

SYDNEY NORTH PLANNING PANEL

Panel Reference	2016SYW248
DA Number	DA/1194/2016
LGA	Hornsby Shire Council
Proposed Development	Demolition of basketball and tennis courts and construction of an educational establishment and child care centre in two stages
Street Address	Lot 1 DP 1146779, Barker College, No. 91 Pacific Highway, Hornsby
Applicant	Barker College c/- PDML Architects
Owner	Barker College
Date of DA lodgement	28 September 2016
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a CIV of over \$20 million Cost of Construction proposed = \$23,908,130
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Hornsby Local Environmental Plan 2013 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 44 - Koala Habitat • State Environmental Planning Policy No.55 - Remediation of Land • State Environmental Planning Policy No. 20 - Hawkesbury-Nepean River • Hornsby Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Locality Plan • Site Plans • Floor Plans • Elevations & Sections • Landscape Plans • Shadow Diagrams • Materials and Finishes • Perspectives • Tree Location Plan • Clause 4.6 Variation
Report prepared by	Caroline Maeshian
Report date	13 July 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards **Yes**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions **No**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves demolition of existing basketball courts and tennis courts and construction of an educational establishment and child care centre in two stages.
- The proposal generally complies with the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *HLEP 2013* to vary the height standard. The submission is considered well founded and is supported.
- No submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1194/2016 for demolition of existing basketball courts and tennis courts and construction of an educational establishment and child care centre in two stages at Lot 1 DP 1146779, Barker College, No. 91 Pacific Highway, Hornsby subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 3 June 2009, Council approved Development Application No. DA/81/2009 for the alterations and additions to the existing Junior School and construction of a multi-purpose hall. The approved development included the provision of an increase in student numbers within the Junior School by 100 students.

On 15 April 2010, Council approved Development Application No. DA/83/2009 for the demolition of existing structures and construction of an educational establishment and child care centre for 80 children at Nos. 1-25 Clarke Road and Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga. A total of 120 children would attend Years K-2 at the campus directly opposite the Barker College Junior School. Stage 1 of the development has been constructed within the existing Preparatory School site.

On 28 September 2016, Development Application No. DA/1194/2016 was lodged for demolition of the existing basketball courts and tennis courts and construction of a new Preparatory School, including a child care centre and an extension to the Junior School Copeland Building in two stages.

On 22 November 2016, the applicant was advised that the Roads and Maritime Service (RMS) have raised concern with respect to the proposal and have requested that network

modelling be undertaken for the existing and future intersection performance at the key intersections.

On 9 November 2016, Council wrote to the applicant requesting additional information with respect to various matters, including the Clause 4.6 objection, acoustic report, site contamination investigation, hazardous materials survey and waste management.

On 14 and 17 November 2016, the applicant submitted additional information to address the concerns raised by Council on 9 November 2016.

On 19 December 2016, a further request for additional information raised concerns regarding the storage of waste and recycling bins, the loading and unloading facilities and a swept path analysis for Heavy Rigid Vehicles to show that safe entry and exit from the Junior school extension basement carpark. The applicant submitted additional information on 20 December 2016 to address this matter.

On 22 December 2016, the applicant submitted additional information to address the issues raised regarding the existing and proposed student numbers.

On 8 March 2017, the Sydney North Planning Panel considered the matter at its meeting and raised concerns that the open carpark deck provides poor street address and for the applicant to consider lowering of the car parking level. The applicant was requested to consider the provision of additional landscaping to screen the car park. At the meeting, it was discussed that a Section 96 application should be lodged to amend the approved DA/83/2009 for the demolition of existing structures and construction of an educational establishment and child care centre for 80 children at Nos. 1-25 Clarke Road and Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga.

On 30 March 2017, the applicant submitted a traffic assessment report to address the request by the RMS.

On 4 April 2017, a Section 96(1A) application was lodged for the amendment of DA/83/2009 for deletion of permanent Stages 2 and 3 of the approved Preparatory school and early learning centre buildings on the Unwin Road site.

On 4 May 2017, the applicant submitted amended plans to address the issues raised by the Planning Panel with respect to proposed levels of the Preparatory school building and landscaping.

SITE

The Barker College campus has an area of 15.753 Ha, and is bounded by the Pacific Highway, Unwin Road, Clarke Road and College Crescent. The school site falls from the Pacific Highway to the south to Clarke Road.

The main educational campus to the north of Clarke Road has a total area of approximately 14 hectares, and the staff residential area and K-2 school to the south of Clarke Road comprises 19 lots with a total area of 1.7 hectares. The site experiences an average grade of 7.5% falling to the south of the site.

Barker College comprises a Junior School, Middle School and Senior School with a variety of school buildings, playing fields and other school facilities. The existing Junior School is located at the southern end of the campus and is accessed from College Crescent and Clarke Road. The Middle and Senior School buildings are located towards the northern end of the campus. They are accessed from the Pacific Highway, College Crescent and The Avenue.

The current Barker College Preparatory school is situated across the road from the main Barker College campus on Clarke Road. The site presently contains the following:

- An entry and accessway off Unwin Road.
- A parking area and drop off / pick-up zones.
- Demountable buildings for use by Kindergarten, Year 1 and Year 2.
- Dwellings on Nos 1-7 Clarke Road for use as staff housing.
- Retention of dwelling 9 and use as part of the Early Learning Centre.
- Dwellings on Nos. 21-25 Clarke Road and dwellings 28, 28A, 30 and 30A.

Barker College is heritage listed with local listings for buildings (Item Nos. 465 - Barker College Junior school, 782, and 501) and the grounds (Item No. 501 – landscape).

The site within the Barker College Heritage Conservation Area (C1) under the provisions of Schedule 5 (Environmental Heritage) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

PROPOSAL

The proposal involves demolition of basketball courts and tennis courts and construction of an educational establishment and child care centre in two stages.

Stage 1: Preparatory School

The existing basketball courts and adjacent play area would be demolished and replaced with the new Preparatory building. The proposed height of the new building would be 3 levels, made up of an at grade carpark and 2 levels of learning facilities, which would be lower in height than the adjacent multi-purpose hall and the Junior School Copeland building.

The proposed Preparatory School building comprises the following:

- A 9 classroom facility with 2 classes for each child care centre (Pre-Kindergarten), Kindergarten, Year 1 and Year 2 associated amenities to each of the above teaching areas. For Pre-Kindergarten a child is expected to be 4 years old by the end of March.
- Practical activity teaching spaces on each of two floors.
- Hub/gathering space to accommodate large group gatherings of students and parents once a week maximum.
- Other staff and support spaces.
- A lower level car park to accommodate 50 cars.

- A first floor level bridge connection to the existing Copeland Building for all weather access to specialist teaching spaces within the Junior School.

The development of the Preparatory School would form Stage 1 of the development.

Should the Preparatory School or Junior School expand beyond two streams, Barker College seeks approval for the extension to the Junior School classrooms as Stage 2 of the development.

Stage 2: Junior School Copeland Extension

Two existing tennis courts would be demolished for construction of a 3 storey Junior school building to the east of the existing building Copeland building.

This extension to the existing Junior School Copeland building would include:

- A total of 8 class rooms being 4 classrooms each over two levels.
- A smaller hub space for a year group at each level.
- Practical or meeting space per floor.
- A 26 car space staff only carpark below accessed directly from Clarke Road.

The College have reviewed the operational difficulties with the existing Preparatory School on the Unwin Road site being separated from the main campus, and have lodged this current application seeking approval for the construction of a new Preparatory School on the main Junior School campus. A Section 96 application has been lodged to amend the approval for the existing Preparatory school and early learning centre on the Unwin Road site. The amendment involves deletion of the approved permanent stages of the development.

Student and Teacher numbers

Barker College seeks to expand the Preparatory School up to 4 classes x two stream format to accommodate 160 students and 12 teachers. A total of 8 new classrooms would be added to the existing Junior School to accommodate 170 students and 8 teachers.

Existing and proposed Barker College developments	Students numbers	Teaching Staff numbers
Kurrajong Centre development (DA/322/2007)	1990	315
Junior School Upgrade (DA/81/2009):	100	4
Early Learning Centre (DA/83/2009):		
Infants school	120	10
Child Care Centre	66	11
Out of School Hours care (OOSH)	-	2
Preparatory School (subject DA)	160	12
Junior School extension (subject DA)	170	8
TOTAL (excluding the Early Learning Centre - DA/83/2009):	2,420	339

ASSESSMENT

The development application has been assessed having regard to 'A Plan for Growing Sydney', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 A Plan for Growing Sydney and (Draft) North Subregional Strategy

A Plan for Growing Sydney has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North Subregion. The *Draft North Subregional Strategy* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development.

The proposed development would be consistent with 'A Plan for Growing Sydney', by providing additional services to support a growing population.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations".

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

2.1.1 Zoning of Land and Permissibility

The subject land is zoned R2 Low Density Residential under the *HLEP*. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the residents.*

The development is defined as an 'educational establishment' and 'child care centre' under the *HLEP* and is permissible in the zone with Council's consent. The proposed development

would provide for educational facilities for the current and future college population, thereby providing an educational service to meet the day to day needs of the local residents and the school community. Therefore, the proposal is consistent with the objectives of the zone.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5 metres. The height of the proposed Preparatory school building would be 11.9m and the existing to the Junior school building would have a height of 8.65m. The proposal does not comply with the maximum height provision.

2.1.3 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the *HLEP*. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone.

The proposed building has a maximum height of 11.9m and 8.65m above natural ground level which exceeds the 8.5 metre maximum building height prescribed under Clause 4.3 “Height of buildings” stipulated under the *HLEP*. The objective of the Height of Buildings control is to permit building heights that are appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The applicant has made a submission in support of a variation to the development standard in accordance with Clause 4.6 of the *HLEP*. The development application seeks to vary the development standard by a maximum of 3.4 m. The applicant states the proposed variation is considered to be consistent with the objectives of the control and is justified as follows:

- *The proposed variation in height meets this objective. The 8.5m height is less than presently exists in the area, on site and adjoining. The site and lands in the school ownership and campus are not residential in either function or form or are proposed ultimately to be part of the integrated educational establishment of Barker College. School buildings are by form and function different to residential developments and the objectives of the zone and height reflect the inappropriate residential zone on the site.*
- *The site constraints of the site particularly the slope away from the Pacific Highway, the heritage building heights, the heritage gardens and open space, the existing development on site designed to meet the heights of the heritage buildings and be consistent and in harmony with other buildings on site in both form and function all combine to enforce the building of the height as proposed and not the 8.5m of the generic R2 dwelling house height applicable across the Shire for R2 sites.*
- *It is considered the proposal is in the public interest rather than strict compliance with the height standard for the better environmental outcomes set out above.*

State Government Guidelines on varying development standards recommend considering the provisions of Clause 4.6 of the LEP and the ‘five part test’ established by the Land and Environment Court as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The proposed height variation and the submitted Clause 4.6 variation have been assessed against the established principle in the case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, by the Land and Environment Court. The judgement established that “To accept a departure from the development standard, the context of the site should be considered and it should be demonstrated that the development promotes the proper and orderly development of land as contemplated by the controls applicable to the zone of the land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the “environmental planning grounds” referred to in cl 4.6(4)(a)(i) of the LEP”. In accordance with the views expressed in this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the applicant for the Clause 4.6 variation request to be upheld.

The applicant’s submission to vary the Height development standard is considered well founded for the following reasons:

- The 1955 War Memorial Junior School building comprises three storeys and the recently approved additions to this wing are similarly 3 storey scaled structures. The proposed new Preparatory school would include a low pitched roof, which is lower than the tiled roof of the 1955 War Memorial Junior School building. The proposed addition to the existing Junior School building adopts the same setback and continues the same scale as the existing Junior school building,
- The proposed development would be consistent with the existing Junior School building in terms of scale, height, materials and finishes and architectural form,
- The car park and elevated playground section of the proposed Preparatory School building would be screened by dense landscaping to reduce the impact of car parking and scale of the elevated play ground on the streetscape,

- The additional height would not cause significant adverse impacts to existing residential properties on the southern side of Clarke Road in terms of overshadowing, visual impacts or view loss,
- The scale of the development is consistent and appropriate for the site and generally complies with the built form controls of the *HLEP* and *HDCP*, in particular maximum site coverage and minimum boundary setbacks.
- It is considered that strict compliance would significantly affect the functional operations of the new school buildings in relation to the existing Junior School including the access from Clarke Road. A reduction in the height of the buildings would involve excavation to provide basement car parking and a stepped building form which would result in the proposed buildings being inconsistent with levels of the existing Junior School courtyard, Copeland building and the multi-purpose hall.
- An accessible ramp provides access to the carpark level and the lift provides accessibility throughout the proposed Preparatory School building. Additional excavation would impede the ease of accessibility within the building; and
- The proposal could have attained additional floor space at the first floor level for the Preparatory School building and the Junior School Copeland extension. However, additional floor area within front setback area of the podium level would result in the reduction of the open outdoor play area for the Preparatory School and additional existing tennis courts adjacent to the Junior School Copeland building extension would have to be removed.

Considering the unique characteristics and context of the site, the proposal achieves a better environmental outcome and design excellence for the site in lieu of a design that would be compliant with the prescribed controls within the *HLEP* and the *HDCP*.

It is considered that the development in its current form achieves compliance with the objectives of the development standard “height”, complies with the zone objectives and achieves the principle established by the Land and Environment Court with regard to Clause 4.6.

Based on this assessment, it is considered that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case. Accordingly, the proposed variation to the permissible height standard for the site is supported by Council in this instance.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council. The property, Barker College is heritage listed with local listings for buildings (Item Nos. 465 - 1955 War Memorial Junior School, 782, and 501) and the grounds (Item No.501 – landscape) under the provisions of Schedule 5 (Environmental Heritage) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

Barker College is within the Barker College Heritage Conservation Area (C1) and is in the vicinity of heritage item No. 779, Nos.27-31 Clarke Road, Hornsby under Schedule 5 (Environmental Heritage) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

The following is an assessment with regard to the Heritage requirements of the *Hornsby Development Control Plan 2013 (HDCP)*.

Barker College Conservation Area

The applicant has submitted the following conservation management plans that provide a detailed historical background, heritage assessment, and policies for management, future use and development advice:

- *Barker College, Hornsby Heritage Conservation Plan 1998* prepared by M. Walker, B. van den Broek and K. Proust (1998 CMP); and
- *Barker College, Hornsby Conservation Management Plan, October 2015*, prepared by Paul Davies (2015 CMP) submitted under DA/1194/2016.

Barker College, Hornsby Heritage Conservation Plan 1998 (1998 CMP)

The 1988 CMP identifies the Junior School war memorial building (built circa 1954/55), designed by architect John K Shirley is identified as having Moderate significance (2) with the basketball courts having low significance. Some of the relevant heritage policy of the 1998 CMP includes retention of significant physical evidence from each period of history; use of red/brown bricks as the dominant material of outer walls; establishing garden areas associated with new buildings/facilities; predominant scale of buildings two-storey with some buildings three or four stories made practicable because of the fall of the land. Avoid removal/demolition of any feature of high or moderate heritage value.

Barker College, Hornsby Conservation Management Plan, October 2015 (1995 CMP)

The 1995 CMP identifies that the listing of the Junior School memorial building is considered unnecessary due to recent wing additions to this building. It is stated that the Junior School is stated to have significance as a “*well designed purpose built junior school and even with its recent major upgrade the early building forms are clear and discernible.*” A medium level of significance is attributed to the Junior School war memorial school building. The policy recommendations states that “*the complex has been significantly reworked and altered to accommodate new classrooms and areas. There are no constraints on future works to the classroom area.*” The war memorial Junior School building is identified as having medium significance, as the core building remains, with major re-design, additions and re-purposing.

In addition, the applicant has submitted a Statement of Heritage Impact (SHI) relies on information provided in the 2015 CMP and notes that the building completed in 1955 is the work of John K Shirley’s partner Allan Bruce Colvin. The SHI overall assessment raises no issues regarding the impacts of the proposal.

Sections 9.3, 9.3.11 and table 9.3.11(a) of the Barker College Heritage Conservation Area (HCA) includes relevant measures such as retaining the predominant scale of two storeys and use of red/brown bricks as the dominant material of walls. These are discussed below:

2.1.4.1 Form, scale and mass

The 1998 CMP recommends that the predominant 2 storey scale of buildings should be continued. However, a 3 or 4 storey building may be possible where slope permits. The 2015 CMP provides no specific guidance for the future scale of the Junior School, other than “*there are no constraints on future works to the classroom area.*” The HDCP guidelines’ regarding scale and appearance is relevant to the proposal. This assessment addresses the impact of the new buildings on the Barker College HCA and the Junior School war memorial building which has moderate/medium significance as identified in both CMPs.

The Junior School 1955 war memorial hall building presents as 3 storeys on the Clarke Road elevation. This elevation contains similarly scaled 3 storey brick additions approved circa 2011 and completed in 2013. The proposed development is for 3 storey buildings in appearance, with basement car parking. The proposed new additions, whilst not 2 storey in appearance, continue the same scale as the existing 1955 building and 2013 wing additions. In this regard, the proposed new buildings would not be inconsistent in height with the existing Junior School buildings. The Junior School is well separated from the significant original school buildings which front the Pacific Highway.

The proposed car park and elevated playground section of the development located on the College Crescent and Clarke Road frontage, is not a typical form of development found on the grounds/conservation area and would result in the loss of the current large landscaped corner of Barker College. However, this corner has undergone change over time, from paddocks, to residential cottages to school grounds and has a lesser overall significance than the Pacific Highway component of the site. Whilst the scale of the new buildings are large, modern and contemporary in design, it is considered that this section of the grounds can accommodate the proposed development (adding another layer to the physical history of the school), whilst conserving the significant components of the much larger scale grounds of Barker College.

Notwithstanding the above, the visual impacts of the new buildings, car park and elevated playground have been reduced through screen planting (dense evergreen vegetation/trees). The loss of trees and landscaping should be compensated with additional trees/landscaping on the College St and Clarke Road street frontages of the Junior School.

2.1.4.2 Landscaping

The 1998 CMP identifies the open space along Clarke Road and College Street to have moderate significance, and recommends “*investigation of options to retain*” and “*remove only to provide a function that cannot be provided elsewhere by long term planning; for trees by detailed investigation and design to retain if possible.*” The basketball court is identified as having significant function which may be replaced by a component with similar function or character. An English Oak tree on the College Street frontage is identified in the 1998 CMP as having high significance as a landmark tree. However, this tree was approved for removal in 2013 due to poor condition/health.

The 2015 CMP provides minimal guidance on the landscaped areas and generally provides that the Junior School has no significant heritage values. This CMP states the Junior School has reached its capacity in terms of redevelopment of the existing facilities.

Part 9.3.3 of the *HDGP* prescribes that traditional landscaping should be retained, however, where trees/landscaping are removed, these should be replaced with similar trees and landscaping.

Although the proposal is generally not consistent with the 1998 CMP, there is scope for alteration of the landscape in this part of the grounds due to the more modern and contemporary character of the Junior school and separation from the earlier significant sections of the College. The revised landscape plan identifies additional planting along the perimeter of the new buildings and retention of the existing hedge on Clarke Road. This would maintain the 'green' edge, characteristic of the majority of the school street frontages of the HCA and would also provide screening of the undercroft car park from the street and elevated playground on the streetscape. It is recommended that a condition be imposed requiring amendment of the landscape plan to include an English Oak or similar within the setback area to College Crescent.

2.1.4.3 Finishes/materials

The materials and finishes of the new buildings include face brick work, painted cladding and glazing. The face brick work is consistent with the main material found within the existing school grounds. The new Preparatory School building is not predominantly brick, but the physical separation from the significant original buildings fronting the Pacific Highway limits this impact. The evolution of building styles on the Junior School site is an acceptable impact on the overall significance and history of the school's development as a whole.

The painted sections of the proposed building facing College Crescent and Clarke Road were previously requested to be dark toned recessive colours. The applicant has provided detailed information and a revised colour palette. On review, it is recognised that the revised colour palette, reflects the colours found on the existing Junior School buildings, such as the hall. These colours include light grey cladding, dark grey cladding, face brick work and white trim on the concrete basement of the hall. The windows are proposed to have a 'vitabond' timber look cladding. The proposed colour palette detailed in the applicant's submission dated of 30 March 2017 is considered acceptable.

However, a condition is recommended requiring the proposed fencing around the elevated carpark area, to be painted black in order to be visually recessive in the landscape.

In accordance with the requirements of *HDGP* and the applicable CMPs, the proposed works would not adversely impact the overall significance of the school grounds, HCA or items in the vicinity. Subject to replacement of trees removed, including the English Oak tree (College Crescent) and dense screen planting of the car park/new buildings, no further heritage concerns are raised.

2.1.5 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

A geotechnical investigation was prepared by Douglas Partners dated July 2009. The investigation makes a number of recommendations to be implemented during the construction

phase of the development. A condition has been recommended for the development to be carried out in accordance with the recommendations within the report. Further conditions are recommended for excavated material to be disposed of at a licenced facility and for all fill that is to be imported to the site to consist of Virgin Excavated Natural Material (VENM).

The proposal is assessed as satisfactory with regards to Clause 6.2 of the *HLEP* subject to conditions.

2.1.6 Terrestrial Biodiversity

Clause 6.4 of the *HLEP* applies to the proposal as part of the site is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. This Clause requires Council to consider whether the development is likely to adversely impact on the ecological value of flora and fauna and for Council to be satisfied that development has been designed, sited and managed to avoid any significant adverse environmental impact.

The site contains Blue Gum Shale Forest which is listed as a Critically Endangered Ecological Community under the *Commonwealth Environment Protection and Biodiversity Act 1999* and the *NSW Threatened Species Conservation Act 1995*. The Blue Gum Shale Forest is located to the north of the existing school oval and would not be impacted by the proposed development.

2.2 State Environmental Planning Policy No. 44 – Koala Habitat Protection

The proposal has been assessed against the provisions of *State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)* which aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The provisions of *SEPP44* apply to the proposal as the site area is greater than 1 hectare. The proposal requires assessment of whether the site is a 'potential koala habitat', which is defined as areas of native vegetation where at least 15% of the trees on site constitute koala feed species.

The application includes an Arboricultural Impact Assessment prepared by ArborSafe. The report do not identify the presence of any koala feed trees listed under Schedule 2 of the Policy. The site is therefore not considered a 'potential koala habitat' and no further investigations are required for the purpose of *SEPP44*.

2.3 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*. This Policy provides State-wide planning controls for development adjoining busy roads and rail corridors.

2.3.1 Development in Rail Corridors

The development is located opposite the Main Northern Rail line and would require excavation within 25 metres (measured horizontally) of the corridor. Therefore, the development requires concurrence of Sydney Trains under Clause 85 and 86 of *SEPP Infrastructure*. The proposal would require minor excavation for the basement level and therefore the application was referred to Sydney Trains for comment.

Sydney Trains assessed the application in accordance with the requirements of Clause 86 of the *SEPP Infrastructure* and has granted concurrence to the development proposed subject to conditions.

2.3.2 Impact of rail noise or vibration on non-rail development

Clause 87 of *SEPP Infrastructure* applies to the development as it would be impacted upon by the noise and vibration from the rail corridor. Sydney Trains assessed the application in accordance with Clause 87 of the *SEPP Infrastructure* and has recommended a condition to be imposed requiring the implementation of acoustic treatments in accordance with the provisions of '*Development near Rail Corridors and Busy Roads – Interim Guideline.*'

Council's assessment of the proposal considers that the development is satisfactory subject to the implementation of the recommended conditions.

2.3.3 Traffic Generating Development

The development is categorised as a traffic generating development in accordance with Clause 104 and Schedule 3 of the *SEPP* as it would result in an increase the current student numbers of the school.

The application was referred to Roads and Maritime Services (RMS) in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. The RMS reviewed the submitted traffic study prepared by Better Transport Futures and raised concerns regarding the traffic modelling approach as the analysis had not been performed for all the key intersections around the school site. The RMS requested the applicant to provide additional network modelling analysis using SIDRA modelling software to determine the existing and future intersection performance.

In response to the request by RMS, the applicant submitted additional traffic modelling information prepared by TEF Consulting dated 23 March 2017. The additional traffic modelling was referred to Roads and Maritime Services (RMS) for comment. The RMS reviewed the additional traffic modelling information and raised no further objection to the application.

2.3.4 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land*, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

Historical information and an inspection of the site and surrounding areas indicate that the site has been used for school purposes and the site, prior to 1950 was used for residential housing. The existing houses were demolished and the original Junior School was built in 1950s. The area to be developed is currently occupied by basketball courts and two tennis courts.

Previous site testing was carried out for the recently constructed multi-purpose hall and Junior School development. The applicant has submitted a copy of the Geotechnical Investigation report prepared by Douglas Partners Report dated July 2009 and a Hazardous Materials

Register dated 2013. A condition has been recommended requiring a site remediation verification be submitted verifying that, prior to occupation of the buildings, the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites-Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Geotechnical Investigation Report prepared by Douglas Partners dated July 2009 have been complied with.

2.4 Children (Education and Care Services) Supplementary Provisions Regulation 2012

NSW Education and Communities regulates the licensing and operation of child care centres in accordance with the above Regulation. Clause 28 of the Regulation provides for the functional space requirements of child care centre premises.

The following table sets out the proposal's compliance with the Regulation:

Control	Proposal	Compliance
Consultation Room	Office / Interview Room	Yes
Respite Staff Room	Staff Room	Yes
Min 3.25m² Indoor Play Space per child	140.3m ²	Yes
Min 7.0m² Outdoor Play Space per child	>280m ²	Yes
Laundry	Preparation room provided	Yes
Separate Sink Craft Area	Indoor/outdoor areas include craft sinks	Yes
Toilets and Washing Facilities	Three bathroom/toilets for children and two toilets for staff	Yes
Storage Facilities	Storerooms – Indoor and Outdoor	Yes

The proposal would meet NSW Education and Communities regulatory space requirements for the operation of a child care centre.

A minimum of 4 qualified teaching staff would be required for the proposed centre in compliance with the respective staff/child ratios as follows:

- 1:10 for children between 3 and 6 years (40 children = 4 staff)

A condition is recommended that the outdoor play space be adequately shaded in accordance with *The Shade Handbook, published by the New South Wales Cancer Council* in 2008 prior to the issue of the Occupation Certificate.

The proposal is assessed as satisfactory with respect to the provisions of the *Regulation*. The applicant has not submitted a Plan of Management for the operation of the child care centre

consistent with the *Regulation* and relevant to the site. A condition is recommended for the requiring the preparation of a Plan of Management in respect to the regulatory requirements for the operation of the centre.

2.5 Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (draft SEPP) has been subject to public consultation which ended on 24 March 2017 by the Department of Planning and Environment.

The *draft SEPP* makes provision for consideration of design quality principles and includes a provision which declares major school expansions over \$20 million CIV as State Significant developments.

In addition, the *draft SEPP* makes provision for compliance with the space requirements of the *Education and Care Services National Regulations* and the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* and requires the concurrence of the Regulatory Authority for the approval of proposed child care centres that do not comply. The *draft SEPP* includes non-discretionary development standards and requires consideration of the *Child Care Planning Guideline* which includes development control measures for child care centres and excludes certain requirements under existing Development Control Plans.

The proposed child care centre complies with the space requirements of the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* and would not be inconsistent with the provisions of the *draft SEPP* or the *Child Care Planning Guideline*. It is noted a maximum total number of child care centre places is not a matter for consideration in either the *draft SEPP* or the Guideline.

The applicant submitted a statement in respect to the provisions of the *draft SEPP*. It is considered that the proposed child care centre and educational establishment would comply with the draft provisions.

2.6 Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirements of the Policy.

2.7 Clause 74BA Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

Clause 74BA of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.8 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Hornsby Development Control Plan - Part 7 Community			
Control	Proposal	Requirement	Compliance
Site Area (Main campus)	14 ha	NA	NA
Site Frontage	All frontages are >60m	Min 60m	Yes
Height	11.9m Prep School 8.65m Junior School Extension	Max. 8.5m	No*
Number of Students Existing (excluding the Early Learning Centre - DA/83/2009): Proposed:	2090 students 2420 students	N/A N/A	N/A N/A
Site cover	<30%	30%	Yes
Setbacks Preparatory School (Clarke Road/Colle Crescent): Junior School building (Clarke Road):	6m 8m	6m 6m	Yes Yes
Landscaped area	>45%	45%	Yes

Recreation Space - Educational establishment (Kindergarden, Year 1 and 2 and Junior School extension) (20m ² per student) - Pre-Kinder (40 Children): Outdoor (15m ² per child) - Pre-Kinder (40 Children): Indoor (3.25m ² per child)	>5860m ²	5860m ²	Yes
	1124.6m ²	600m ²	Yes
	140.2m ²	130m ²	Yes
Parking	76 spaces	30 spaces	Yes

As detailed in the above table, the proposed development complies with the relevant prescriptive measures stipulated within the *HDGP* other than the maximum building height. Below is a brief discussion on the relevant development controls under the *HDGP*:

2.8.1 Scale

As discussed previously in this report, the height of the development exceeds the 8.5m building height requirement. The height of both buildings would be three levels, comprised of lower level car parking and two levels of classrooms. However, the proposed buildings would be lower in height than the adjacent multi-purpose hall and the existing Copeland Junior School building. The scale, form, character of the development is considered acceptable for its intended use and relates to the site's constraints.

On 8 March 2017, Council briefed the Sydney North Planning Panel on the proposed development. The Planning Panel raised concerns with the appearance and treatment of the open deck car park for the proposed Preparatory School building. To respond to these concerns, the applicant provided the following response:

- *The Hub and lobby space serves as a frequent ceremonial space for the Preparatory School. The levels are strategically set to allow for direct access into the existing multi-purpose hall (MPH) for larger ceremonies and would allow the MPH to act as a wet weather play area for younger students.*
- *The Preparatory School has two floors of teaching space, with the youngest of the students, the Pre-Kindergarten and Kindergarten would be located at the ground level to minimise changes of levels for small children.*
- *The siting of the proposed Preparatory School building is determined to maximise solar gain to habitable spaces such as north facing classroom and the Pre-Kindergarten play area [child care centre]. Lowering of the building would limit solar access to the classrooms given the physical dominance of the existing MPH building to the north.*

- *As the College grows and demographic evolves, given that year groups change in demand over time, the Preparatory School design has the flexibility to allow Year 2 students to be housed in the existing Copeland Building via the upper level bridge. However, Year 2 is still an integral part of the Preparatory School and requires those students to utilise the Preparatory School main entry. The bridge link allows classroom group sizes to move between the buildings in an efficient manner.*

Linking the buildings via an all weather access at the ground level was not an option, given the importance of the Clarke Road entry to the site for bus students and parents on function and sport days.”

Given that lowering the level of the car park and outdoor play area would significantly affect the functional operations of the new school building in relation to the existing Junior School, the lowering of the car parking deck would not be practicable. Notwithstanding, the applicant has submitted revised landscape plans demonstrating additional dense screen planting in front of the open car parking area and climbing plants. The additional landscaping has been achieved by removing existing Barker College signage at the corner of Clarke Road and College Crescent and reducing the grassed maintenance path to 2 metres.

2.8.2 Setback

The *HDCP* requires a minimum front setback of 6 metres to be provided for the proposed development. The Preparatory School building would be setback 6 metres from College Crescent and Clarke Road. The Junior School extension would have an 8 to 10 metre setback from Clarke Road.

The setbacks proposed are compatible with the existing Junior School Copeland Building and would be compatible with adjacent residential development. The proposed setbacks would allow for sufficient area for landscaping to be provided on the site.

It is considered that the proposed buildings satisfy the ‘Setbacks’ requirement stipulated under the *HDCP*.

2.8.3 Landscaping

The *HDCP* requires a minimum of 45% of the site to be landscaped. The proposed development exceeds the minimum required landscape area.

A revised landscape plan has been submitted showing removal of the existing signage on Clarke road and reduction to the width of the landscaping maintenance area. This enables increased landscaping and screen hedge planting to be provided within the 6 metre setback. It is considered that the increased landscape plantings would be appropriate to sufficiently screen and reduce the impacts of the raised open car park and podium level outdoor play area from College Crescent and Clarke Road streetscape. With the removal of the existing school signage any new signage that is proposed would require further Council approval.

The proposed landscaping has been designed to fit with the design of the buildings and is considered acceptable.

2.8.4 Open Space

Section 7.1.5 of the *HDCP* requires a minimum outdoor play area of 15m² per child for existing school sites for child care (Pre-Kindergarten) and a minimum of 20m² per student for an educational establishment.

The applicant submitted additional information indicating that the new podium outdoor play area with an area of 1124.6 m² would be used by the Pre-Kindergarten and Kindergarten students. These classrooms are located on the podium level would have direct access to the outdoor play area. Whilst Year 1 and 2 would have access to the podium outdoor play area, Year 1 and 2 would be encouraged to play in the existing Junior School courtyard and open grass oval. It is considered that there is sufficient play space in the new podium playground to cater for the Pre-Kindergarten and Kindergarten school student population and there is sufficient area available within the existing school to cater for the proposed Junior School expansion.

2.8.5 Privacy, Security and Sunlight

The proposed development is located within the existing school grounds and is set well back from private residential boundaries. The closest residential properties are the existing dwellings located on the southern side of Clarke Road. The shadow diagrams indicate the shadows cast by the proposed buildings would fall within the road reserve of Clarke Road. In addition, the proposed development would have no adverse impact on the privacy of adjoining residential properties.

The applicant has submitted a Crime Risk Assessment for the proposed child care centre and educational establishment in respect to Crime Prevention Through Environmental Design (CPTED) principles. The proposed development has been designed to minimise crime in accordance with *Crime Prevention through Environmental Design* (CPTED) principles by way of clear sightlines, windows that overlook the street, suitable pedestrian access for the users of the school and clearly defined building entry from Clarke Road and vehicular access.

The proposed development would meet the *HDCP* desired outcome for privacy, security and sunlight.

2.8.6 Vehicular Access and Parking

The *HDCP* has a parking requirement of 1 space per full time teacher, 1 space per 2 students of driving age for educational establishments and 1 space per 4 children for a child care centre. In accordance with *HDCP*, the proposed Preparatory School and expansion of the Copeland Junior School Building requires a parking provision of 30 car parking spaces. Seventy six parking spaces in total have been provided.

The proposed car park for the Preparatory School has provided 50 parking spaces, including one accessible car parking space. This car park includes provision for a drop-off/pick up parking area. The arrangements with the drop off/pick up parking spaces and the pedestrian crossing path is considered acceptable. The proposal provides 26 staff car spaces within the basement for Junior School building.

The proposal satisfies the *HDCP* requirements of access and parking.

2.8.7 Design

The proposed Preparatory School building would be located to west of the existing school building. The building would have a low pitched roof, lower than the tiled roof of the 1955 war memorial building. The facades of the proposed building would include grey coloured metal cladding and perforated panels with clear glass walls to classrooms, a translucent glass south-west corner element with panels of brickwork facing Clarke Road. The northern section of the proposed building extends to the north to abut the blank south wall of the existing multi-purpose Hall. At the upper level, a translucent glass walled bridge would connect the upper level of the Preparatory School building to the existing Junior School building.

The ground floor level car park of the proposed Preparatory School building would have open sides and would be screened by dense landscaping and climbing plants. The play area associated with the Preparatory School extends to the west over the proposed car parking level.

The original Junior School Copeland building presents as a three storey building to both College Crescent and Clarke Road streetscapes. The proposed Junior School extension would be added to the eastern of the existing building. The new addition adopts the same setback as the existing addition so the original south end of the existing 1955 heritage listed building continues to project forward. The existing balconies immediately to the east of the 1955 heritage listed building are to be enclosed by folding glass windows. The current pattern of glazed walls interspersed by brick panels would be maintained.

It is considered that the proposal complements the existing Barker College Campus buildings and the adjoining residential development and would not have a detrimental impact upon the existing streetscape of College Crescent and Clarke Road.

The proposal satisfies the building design requirements of the *HDGP*.

2.8.8 Waste Management

The applicant submitted revised plans to address issues raised regarding the design of the proposed bin storage areas and access by waste collection vehicles. The bin storage area for the Preparatory School has been relocated to a covered walkway immediately south of the student pickup/drop-off area. The storage area is large enough for the required number of bins. Although the plans show that this area has a 1:20 ramp and leads to a store and plant room, it would be possible for the bins to be securely stored and manoeuvred if necessary. The bin storage area in the proposed Junior School Copeland Building basement would remain in the proposed existing position, adjacent to the Clarke Road driveway.

The stored bins from both the Preparatory School and the new Junior School building would be collected by Barker College's utility vehicles, which have easy access to the collection points and basements if necessary. Council's Waste Management Team have indicated that it would no longer be necessary for heavy rigid vehicles to access the basements and these vehicles have existing circulation and collection space for the skip bins at another location within the school grounds.

2.9 Section 94 Contributions Plans

Hornsby Shire Council Section 94A Contributions Plan 2014 – 2024 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The Arboricultural Impact Assessment prepared by ArborSafe identifies 124 trees within the site that may be impacted by the proposed construction of proposed buildings. The proposed development would necessitate the removal of 76 trees from the site. Stage 1 works would require the removal of 13 trees directly affected by the Preparatory School building works. The remainder of the trees of the trees would be removed as part of Stage 2 works. This includes the removal of the western portion of the group of *Casuarina glauca* (Swamp She Oaks) located along the southern boundary, to facilitate the Junior School Copeland building extension and new access from Clarke Road.

There is a stand of *Eucalyptus saligna* (Sydney Blue Gum) trees that is identified as a ‘significant group of trees’ in accordance with the Tree and Vegetation provisions of the *HDGP*. This group is located adjacent to the entry/exit driveway from College Crescent. Council’s Tree management assessment considers that these trees can be successfully retained through the use of sensitive methods of construction as prescribed in AS4970-2009 and the *HDGP*.

The landscape plans indicates that trees are proposed to be replanted once development has been completed. This is consistent with the *HDGP* requirements for replacement planting.

Overall, it is considered that the removal of the trees is acceptable in the circumstances of the case subject to replacement planting and the recommended conditions of consent.

3.1.2 Stormwater Management

The applicant provided a revised Stormwater Concept Plan and Water Sensitive Urban Design Report prepared by JHA Engineers dated 9 June 2017. The Report demonstrates the intended drainage system for the proposed Stages 1 and 2, including the location, level and volume of the On-Site Detention System (OSD).

The Water Sensitive Urban Design Report indicates that upstream catchment and new development catchment areas would be directed to the existing rainwater reuse storage tanks. To improve the quality of the water stored for reuse and any overflow out to Council’s stormwater system, the proposal involves treatment of the rainwater runoff be treated to reduce the possible pollutants via a water treatment train.

Councils engineering assessment raises no issues regarding stormwater management, subject to conditions of consent.

3.2 Built Environment

3.2.1 Built Form

The proposed buildings are located within the existing school ground and would be adequately separated from the adjoining residential properties. The proposed development has been designed to be compatible with the existing Junior School Copeland building with respect to height and setback.

The proposed development relates to the site constraints and is acceptable with respect to the built environment.

3.2.2 Traffic

A traffic and parking assessment has been prepared by TEF Consulting. The report states that Barker College is pursuing a number of other development proposals at present. These proposals are listed below:

- New Preparatory School and expansion of the existing Junior School (subject application).
- Relocation of the existing service facilities (grounds and maintenance buildings and print room, from The Avenue to new site on Unwin Road (DA/321/2017 lodged 6 April 2017)
- Construction of a three storey sports hall comprising indoor netball/basketball courts, classrooms, fitness centre and function room and basement parking for 185 vehicles on the southern side of The Avenue. (DA275/2017 lodged 27 March 2017)

The above proposals would result in changes in both trip generation and distribution on the road network. It is prudent to consider the cumulative effects of all proposals. The traffic consultant has developed a model which takes into account all of the above proposed developments.

The model uses all new and redistributed trips resulting from each proposal, combined in a single SIDRA Network model. The new and redistributed trips were overlaid on the base model for the existing conditions. The base model was developed following specifications set out by RMS and Hornsby Council. The results of modelling indicate that whilst there will be increase in average delays and queueing, these changes will be minor to moderate.

Council's engineering assessment of the traffic impacts of the development concludes that the proposed development is acceptable subject to conditions.

3.2.3 Acoustics

Whilst it is recognised that there would be some increase in noise associated with an increase in development on the site, it is considered that the noise increase would not be significant. Noise restrictions are set out in the *Protection of the Environment Operations Act 1997* and noise generated by the development could be reasonably managed on site. The proposed buildings are set well back from the private residential boundaries and are located within the

long established school grounds. The proposal is considered satisfactory with respect to potential acoustic impacts subject to conditions.

3.2.4 Access

The applicant submitted an Access Report prepared by Cheung Access. The application proposes a continuous path of travel and incorporates accessible toilets and a lift between floors in the Preparatory School building. Subject to compliance with the recommendations of the Access Report and conditions contained in Schedule 1, the proposal is considered satisfactory with respect to access.

3.3 Social Impacts

The proposed child care centre would provide an extra 40 child care spaces and in the locality and the development would make a positive social contribution to the local community by providing a modern educational establishment with improved facilities to service the needs of the school community.

3.4 Economic Impacts

The proposal would have a positive economic impact on the locality in terms of employment generation during the construction phase of the development.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.


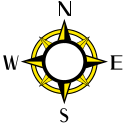
5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 13 October 2016 and 11 November 2016 in accordance with the Notification and Exhibition requirements of the *HDCEP*. During this period, Council received no submissions.

The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

The development application was referred to the following Agencies for comment:

5.2.1 Roads and Maritime Service

The additional traffic modelling information prepared by TEF Consulting and dated 21 March 2017 was referred to Roads and Maritime Services (RMS) for comment in accordance with Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*. The RMS has reviewed the additional information and raised no further objections to the application.

5.2.2 Sydney Trains

Sydney Trains has reviewed this proposal under Clause 85 of *State Environmental Planning Policy (Infrastructure) 2007* and has granted concurrence subject to conditions of consent.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application involves demolition of existing basketball courts and tennis courts and construction of an educational establishment and child care centre in two stages.

The proposal has been assessed against the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development would not result in any unreasonable impacts and is suitable for the site. The Clause 4.6 variation submitted for the height variation of the development is considered well founded and is supported.

Approval of the application is recommended.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

Attachments:

- Locality Plan
- Site Plans
- Floor Plans
- Elevations & Sections
- Landscape Plans
- Shadow Diagrams
- Materials and Finishes
- Perspectives
- Tree Location Plan
- Clause 4.6 Variation

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

CONDITIONS APPLICABLE TO ALL STAGES

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural plans prepared by PMDL Architects

Plan No.	Issue	Plan Title	Dated
DA100	-	Site Plan – Ground Floor	September 2016
DA101	-	Site Plan – Upper Floor	September 2016
DA102	-	Site Plan – Basement	September 2016
DA110	C	Prep School – Basement	September 2016
DA111	-	Prep School – Ground Floor	September 2016
DA112	-	Prep School – Upper Floor	September 2016
DA210	-	Prep – elevations 01	September 2016
DA211	-	Prep – elevations 02	September 2016
DA212	-	Prep – Sections	September 2016
DA213	-	Clarke Road Elevation	March 2017
DA120	B	Copeland – Basement	September 2016
DA121	-	Copeland – Ground Floor	September 2016
DA122	-	Copeland – Upper Floor	September 2016

Plan No.	Issue	Plan Title	Dated
DA220	-	Copeland – Elevations 01	September 2016
DA501	-	Copeland Extension – Materials Board	September 2016
DA503	-	Clarke Road Materials Palette	March 2017

Landscape Plans prepared by Umbaco Landscape Architects

Plan No.	Issue	Plan Title	Dated
SK DA L01	D	Landscape Plan	May 2017
SK DA L02	C	Landscape Plan	September 2016
SK DA L03	C	Plan Schedule	August 2016

Stormwater Concept Plans prepared by JHA Engineers

Plan No.	Issue	Plan Title	Dated
DA-H001	P1	Hydraulic Services Site & Catchment Plan	4.04.2017
DA-H100	P1	Hydraulic Services Car Park Sanitary & Stormwater Drainage Layout	4.04.2017
DA-H101	P1	Hydraulic Services Ground Floor Sanitary & Stormwater Drainage Layout	4.04.2017
DA-H102	P1	Hydraulic Services First Floor Sanitary & Stormwater Drainage Layout	4.04.2017
DA-H103	P1	Hydraulic Services Roof Plan Sanitary & Stormwater Drainage Layout	4.04.2017
DA-H200	1	Hydraulic Services Site Plan Stormwater Drainage Layout	9.06.2017
DA-H201	1	Hydraulic Services Ground Floor Stormwater Drainage Layout	9.06.2017
DA-H202	1	Hydraulic Services Upper Floor Stormwater Drainage Layout	9.06.2017
DA-H300	P1	Hydraulic Services Details Sheet	4.04.2017

Document Title.	Prepared by	Dated
Level and Details Survey Reference Drawing No. 9281/16)	Stutchbury Jaques Pty Ltd	11.04.2016

Document Title.	Prepared by	Dated
Level and Details Survey Reference Drawing No. 9281/16)	Stutchbury Jaques Pty Ltd	9.06.2016
Perspective – Overall Site (Reference Drawing No. DA300)	PMDL	September 2016
Perspective (Reference Drawing No. DA301)	PMDL	September 2016
Perspective – Prep School (Reference Drawing No. DA302)	PMDL	September 2016
Perspective – Copeland Extension (Reference Drawing No. DA303)	PMDL	September 2016
Perspective- Copeland Extension (Reference Drawing No. DA304)	PMDL	September 2016
Overall Shadow Diagram – 22 June 9am (Reference Drawing No. DA400)	PMDL	September 2016
Overall Shadow Diagram – 22 June 10am (Reference Drawing No. DA401)	PMDL	September 2016
Overall Shadow Diagram – 22 June 12noon (Reference Drawing No. DA402)	PMDL	September 2016
Overall Shadow Diagram – 22 June 3pm (Reference Drawing No. DA403)	PMDL	September 2016
Existing Junior School Materials Palette (Reference Drawing No. DA502)	PMDL	March 2017
Playground Distribution (Reference Drawing No. DA103)	PMDL	May 2017
Revised Stormwater Concept Plan and Water Sensitive Urban Design Report Revision C	JHA Consulting Engineers	9.06.2017
Concept Sediment & Erosion Control Plan (Reference No. DA- C2.01 Revision 4)	Northrop	26 September 2016
Sediment & Erosion Control	Northrop	26 September 2016

Document Title.	Prepared by	Dated
Details (Reference No. DA-C2.02 Revision 3)		
Report on Geotechnical Investigation SCP:III Project 71209	Douglas Partners	10 July 2009
Hazardous Materials Register Summary	Barker College	12 September 2014
Barker College A Report on Traffic Impacts of Proposed Preparatory School Relocation and Expansion and Junior School Expansion (Reference No. 17005 Rep 02 Stages 1 & 2)	TEF Consulting	23 March 2017
Arboricultural Impact Assessment	ArborSafe	23 September 2016
Statement of Heritage Impact	DFP Planning Consultants	September 2016
Barker College Conservation Management Plan	Paul Davies Pty Ltd	October 2015
Disability Access Report (Reference No. J000123)	Cheung Access	14 September 2016
Disability Access Report (Reference No. J000123)	Cheung Access	20 September 2016
Barker College Prep School Street Elevations	Umbaco Landscape Architects	23 March 2017

2. **Appointment of a Project Arborist**

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.

3. **Removal of Trees**

This development consent permits the removal of trees numbered 389, 390, 391, 401, 402, 403, 404, 405, 406, 407, 416, 418, 419, 420, 421, 422, 657 731, 732 and 733 as identified on page 28 of Appendix C contained in the Arboricultural Impact Assessment submitted by ArborSafe dated 23 September 2016.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

4. **Amendment of Plans**

- a) The approved plans are to be amended as follows:

- i) The approved Site Plan – Basement (Reference Drawing No. DA102) dated September 2016 must be amended in accordance with approved Prep School – Basement plan (Reference Drawing No. DA102 Issue C) dated September 2016.
 - ii) The approved landscape plan is required to be amended to include a replacement English Oak tree or a similar tree in appearance within the landscaping area fronting College Crescent.
 - iii) The proposed fencing around the elevated play area and car park for the Preparatory School building is required to be painted black.
 - iv) The 'Barker College Junior School' signage on the Preparatory School building and the signage on the bridge to the Copeland Building is not approved by this consent and is to be subject of a separate Development Application.
- b) These amended plans must be submitted with the application for the Construction Certificate.

5. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

ADDITIONAL CONDITION APPLICABLE TO STAGE 1

6. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act, 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2014-2024*, \$145,429.78 must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$14,542,978.
- b) The value of this contribution is current as at 28 June 2017. If this contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC}}{CPI_{PY}}$$

CPI_{DC}

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

$\$C_{DC}$ is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions must 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.

Note: 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.

Council's S94A Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

ADDITIONAL CONDITION APPLICABLE TO STAGE 2

7. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act, 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2014-2024*, \$93,651.52 must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$9,365,152.
- b) The value of this contribution is current as at 28 June 2017. If this contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the

provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

$\$C_{DC}$ is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions must be paid to Council:
- (v) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (vi) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (vii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (viii) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: 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.

Council's S94A Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITIONS APPLICABLE TO ALL STAGES

8. Building Code of Australia

All approved building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

9. **Utility Services**

The applicant must submit written evidence of the following service provider requirements:

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

10. **Sydney Water – Approval**

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

11. **Construction Traffic Management Plan**

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:-

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;

- vi) Pedestrian and Cyclist access and safety;
- f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
- h) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
- i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

12. **Pedestrian Access Management Plan**

A Pedestrian Access Management Plan (PAMP) shall be prepared and submitted to Hornsby Shire Council for approval detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths.

13. **Access and Mobility**

The development must be carried out in accordance with the recommendations provided in the Disability Access Report prepared by Cheung Access dated 20 September 2016. Details are to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

14. **Noise – Rail Corridor**

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled, prepared by RSA Acoustics and dated September 2009 and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

15. **Waste Management Details**

The following waste management requirements must be complied with:

- a) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including

the following details, is required to be submitted to the Principal Certifying Authority and Council:

- i) An estimate of the types and volumes of waste and recyclables to be generated;
- ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
- iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
- iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1

16. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a) Connected directly to the existing rainwater reuse storage tank via the stormwater treatment train as detailed in the JHA Consulting Engineers report Rev C dated 9 Jun 2017.

17. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 30 cubic metres, and a maximum discharge (when full) of 22 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;

18. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) The parking area be a rigid pavement.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 2

19. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a) Connected directly to Council's street drainage system in Clarke Rd.
- b) No work is to be carried out with Clarke Rd until such time as a Construction Certificate has been issued by Hornsby Shire Council for the stormwater drainage piping across Clarke Rd.

20. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 10 cubic metres, and a maximum discharge (when full) of 39 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

21. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) The driveway and parking areas be a rigid pavement.
- c) In accordance with the report prepared by JHA Consulting Engineers Rev C dated 9 Jun 2017 the existing 30,000 litre rainwater reuse water tank is to augmented and connected to the water closet cisterns within the new building.

22. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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CONDITIONS APPLICABLE TO ALL STAGES

23. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

24. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

25. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

26. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

27. Tree Protection Zone - Ground Protection

- a) All tree protection zones for the trees to be retained must have a layer of wood-chip mulch installed prior to works commencing.
- b) The wood-chip mulch must be maintained throughout the period of construction at a depth of between 150mm and 300mm, using material that complies with the relevant requirements of Australian Standard AS 4454 – "*Composts, Soil Conditioners and Mulches*".

28. Tree Protection Certification

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

ADDITIONAL CONDITION APPLICABLE TO STAGE 1

29. Installation of Tree Protection Fencing

- a) All tree protection fencing for the trees to be retained must have the protection measures for the ground, trunk and canopy installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*".

- b) All tree protection fencing for the trees to be retained must be erected around trees numbered 384, 385, 386, 387, 388, 393, 394, 395, 396, 397, 398, 399, 400, 409, 410, 411, 412, 413, 414, 415, 417, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743 and 760 as specified in the submitted Arboricultural Impact Assessment provided by ArborSafe dated 23 September 2016.

ADDITIONAL CONDITION APPLICABLE TO STAGE 2

30. Installation of Tree Protection Fencing

- a) All tree protection fencing for the trees to be retained must have the protection measures for the ground, trunk and canopy installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 - *"Protection of Trees on Development Sites"*.
- b) All tree protection fencing for the trees to be retained must be erected as specified in the submitted Arboricultural Impact Assessment provided by ArborSafe dated 23 September 2016.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

CONDITIONS APPLICABLE TO ALL STAGES

31. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

32. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with *"Australian Standard 2601-2001 – The Demolition of Structures"* and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than

400mm x 300mm must be displayed in a prominent position visible from the street.

33. Asbestos and Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the Principal Certifying Authority (PCA) and Council.

34. Environmental Management

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures. To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

35. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along College Crescent and Clarke Road during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

36. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

37. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

38. Landfill

Landfill must be constructed in accordance with Council's *'Construction Specification 2005'* and the following requirements:

- a) Prior to fill material being imported to the site, a certificate shall be obtained from a suitable qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act, 1997* or material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

- b) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) These certificates must be included with the application for an occupation certificate.

39. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

40. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.

41. Construction Vehicles

All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Works Zone" and as follows:

- a) The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.
- b) The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. Eg, 'Works Zone Mon – Sat 7am – 5pm'.
- c) The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.
- d) The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

42. Traffic Control Plan Compliance

The development must be carried out in accordance with the submitted Construction Traffic Management Plan (CTMP).

43. Pedestrian Access Management Plan Compliance

The development must be carried out in accordance with the submitted Pedestrian Access Management Plan (PAMP).

44. Works within Tree Protection Zones

- a) All root pruning must be undertaken in accordance with the relevant requirements of Australian Standard AS 4970-2009 "*Protection of Trees on Development Sites*" - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Any and all necessary excavations within the Tree Protection Zone of trees to be retained numbered on the approved plans, must be undertaken using construction techniques as prescribed in the Australian Standard AS 4970-2009 – "*Protection of Trees on Development Sites*" Section 4.5.5.
- c) To minimise the environmental impacts of the development within the Tree Protection Zone (TPZ) of trees to be retained on the approved plans:
 - i) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling or manual excavation.
 - ii) The installation of any underground services must be inspected by the project arborist to monitor the likely impacts of the development on retained trees.
 - iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.
- d) Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

45. Building materials and Site Waste

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

46. Works near trees certification

- a) The project arborist must submit to the principal certifying authority on a monthly a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required by the PCA and/or Council.

47. Works Near Trees

- a) No consent is granted for any works within the Structural Root Zone of trees numbered 384, 385, 386, 387, 388, 393, 394, 395, 396, 397, 398, 399, 400, 409, 410, 411, 412, 413, 414, 415, 417, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743 and 760.
- b) To maintain tree health and condition, the appointed project arborist must monitor and record any and all necessary remedial actions required for trees numbered 384, 385, 386, 387, 388, 393, 394, 395, 396, 397, 398, 399, 400, 409, 410, 411, 412, 413, 414, 415, 417, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743 and 760 on the approved plans.
- c) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the Occupation Certificate.

48. Waste Management Details

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

CONDITIONS APPLICABLE TO ALL STAGES

49. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA..

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

50. Certification of WSUD Facilities

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP. The certificate is to also confirm that the rainwater reuse tank has been connected to the water closet cisterns within the new building.

51. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

52. Creation of Easements

The following easements are to be created on the title of the property in accordance with the *Conveyancing Act, 1919*:

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems, outlet works and WSUD facilities, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and water quality control systems is to be clearly indicated on the title;
- b) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system and water quality control systems must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations;

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

53. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system.

54. Completion of Landscaping for each Stage

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works for each stage of the development has been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

55. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

56. Site Remediation Verification for each Stage

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Report on Geotechnical Investigation number SCP:III Project 71209 prepared by Douglas Partners dated 10 July 2009.

57. Maintain Canopy Cover and Replacement Tree Requirements

- a) The trees approved for removal under this consent must be offset through replacement planting of a minimum 10 Trees.
- b) All replacement plantings must be species selected from the Council's Indigenous species listing located in the Hornsby Shire DCP 2013; Tree Preservation Measures 1B.6 Table 1B.6(b) such as *Allocasuarina littoralis*, *Callistemon salignus* or *Syncarpia glomulifera*.

- c) Location and Size of Plantings:
 - i) All replacement trees must be located in front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - ii) The pot size of the replacement tree(s) must be a minimum 25 litres
 - iii) All replacement tree(s) must be maintained until they reach the height of 3 metres.
 - iv) All replacement trees must have the potential to reach a mature height of 12 metres.
 - v) All tree stock must meet the specifications outlined in '*Specifying Trees*' by Ross Clark, Publisher NATSPEC Books).
 - vi) Planting methods must meet professional (best practice) industry standards

58. Final Certification Arborist

- a) The suitably qualified person holding a certificate III in Horticulture must submit to the principal certifying authority a Statement/or/Certification confirming all Tree Replacement Requirements have been completed in accordance with approved landscape plans and conditions of consent.
- b) The Project supervisor must submit to the principal certifying authority all relevant certificates with the application for the occupation certificate stating compliance with all the conditions of this consent.
- c) The Project arborist must submit to the principal certifying authority a certificate that all the completed works have been carried out in compliance with the approved plans and specifications for tree protection.
- d) Certification must include a statement of overall site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required.

59. Waste Management Details

The following waste management requirements must be complied with:

- a) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report.

- ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- b) The bin storage areas must include sealed and impervious surface, adequate lighting and ventilation.

OPERATIONAL CONDITIONS

CONDITIONS APPLICABLE TO ALL STAGES

60. Number of Students

A maximum of 2420 students are to be enrolled at Barker College and a maximum of 339 equivalent full time staff are to be employed at Barker College. This includes a child care centre (Pre-Kindergarten) which must accommodate a maximum of 40 children at any one time.

Any increase to these student or staff numbers is not to occur without prior development consent.

61. Noise

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

62. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 – 2002 – Off Street Commercial* and the following requirements:

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) The College must monitor the operation of the drop-off/pick up arrangement within the Preparatory School car park.
- f) The waste collection vehicle is not to enter the site during peak school periods, 8:00am - 9:30am and 2:30pm - 4:00pm
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

63. Footpath

Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

64. Waste Management

The waste management on site must be in accordance with the following requirements:

- a) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) The commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- c) The transport of waste on public roads must be in accordance with legislation. This includes, but is not limited to, covered loads.

65. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

CONDITIONS OF CONCURRENCE – SYDNEY TRAINS

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

66. Acoustic Assessment

An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply

with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

67. Stray Currents and Electrolysis from Rail Operations

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

68. Demolition, Excavation and Construction

- a) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- b) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

69. Crane and Other Aerial Operations

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority must not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

70. General Access to RailCorp's Facilities for Maintenance and Work Purposes

The developer shall make provision for easy and ongoing access by rail vehicles, plant and equipment to support maintenance and emergency activities.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.