

SUPPLEMENTARY REPORT SYDNEY NORTH PLANNING PANEL

JRPP No	2017SNH058 DA
DA Number	DA214/2017
Local Government Area	North Sydney Council
Proposed Development	Change of use from Crows Nest TAFE to Cammeraygal High School Senior campus, refurbishment of existing building, construction of multi-purpose hall, outdoor covered area, ESD upgrades with solar panels, removal of 60 car spaces, new security fencing.
Street Address	149 West Street CROWS NEST NSW 2065
Applicant	The NSW Department of Education C/O Urbis P/L
Owner	The NSW Department of Education
Number of Submissions	Fifty-eight (58)
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) exceeds \$5 m - Crown Development
List of All Relevant s79C(1)(a) Matters	Environmental Planning & Assessment Act 1979 Disability Discrimination Act 1992 SEPP (Educational Establishments and Child Care Facilities) 2017 SEPP 64 (Advertising and Signage) SEPP (Infrastructure) 2007 SEPP 55 - Contaminated Lands SREP (Sydney Harbour Catchment) 2005 North Sydney LEP 2013 North Sydney DCP 2013
List all documents submitted with this report for the panel's consideration	• Revision C Plans and Elevations – AR DA 0000 – AR DA 7017 prepared by TKD Architects, dated 9 June 2017 and lodged 23 June 2017 • Revision D Amending/additional plans AR DA 1000, AR DA 1001, AR DA 2001, AR DA 3001, AR DA 3002, AR DA 4001 prepared by TKD Architects, dated 08 August 2017 and lodged 16 August 2017 • Landscaping Plan suite ID 16573 Revision C and B For Tender Documentation prepared by Context • Acoustic Report ID17071 Version C prepared by Wilkinson Murray and dated May 2017 • Traffic and Transport Impact Assessment Report ID16.355r01v03 prepared by Traffix Dated May 2017 • Clause 4.6 Request for Variation to a Development Standard • Conditions
Recommendation	Approval (subject to conditions)
Report by	Kim Rothe, Acting Executive Planner, North Sydney Council
Report date	26 October 2017

Supplementary Report and Recommendation

CROWN DEVELOPMENT – Concurrence to conditions

The development, being proposed by The Department of Education within the meaning of the Higher Education Act 2001, is prescribed as Crown Development pursuant to sections 88(2)(a) and 109R of the Environmental Planning and Assessment Act 1979, and section 226 of the Environmental Planning and Assessment Regulation 2000.

The conditions recommended by Council are subject to section 89(1)(b) of the EP&A Act which specifies that Council may not impose a condition of consent of any consent to a Crown DA, except with the approval of the applicant or the Minister. Draft conditions of consent were provided to the applicant on 19 October 2017;

The purpose this report is to advise the panel of the outcome of consideration by the applicant of the draft conditions of development consent.

Council received the response regarding the conditions on 3 November 2017. The following tables summarises the changes made to the conditions as provided in the applicant feedback:

Condition Number	Changes Made	Applicant Reason	Council
A1 Plan References	Amended/Updated plan references include new Landscaping Plan suite	Clarification	No objection to change
B1 Bicycle Parking	Twenty Spaces reduced to nine spaces.	The Traffic Impact Assessment recommends 5 to 9 bicycle spaces be provided, considering the total transient staff between the Junior and Senior Campus.	Noted, Council's DCP does not specify Bicycle Parking rates for Educational Establishments. Further bike parking could be incorporated at a later stage.
B3 Acoustic Attenuation	Condition Deleted	This condition relates to internal acoustics that relate to Department of Education Standards. The applicant submits that the standard to be adopted is the responsibility of the Department not Council.	Adherence to Department Standards will prevail over Council controls. No objection to deletion
B5 Construction Noise and Vibration Management Plan	Requirement (c) deleted "Where noise levels are likely to exceed the noise affected level for more than 5 consecutive work days (i.e. excludes non work days), the plan is to identify respite periods"	This is not a practical condition. This condition is not specific as it does not specify where the assessment is to be conducted or how long in each day does an exceedance will have to occur before it is deemed to be an exceedance. Further, construction noise management levels are noise objectives to work towards and are not "noise criteria." Where an exceedance is indicated then reasonable and feasible measures are to be adopted. One of these	Noted. No objection to change.

		measures may be respite. Noting that respite will prolong the construction period.	
B12 Geotechnical Report	Condition Deleted	A Geotechnical Report was submitted with the DA. 5 borehole logs were examined, providing a full description of all material from ground surface to 1.5m. The proposed multi-purpose hall design limited excavation.	No objection to deletion, No significant excavation occurring.
B15 Stormwater Management and Disposal Design Plan – Construction Issue	Wording Change, construction certificate application reference removed in lieu of Crown Certification.	Construction Certificate not required for Crown Applications.	No objection to change
B16 On site Stormwater Detention	Condition Deleted	OSD system not proposed in engineering scheme.	No objection to deletion noting that OSD is provided in the engineering documentation prepared by Woollacott Consulting Engineers
C21 Installation and Maintenance of Sediment Control	Wording Change, construction certificate reference removed in lieu of Crown Certification.	Construction Certificate not required for Crown Applications.	No objection to change
E1 Remediation	Condition Deleted	Demolition works are internal and excavation works are minimal due to the design of the multi-purpose hall.	Beyond footing trenching to a depth of 1.5 metres, ground should be kept in relatively stable condition. Historical ongoing use for an educational establishment should not alter site conditions.
G1 Bicycle Parking	Condition Deleted	Duplication of B1 requirements	No objection to change
G4 Utility Services	Wording Change, occupation certificate reference removed in lieu of Crown Certification.	Occupation Certificate not required for Crown Applications.	No objection to change
G6 Noise Control Plan of Management	Condition Deleted	Whilst a site noise management plan can be useful in managing noise from the site the stipulation and enforcement of noise criteria for children playing in the school yards is impractical – noting that the school is to be high school. These clauses should be deleted.	The development will be required to adhere to Department of Education Standards which will prevail over Council controls. Majority of schools do not operate to a noise control plan. No objection to deletion
G7 Covenant & Restriction (Stormwater Control Systems)	Wording Change, occupation certificate reference removed in lieu of Crown Certification.	Occupation Certificate not required for Crown Applications.	No objection to change
H1 Hour of	Wording change for	Applicant seeks full use of	The development will be

Operation	use of Premises for School Related Community purposes 7am to 11pm (with activity ceasing at 10pm) Monday to Sunday	the facilities as per DoE's instructions and policy.	required to adhere to Department Standards will prevail over Council controls. No objection to alteration is raised to promote future flexibility of use.
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As Council does not raise any overriding objection to the amendments as proposed it can be concluded that concurrence has been reached regarding the conditions. Accordingly, it is the recommendation of this supplementary report that the proposal be approved by the Sydney North Planning Panel subject to the updated conditions of development consent attached to this report.

Clarification of Proposal

Included in the applicant's response to the conditions were further responses relating to the detail in plans and operation of the proposal. To further inform the Panel, a summary of the information provided is included below

Landscaping Plans

The landscaping Plans provided with the original development application were more schematic in nature and did not provide details of the types of species proposed, numbers and height and spread of the plants.

The new plans submit detail relating to:

- 1) location of new tree and species selection,
- 2) location, spacing and species selection of screen planting along boundaries,
- 3) location of existing screen planting along boundaries to be retained.

The plans are provided to the panel and also included in the Plan Reference list of Condition A1.

Traffic Related Matters

With regard to traffic related matters:

1. The Department of Education do not support pick-up and drop-off zones on school grounds, due to OHS and insurance issues. To accommodate the proposed, pick up and drop off demand it is proposed that a 30 metre "No Parking, 7:30am – 9:30am, 2:30pm-4:00pm, School Days" restriction be provided along the eastern side of West Street at the school's frontage. The proposal will subject to Traffic Committee approval and the applicant has invited North Sydney Council to impose a Condition of Consent detailing this requirement. The proposed no parking zones will still allow for residents to park along the street during key times from 5pm to 7:30am.
2. Swept path analysis was undertaken for a 14.5m long rigid bus to enter the site from West Street and egress via Rodborough Avenue. The swept path analysis was included in Attachment 2 of the RMS Response by Traffix and demonstrates satisfactory operation of the existing vehicular crossings with no removal of on-street parking required for either movement.
3. Plans to facilitate works in Rodborough Avenue including any changes to on street parking is to be agreed with Council Development and Traffic Engineers and via the conditions of consent.
4. Detailed Plans of Kerb Side Drop-off / Pick up in West Street to be agreed with Traffic Engineers and Council's Traffic Committee.

5. Ongoing Kerb Side Management Plan for Pick up and Drop off points to be prepared and resolved via Traffic Committee Proceedings. This is not a matter requiring resolution for the purposes of this DA.

Environmental Health / Noise:

Outdoor Play Areas:

The acoustic consultants have recommended to minimise impact the area be used for play only during recess and lunchtime and not after school. A short period before school would generally also be acceptable, subject to school management and appropriate supervision. We understand the area will not be used for the “active” part of PE classes, though some teaching instruction may occur.

Roof Terrace:

The acoustic consultants have advised regarding the roof top terrace is intended as part of outdoor education area (science and biology teaching) as well as light outdoor recreation for a senior high school. It is not intended as an active play area – therefore noise generation will be minimal. Due to the distance to residential neighbours, and the proposed use, we expect activity from this area to comply with all relevant noise criteria and will only be in use during school education hours.

CONCLUSION

The report is prepared for the consideration of the Sydney North Planning Panel to detail the agreed position of the conditions of development consent.

Further information is also presented in this report to clarify the matters relating to landscaping, traffic and use of the site. None of the information submitted alters the assessment of the application as per the report or recommendation of the report. Accordingly, the recommendation of the report remains for the Sydney North Planning to consent to the application subject to the attached updated conditions.

RECOMMENDATION

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

- A. **THAT** the Sydney North Planning Panel grant consent to Development Application No. 214/2017 for refurbishment of existing buildings and construction a new multipurpose hall for a high school with associated playgrounds, parking and landscaping at No. 149 West Street. Crows Nest, subject to the attached updated conditions: -

Kim Rothe
ACTING EXECUTIVE PLANNER

David Hoy
ACTING MANAGER DEVELOPMENT SERVICES