basement.	YES

Part 23 – General Building Design and Sustainability		
23.1: Social Impact		
Control	***Proposal***	***Compliance***
Proposals must consider the impacts of the development on nearby residents and users of the site.	YES	YES
A Social Impact Statement will be required in the case of proposals which are likely to have a significant social impact because they are likely: i) To contribute to social inequity; ii) To increase risk to public safety; or iii) To threaten the existing sense of community identity or cohesiveness.	The proposed use is not identified as one that is likely to require the preparation of an SIS.	YES
23.2: Green Buildings		
This section applies to all buildings that are not required to comply with BASIX standards. All new non-residential development must include Ecologically Sustainable Design measures.	The proposal presents limited opportunities for the inclusion of ESD measures. It is noted that natural ventilation of the carpark is proposed which will reduce electricity demand.	**YES**
23.3: Sustainability of building materials		
Where the use of timber is proposed, only FSC, AFS or PEFC certified timbers may be specified for construction or finishing. Medium Density Fibreboard (MDF) and particleboard must not be specified as a construction material for the development.	Compliance with this requirement is to be determined at CC stage.	N/A
The use of alternatives to PVC piping is highly encouraged including Colorbond (above ground only), and HDPE where appropriate.	Could be achieved by condition.	YES
The use of construction materials and chemicals with toxic components must be avoided, to facilitate recycling and reduce pollution.	Compliance with this requirement is to be determined at CC stage.	N/A
Structures must be designed with physical, rather than chemical, termite measures. This can be achieved by:	The car park is of concrete material and does not require	YES

i) appropriate materials and construction design; ii) physical barriers; iii) suspended floor systems.	termite protection.	
Low Volatile Organic Compounds (VOC) are to be used throughout the building interior (carpets, paints, adhesives, sealants and all other finishes), and low emission building materials are to be used across the site.	Compliance with this requirement is to be determined at CC stage.	N/A
Avoid the use of ozone depleting products and materials, or products and materials manufactured using ozone depleting substances.	Compliance with this requirement is to be determined at CC stage.	N/A
Avoid materials likely to contribute to poor internal air quality, such as those generating formaldehyde, or those that may create a breathing hazard in the event of fire, such as polyurethane.	Compliance with this requirement is to be determined at CC stage.	N/A
The requirements below apply only to non-residential development: i) use heavy weight building materials, such as concrete, as thermal mass on roofs and/or walls. Where lighter weight materials are used they are to be well insulated. ii) encourage the use of photovoltaic cells which can be mounted as panels, or used as an integrated building cladding or sun shading. iii) use light coloured internal finishes to improve internal reflections and minimise lighting use.	Selected finishes are appropriate for the alterations and additions.	YES
Part 23.4: Materials and Finishes		
External walls must be constructed of high quality and durable materials and finishes.	The structure is of concrete and brick construction.	YES
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	YES	YES
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	YES	YES
Highly contrasting coloured bricks are to be restricted to use on building elements such as sills, window heads, string courses and to assist in the division of the building into bays.	The use of highly contrasting coloured bricks is not proposed.	YES

Where building cladding is used, consider dual purpose solutions. For example, use of photovoltaic cells mounted on panels used for cladding.	A dual use material is not proposed.	YES
The appropriate colour scheme.	The colour scheme for the building is subdued and utilises dark tones which reflect the characteristics of the heritage conservation area.	YES
Part 23.6: Building services		
All applicants must consult with service providers such as energy, electricity, gas, water, telephone and fire.	Standard conditions of consent require consultation with service providers.	YES
Services and structures required by the providers are to be located within basements, or concealed within the facade, with appropriate access. Where this is not possible, the proposal must demonstrate an alternative method of minimising street impact, such as screening with landscape or built elements. Particular care should be taken in mixed use precincts to ensure substations and fire hydrants are not visible from the primary street and principal active street frontages.	YES	YES
Ventilation stacks are to be concealed within the building. Where they exhaust at street level (eg. from basements) they should be integrated within the design of the site.	YES	YES
Part 23.7: Waste Management		
All waste and recycling facilities must comply with the BCA and all relevant Australian Standards. All waste and recycling storage containers must be stored within the boundary of the subject site.	Compliance with the BCA and Australian Standards is a prescribed condition of the Environmental Planning and Assessment Act.	YES
Storage room Sufficient space must be provided within the premises for the storage and manoeuvring of the number of bins required to store the volume of waste and recycling materials. Sufficient space must be provided to adequately house any additional equipment to handle or manage the	YES	YES

waste generated.		
Access to collection point 9 The location of the waste and recycling room must be conveniently accessible and have unimpeded access for both occupants and collection service operators.	Waste will be collected from Recreation Avenue.	YES
Part 23.8: General Acoustic Privacy		
Buildings must be designed to minimise noise transmission by:	Appropriate noise attenuation measures have been incorporated into the design of the proposal.	YES
When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard must be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	Appropriate noise attenuation measures have been incorporated into the design of the proposal.	YES
Part 23.9: General Visual Privacy		
1. Private open spaces and principal living spaces of the proposed dwelling/s and adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential and non-residential developments.	The proposed side boundary setback, existing vegetation and new vegetation will minimise overlooking from the eastern side of the multi-purpose courts towards the dwelling house at 37 Bancroft Avenue. The likely privacy impact of the development is acceptable.	YES
Part 23.10: Construction, demolition and disposal		
Environmental Site Management Plan An environmental site management plan showing tree protection areas, machinery usage zones, storage areas, site sheds and location of stormwater pollution barriers is to be submitted with the application as per Councils DA Guide.	An adequate Environmental Site Management Plan has been provided.	YES
Waste Management Control 3 A Waste Management Plan (WMP) must be submitted	An adequate waste management plan has been	YES

with the application, in accordance with *23R.8 of the DCP.*	submitted.	
Stormwater Quality Control During Construction	Compliance with these controls is to be achieved via standard conditions of consent.	YES
Erosion and sediment control	An adequate erosion and sediment control plan has been provided.	YES
24 Water Management		
This Part facilitates development in achieving the requirements of the clauses titled 'Stormwater and water sensitive urban design' in KLEP 2015 and KLEP (Local Centres) 2012	Refer to Development Engineer comments	YES
25 Notification		
Notification is required to be undertaken in accordance with the provisions in this part of the DCP	The application has been notified in accordance with the requirements of the DCP. The submissions received are addressed above.	YES

Section 94A Development Contributions Plan 2015

As the proposal is for the purposes of an educational establishments and the cost of works exceeds $200,000 a section 94A contribution of $97,070 which is 1% of the estimated cost of works is payable. **(Condition 28).**

LIKELY IMPACTS

The likely impacts of the development are acceptable.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

PUBLIC INTEREST

The proposal is considered to be in the public interest as it will have acceptable environmental impacts and is a suitable form of development for the site.

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 DA0262/16 for demolition of existing multi-purpose courts and construction of a new building containing two level of car parking with roof level multi-purpose courts' on land at 29 Bancroft Avenue Roseville, 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 (new development)

The development must be carried out in accordance with 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
SKC01 Revision P3	Taylor Thomson Whitting	16/02/2016
SKC02 Revision P6	Taylor Thomson Whitting	16/02/2016
SKC05 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC06 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC07 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC20 Revision P3	Taylor Thomson Whitting	16/02/2016
SKC30 Revision P2	Taylor Thomson Whitting	16/02/2016
SKC40 Revision P1	Taylor Thomson Whitting	16/02/2016
SW1 Revision 3	Donnelley Simpson Cleary	4/04/2016
SW2 Revision 4	Donnelley Simpson Cleary	10/10/2016
DA531 Issue A	Studio GA	3/06/2016
DA0541 Issue A	Studio GA	6/12/2016
DA204 Issue A	Studio GA	3/06/2016
DA202 Issue A	Studio GA	3/06/2016
DA201 Issue A	Studio GA	3/06/2016
DA301 Issue A	Studio GA	3/06/2016
DA302 Issue A	Studio GA	3/06/2016
DA104 Issue A	Studio GA	3/06/2016
DA109 Issue A	Studio GA	3/06/2016
DA110 Issue A	Studio GA	3/06/2016
DA401 Issue A	Studio GA	3/06/2016
DA402 Issue A	Studio GA	3/06/2016
DA403 Issue A	Studio GA	3/06/2016

Document(s)	Dated
Acoustic Report prepared by Simon Kean	2/06/2016
Geotechnical Report prepared by Douglas Partners	1/02/2016
Stormwater Quality Report prepared by Taylor Thomson Whitting	15/02/2016
Access Review prepared by Morris Goding Accessibility Consulting	17/05/2016

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:

Plan no.	Drawn by	Dated
L03	KMD Design	8/06/2016
L04	KMD Design	8/06/2016
L05	KMD Design	8/06/2016
L06	KMD Design	8/06/2016

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

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

4. 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

5. 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.

6. 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.

7. 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

i. full road pavement width, including kerb and gutter, of Recreation Avenue
ii. 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.

8. Dilapidation survey and report (private property)

Prior to the commencement of any demolition 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 upon the following lands, has been completed and submitted to Council:

Address:
No. 37 Bancroft Avenue and Rose Cottage

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report**.**

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note:A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties 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 an 11 metre long 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.

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.

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.

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. 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.

Tree/Location	**Radius from trunk**
T4 *Agathis robusta* (Kauri Pine) North-west site boundary	3.0m
T5 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.5m
T6 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.0m
T7 *Cedrus deodar* (Himalayan Cedar) North-west site boundary	4.5m south-east, 9.7m elsewhere
T8 *Cupressus macrocarpa* (Monterey Cypress) Northern site corner in neighbouring site	4.0m
T9 *Melaleuca bracteata* (Honey Myrtle) Northern site corner in neighbouring site	3.4m
T10 *Jacaranda mimosifolia* (Jacaranda) North-east site boundary	2.0m south-west, 7.0m elsewhere
T11 *Callistemon viminalis* (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 *Fraxinus excelsior* (Ash) North-east site boundary in neighbouring site	2.5m
T13 *Pittosporum undulatum* (Native Daphne) North-east site boundary in neighbouring site	4.0m south-west, 7.2m elsewhere
T14 *Tristaniopsis laurina* (Water Gum) North-east site boundary	2.5m
T15 *Ulmus parvifolia* (Chinese Elm) North-east site boundary	2.8m south-west, 5.5m elsewhere
T17 *Liquidambar styraciflua* (Sweet Gum) Eastern development site corner	North-east side of proposed road/driveway, 11.0m elsewhere

Reason: To protect existing trees during the construction phase.

11. 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.

12. 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.

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

Reason: To protect existing trees during the construction phase.

13. 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.

14. Tree protection - avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) as per AS4970-2009 within the specified radius of the following tree/s is installed:

Tree/Location
T17 *Liquidambar styraciflua* (Sweet Gum) / 11.0m Eastern development site corner

NOTE: The proposed shaker pad (if required) is to be constructed on top of the required ground protection.

Reason: To protect existing trees during the construction phase.

15. 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.

16. 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 Environment Protection Authority 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 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 surrounding occupants 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 of surrounding residents and other properties during the construction process.

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

17. Amendments to design of waste storage area

The open palisade fencing and gates of the waste storage area depicted on Drawing No. DA541 are to be replaced with fencing/gates with a maximum height above existing ground level of 1.8 metres and maximum permeability of 30%.

Reason: To minimise the impact of the waste storage area on the character of the area.

18. 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:

Plan no.	Drawn by	Dated
L04	KMD Design	08/06/2016

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

i. To facilitate neighbour amenity additional evergreen screening shrubs, capable of attaining a minimum height of 3m, shall be planted adjacent to the north-east site boundary for the length of the multi-purpose courts. Plantings shall have a minimum pot size of 5 litres and spaced no more than 1.2m apart.
ii. The two plantings of *Howea forsteriana* (Kentia Palm) within the Bancroft Ave site frontage shall be amended to an ornamental tree species capable of attaining a minimum height of 5.0m

iii. The landscape plan shall include a notation that existing ground levels shall be maintained within 10.0m of T7 with the exception of the development footprint.

iv. The landscape plan shall be amended to include a low retaining wall surrounding the proposed fire exit stairs on the south-west and north-west sides.

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

19. 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.

20. 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.

21. 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 access road/driveway will be isolated pier or pier and beam construction within the specified radius of the trunk/s of the following tree/s, and that the surface is constructed with perforations as per the Tree Root Protection Detail by Taylor Thomson Whiting dated 27/09/2016:

Tree/Location	**Radius from trunk**
T17 *Liquidambar styraciflua* (Sweet Gum) Eastern development site corner	11.0m

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.

22. 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.

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.

23. Car parking allocation

A minimum of 1 car space per 8 Year 12 students shall be provided on site.

Reason: To ensure adequate car parking facilities are provided.

24. 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 Recreation Avenue:

The public road would need to be upgraded to include new kerb and gutter as well as works to include retaining wall and bridge barriers along the eastern side of the road. The design drawings would need to show sufficient details and including underground services for setting out for construction.

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.

25. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

26. 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.

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

27. 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.

28. 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** $97,070 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of $9,707,000.

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> 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:

29. 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.

30. 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:

i. The work must be carried out in accordance with the requirements of the Building Code of Australia

ii. 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.

31. 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.

32. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

33. 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.

34. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

35. 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:

i. 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
ii. display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
iii. be durable and weatherproof
iv. 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
v. 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.

36. 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:

i. compare the post-construction dilapidation report with the pre-construction dilapidation report
ii. 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.

37. 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:

i. appropriate excavation method and vibration control
ii. support and retention of excavated faces
iii. hydro-geological considerations

must be undertaken in accordance with the recommendations of the **Geotechnical Investigation Report dated February 2016 Ref: 85310.00** 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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
T4-T7, T10, T15, T17 On site	*1 week prior to the commencement of any works on site. *Certification of

	tree protection requirements as per consent conditions *At two monthly intervals during development works *At the completion of all works on site

Reason: To ensure protection of existing trees.

45. Treatment of tree roots

If tree roots are severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced AQF3 Arborist/Horticulturist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

46. 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:

Tree/Location	**Radius from trunk**
T1 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T2 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T3 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T4 *Agathis robusta* (Kauri Pine) North-west site boundary	3.5m
T5 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.5m
T6 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.0m
T7 *Cedrus deodar* (Himalayan Cedar) North-west site boundary	6.0m south-east, 9.7m elsewhere
T8 *Cupressus macrocarpa* (Monterey Cypress) Northern site corner in neighbouring site	6.5m
T9 *Melaleuca bracteata* (Honey Myrtle) Northern site corner in neighbouring site	5.4m
T10 *Jacaranda mimosifolia* (Jacaranda) North-east site boundary	4.0m south-west, 7.0m elsewhere
T11 *Callistemon viminalis* (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 *Fraxinus excelsior* (Ash) North-east site boundary in neighbouring site	2.5m
T13 *Pittosporum undulatum* (Native Daphne) North-east site boundary in neighbouring site	6.0m south-west, 7.2m elsewhere
T14 *Tristaniopsis laurina* (Water Gum) North-east site boundary	3.5m
T15 *Ulmus parvifolia* (Chinese Elm) North-east site boundary	3.8m south-west, 5.5m elsewhere
T17 *Liquidambar styraciflua* (Sweet Gum) Eastern development site corner	5.0m west, 11.0m elsewhere
T27 *Franklinia axillaris* (Gordonia) Bancroft Ave road reserve	2.0m
T28 *Franklinia axillaris* (Gordonia) Bancroft Ave road reserve	2.0m

Reason: To protect existing trees.

47. Approved tree works

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

Tree/Location	Approved tree works
T16 *Jacaranda mimosifolia* (Jacaranda) South-east development site corner	Removal
T18-T25 *Pyrus calleryana* (Callery Pear) Southern side of development area	Transplantation

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.

48. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius from trunk
T7 *Cedrus deodar* (Himalayan Cedar) North-west site boundary	9.7m
T10 *Jacaranda mimosifolia* (Jacaranda) North-east site boundary	7.0m
T13 *Pittosporum undulatum* (Native Daphne) North-east site boundary in neighbouring site	7.2m
T15 *Ulmus parvifolia* (Chinese Elm) North-east site boundary	5.5m
T17 *Liquidambar styraciflua* (Sweet Gum) Eastern development site corner	11.0m west

Reason: To protect existing trees.

49. 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
T1 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T2 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T3 *Lophostemon confertus* (Brush Box) Bancroft Ave road reserve	8.0m
T4 *Agathis robusta* (Kauri Pine) Northwest site boundary	3.5m
T5 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.5m
T6 *Prunus serratifolia* (Flowering Cherry) North-west site boundary	2.0m
T7 *Cedrus deodar* (Himalayan Cedar) North-west site boundary	6.0m south-east, 9.7m elsewhere
T8 *Cupressus macrocarpa* (Monterey Cypress) Northern site corner in neighbouring site	6.5m
T9 *Melaleuca bracteata* (Honey Myrtle) Northern site corner in neighbouring site	5.4m
T10 *Jacaranda mimosifolia* (Jacaranda) North-east site boundary	4.0m south-west, 7.0m elsewhere
T11 *Callistemon viminalis* (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 *Fraxinus excelsior* (Ash) Northeast site boundary in neighbouring site	2.5m

T13 *Pittosporum undulatum* (Native Daphne) North-east site boundary in neighbouring site	6.0m south-west, 7.2m elsewhere
T14 *Tristaniopsis laurina* (Water Gum) North-east site boundary	3.5m
T15 *Ulmus parvifolia* (Chinese Elm) North-east site boundary	3.8m south-west, 5.5m elsewhere
T17 *Liquidambar styraciflua* (Sweet Gum) Eastern development site corner	5.0m west, 11.0m elsewhere
T27 *Franklinia axillaris* (Gordonia) Bancroft Ave road reserve	2.0m
T28 *Franklinia axillaris* (Gordonia) Bancroft Ave road reserve	2.0m

Reason: To protect existing trees.

50. 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.

51. 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.

Species/From	**To**
T18-T25 *Pyrus calleryana* (Callery Pear) On site	As detailed on approved landscape plan L04 dated 08/06/16

Reason: To protect the trees during transplanting.

52. 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.

53. Replenishment trees to be planted

The 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 Policies. 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.

54. 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.

i. Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
ii. 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:

55. Acoustic measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the acoustic treatments and fencing as recommended by Simon Kean in Acoustic Report, dated 2 June 2016, have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifying Authority confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

Reason: To protect the amenity of surrounding residents.

56. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the external waste storage area adequately contains the waste bins and has been constructed so as to prevent any spillages from the waste area entering the stormwater drainage system.

Reason: To protect environmental amenity.

57. 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.

58. Certification of drainage works

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

i. the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
ii. the minimum retention and on-site detention storage volume requirements of Ku-ring-gai DCP Part 24 'Water Management' have been achieved
iii. retained water is connected and available for use
iv. basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3.
v. all grates potentially accessible by children are secured
vi. 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
vii. 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.

59. 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 appendices of 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.

60. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

61. Noise control - plant and machinery

All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises between the hours of 10.00pm and 7am. The operation of the equipment outside these restricted hours shall emit a noise level of not greater than 5dB above the background when measured at the nearest residential occupancy. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

62. Provision of visitor car parking

Outside standard school hours/days the car park is to be made available for use by people attending any functions/events held at the school.

Reason: To minimise demand for on street parking and reduce impacts on the amenity of the surrounding residential area.

Signed

Jonathan Goodwill
Executive Assessment Officer

Selwyn Segall
Team Leader Development Assessment South

Corrie Swanepoel
Manager Development Assessment

Michael Miocic
Director Development & Regulation