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19 February 2018

Mr Kim Rothe Senior Assessment Officer North Sydney Council 200 Miller Street, NORTH SYDNEY NSW 2060

Dear Kim,

SECTION 96(2) MODIFICATION: DA214/17 - CAMMERAYGAL HS SENIOR CAMPUS, 149 WEST STREET, CROWS NEST

1. INTRODUCTION

This letter has been prepared to accompany a section 96(2) application lodged on behalf of the NSW Department of Education to modify Development Consent DA214/17. The DA approved the conversion of Crows Nest TAFE to a senior campus for Cammeraygal High School and the construction of a new multi-purpose hall.

Specifically, this application seeks to amend the design of the new multi-purpose hall. The proposal is the result of design development and community consultation. The modification will improve the amenity of adjacent residents and access to the facility.

This letter provides a description of the proposed modifications and considerations of matters of relevance under section 96(2) and section 79C of the *Environmental Planning and Assessment Act* 1979 (the EP&A Act).

The proposal has been assessed against the relevant provisions of the EP&A Act and will have minimal environmental impact. The modification will not alter the use and will reduce the perceived bulk and scale of the multi-purpose hall and is substantially the same as the approved development under DA214/17.

2. THE SITE

The site is described in Table 1 and Figure 1 below.

	Site Specifications
Lot	Lot 1 DP 801983
Address	149 West Street, Crows Nest
Area	1.2 ha



	Site Specifications
Frontages	Ernest Street, West Street and Rodborough Avenue

Figure 1 – Site Location



Source: Six Maps

3. PROPOSED MODIFICATION

This section 96(2) application seeks the following modifications:

- Increased excavation to enable the hall to be lowered into the ground by approximately 3m. The hall will have a height of approximately 10.7m, well below the 12m North Sydney LEP height limit.
- Minor internal redesign of the hall to improve accessibility and functionality. The hall will be accessible from ground level to accommodate afterhours access.
- Reduction of the hall footprint. The setback will be increased as follows:
 - The southern boundary setback will be increased from 8.05m to 11.68m.
 - The eastern boundary setback will be increased from 4.18m to 4.22m.
 - No change to the northern boundary setback.



- Redesign and reposition of proposed school signage and approval for a new low-wattage illumination school sign fronting West Street to display school announcements and achievements.
- Redesign of the landscaping arrangement along the eastern boundary to accommodate the existing Sydney Water sewer easement. The planting species will be changed from the *Native Quandong* to a narrow screening tree called the *Pinnacle Syzygium*.
- Relocation of the existing grease arrestor from the south-eastern corner of the site to southern boundary adjacent to the accessible car space for out of hours use.
- Additional bicycle parking adjacent to the Rodborough Avenue pedestrian gate.
- Redesign a door and window suite on Level 01 of the existing TAFE building to enlarge the opening to the external wall.
- Changes to proposed materials and colour scheme.

4. MODIFICATIONS TO CONDITIONS OF CONSENT

The following conditions of consent will be required to be amended by the modification. Deletions are shown in strike through and new wording shown in **bold text**.

Plan No	Issue	Dated	Title	Drawn By
AR.DA.0000	€-D	9/6/2017 09/02/2018	Cover sheet, Location Diagram/Drawing List	TKD Architects
AR.DA.1000	D	8/8/2017	Existing and Demolition Site Plan	TKD Architects
AR.DA.1001	ÐE	8/8/2017 09/02/2018	Proposed Site Plan	TKD Architects
AR.DA.1002	€D	9/6/2017 09/02/2018	Site Analysis	TKD Architects
AR.DA.1101	<mark>€</mark> E	9/6/2017 09/02/2018	Ground Floor Demolition Plan	TKD Architects
AR.DA.1102	€ D	9/6/2017 09/02/2018	First Floor Demolition Plan	TKD Architects
AR.DA.1103	€D	9/6/2017 09/02/2018	Second Floor Demolition Plan	TKD Architects
AR.DA.1104	€ D	9/6/2017 09/02/2018	Third Floor Demolition Plan	TKD Architects

4.1. CONDITION A1



Plan No	Issue	Dated	Title	Drawn By
AR.DA.2001	D	8/8/2017	Proposed Ground Floor Plan	TKD Architects
AR.DA.2002	С	9/6/2017	Proposed First Floor Plan	TKD Architects
AR.DA.2003	С	9/6/2017	Proposed Second Floor Plan	TKD Architects
AR.DA.2004	С	9/6/2017	Proposed Third Floor Plan	TKD Architects
AR.DA.2005	С	9/6/2017	Proposed Roof Plan	TKD Architects
AR.DA.3001	ĐE	8/8/2017 09/02/2018	Elevations Sheet 01	TKD Architects
AR.DA.3002	AB	8/8/2017 09/02/2018	External Signage Details	TKD Architects
AR.DA.3101	€ D	8/8/2017 09/02/2018	Section Sheet 01	TKD Architects
AR.DA.3102		November 2016	Section Sheet 02	TKD Architects
AR.DA.4001	ÐE	8 August 2017 09/02/2018	3D Perspectives	TKD Architects
L-0002	С	8 September 2017	Materials and Plant Schedule Sheet 1 of 1	Context
L-4001	В	8 September 2017	Planting Plans Sheet 1 of 7	Context
L-4002	В	8 September 2017	Planting Plans Sheet 2 of 7	Context
L-4003	В	8 September 2017	Planting Plans Sheet 3 of 7	Context



Plan No	Issue	Dated	Title	Drawn By
L-4004	В	8 September 2017	Planting Plans Sheet 4 of 7	Context
L-4005	В	8 September 2017	Planting Plans Sheet 5 of 7	Context
L-4006	В	8 September 2017	Planting Plans Sheet 6 of 7	Context
L-4007	В	8 September 2017	Planting Plans Sheet 7 of 7	Context

4.2. CONDITION C31

This section 96(2) seeks to delete *Condition C31: Illumination of Signage* to permit low-wattage illumination of a school notification signage board fronting West Street. The proposed illumination area will be approximately 0.7m wide by 2.0m high, thereby having a total area of 1.54m².

Figure 2 illustrates the proposed school signage and illumination area. The sign will be programmed to broadcast school events, holidays and achievements. The signage will not create undesirable light-spill or glare to residents and motorists along West Street.



Figure 2 – Proposed Illuminated School Signage



Source: TKD Architects

5. SECTION 96(2) ASSESSMENT

This application is made pursuant to Section 96(2) of the EP&A Act. The proposed changes to the approved development are to improve the design and functionality of the hall. The modification is 'substantially the same' as the approved development, for the following reasons:

- The proposal retains the educational use approved for the site under the development consent.
- The proposal increases setback to adjacent southern and eastern boundaries to improve internal functionality and improve residential amenity for adjoining neighbours.
- The proposal decreases the height of the proposed multi-purpose hall significantly, which results in less overshadowing to adjacent residential properties.
- The proposal reduces the multi-purpose halls footprint marginally and provides a more desirable accessibility arrangement to comply with Australian Standards and DDA requirements.
- The proposal results in negligible environmental impacts in additional to those considered and assessment under the original application.

The proposal is substantially the same as the approved under DA214/17. **Figure 3** compares the proposed and approved multi-purpose hall.



Figure 3 – Proposed/Approved Imagery



Picture 1 - Proposed S96 2018



Picture 2 – Approved DA 2017

6. SECTION 79C ASSESSMENT

The original application as lodged provided an assessment against the provisions of Section 79C of the EP&A Act which remains relevant. The following provided an assessment against the changes as proposed by this application and modification.



6.1. STATE ENVIRONMENTAL PLANNING POLICY

6.1.1. State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017

State Environmental Planning Policy (Education Establishment and Child Care Facilitate) 2017 (Education SEPP) aims to (amongst other things) streamline the planning system for education and child care facilities including changes to exempt and complying development.

Schedule 4 of the Education SEPP outlines design quality principles for consideration. The amended design will respond to the design quality principles as follows:

- Principle 1 Context, built form and landscape: The proposal will respond to the surrounding medium-to-high density context. The increased excavation enables the hall to be lowered into the ground by approximately 3m. The hall will have a height of approximately 10.7m, well below the 12m North Sydney LEP height limit. Landscaping will be provided in accordance with the Landscape Plan provided in **Appendix B.** The amended multi-purpose hall design is considered more appropriate for the surrounding context.
- **Principle 2 Sustainable, efficient and durable:** The approved development adopted a range ESD initiatives including solar panels and rainwater tanks. The hall has been designed to ensure it is capable of being naturally cross ventilated to enable it to be naturally cooled.
- **Principle 3 Accessible and inclusive:** The proposed design improves the accessibility arrangements and functionality of the hall. The proposal is capable of complying with relevant provisions for accessibility as outlined in the Accessibility Statement in **Appendix D.**
- Principle 4 Health and safely: CPTED measures have been incorporated into the design and management of the site to ensure a high level of safety and security for students and staff. The redesign hall entry will improve passive surveillance and discourage patrons using the hall after hours from loitering in the main school building. The hall provides open space and sport facilities to encourage passive recreation.
- **Principle 5 Amenity:** The proposal will contain state of the art facilities, spaces and equipment for use by students and staff. These areas will provide students with an enhanced learning environment and recreational facility.
- **Principle 6 Whole of life, flexible and adaptive:** The approved development adaptively reuses the existing Crows Nest TAFE site. The hall is designed to ensure flexibility and longevity through the selection of durable materials.
- **Principle 7 Aesthetics:** The proposal will have high quality external finishes, which will be aesthetically pleasing by achieving a built form that has good proportion and a balanced composition. The proposal is an appropriate scale and form for the residential context.

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

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) provides a state-wide planning approach to the remediation of contaminated land. SEPP 55 requires the consent authority to consider whether the subject land is contaminated.

A Stage 2 Environmental Site Assessment has been undertaken by EIS and attached at **Appendix H.** EIS consider that the site can be made suitable for the proposed development provided that the recommendations are implemented



6.1.3. State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) applies to all signage and advertisements. **Table 2** outlines the proposed signage for the school.

Proposed Signage	Description	Illumination	Approximate Dimension
Sign 1 – School Identification Sign (no change from DA214/17)	Raised lettering and logo sign fronting West Street.	Nil	H: 2.96m W: 2.96m Total Area: 5.92
Sign 2 – School Identification Sign	Raised lettering and logo sign on multi- purpose hall, western façade.	Nil	H: 2.96m W: 2.96m Total Area: 5.92
Sign 3 – School Identification Sign	LED signage with school logo fronting West Street.	Low-wattage LED illumination	H: 0.2m W: 0.7m Total Area: 1.54m ²

Table 2 – Proposed Signage

As set out under SEPP 64, the consent authority is required to consider and assess any proposed signage and/or advertisements against the Assessment Criteria set out under Schedule 1 of the SEPP.

An assessment of the proposed signage against the objectives of the SEPP and relevant criteria for assessment has been undertaken and is summarised in Table 3.

Table 3 – SEPP 64 Compliance

Control	Proposed	Complies
1 Character of the Area		
 Is the proposal compatible with the character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The proposed signage is compatible with the current land use. The proposed signage will not detract from the streetscape as they are set back from the West Street frontage and will not disrupt vehicular or pedestrian flow.	YES

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Control	Proposed	Complies
	The scale and location of the proposed signage is considered appropriate, as they balance the needs of the school within a residential streetscape. The proposed landscaping further integrates the signage with the Wentworth Street streetscape, softening the appearance.	
2 Special Area		
• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any environmental sensitive area, natural or other conservation area, open space area, waterway or rural landscapes. The signage will be integrated into and compliment the architectural design of the school entrance area. As such, the proposed signage will not adversely impede the visibility of other signage within the surrounding area.	YES
3 Views and Vistas		
 Does the proposal obscure or compromise important views? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	The signage is affixed at a low level above the ground and will not obscure or compromise views, dominate the skyline or impede on the viewing rights of other advertisers. The signage has been designed in respect of the surrounding residential uses and will not create visual clutter or impact nearby properties.	YES



Control	Proposed	Complies
• Does the proposal require ongoing vegetation management?		
4 Streetscape, setting or landscaping		
 Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposed signage is compatible with the scale of the surrounding streetscape and setting. The proposed signage will incorporate quality materials and finishes and provide a coherent and integrated colour scheme based on the school colours.	YES
6 Associated devices and logos with ad	vertisements and advertising structures	S
 Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	The sign will integrate the existing school logo and a LED screen to display messages and achievements.	YES
7 Illumination		
 Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	Part of the sign will be illuminated, using LED lights. The illumination will occur at low wattage and will not affect safety for pedestrians, vehicles or aircraft. The illumination will not detract from the amenity of any nearby residence.	YES



Control	Proposed	Complies
8 Safety		
 Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? 	The signs are attached to concrete walls at the school entrance and will not impede on the path of vehicles, cyclists or pedestrians.	YES
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not distract motorists. No safety implications for pedestrians or vehicular users are envisaged. The signage will be set back from the front boundary.	

6.2. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The *North Sydney Local Environmental Plan 2013* (NLEP 2013) is the primary planning instrument applying to the site. The key provisions relating to this modification are outlined within this section.

- Land Use and Zoning The site is zoned 'SP2 Educational Establishment' and the proposed secondary school is permitted with consent on the site. The proposal maintains consistency with the SP2 objectives as the modification will continue to provide important social infrastructure.
- Clause 4.3 Height of Buildings The building height approved under D214/17 is 16.5m. This modification seeks to reduce the building height to 10.7m.

6.3. NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed development is subject to the North Sydney Development Control Plan 2013 (DCP 2013). A DCP compliance assessment was undertaken as part of the original proposal. The proposal meets the compliance in accordance with this table.

In summary, the modified proposal has considered the relevant provisions of the DCP 2013 controls as follows:

Table 4 – North Sydney Development Control Flan 2013 (DCF 2013)			
Control	Proposed	Compliance	
Section 3: Non-Residential Development	nt in Residential Zones		
3.2.9 Solar Access – minimum of 3 hours between the hours of 9:00am and 3:00pm to private open space and main internal living areas.	The proposed redesign will reduce the overshadowing to 11 Rodborough Avenue. The northern elevation and rear private open space will be impacted in the morning and noon hours. The proposal will not impact east	Generally complies and improves solar access to adjacent dwellings (in	

Table 4 – North Sydney Development Control Plan 2013 (DCP 2013)

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Control	Proposed	Compliance
	and west elevations so living rooms and bedrooms will receive sun from those directions. The approved hall will result in additional overshadowing at 3pm to 350 and 346 Miller Street. These dwellings have solar access between 12:00pm and 2:00pm. The amended hall design will improve solar access to these dwelling in comparison to the original proposal between 2:00pm and 3:00pm.	comparison to the approved hall scheme).
3.2.12 Visual Privacy – ensure that adjoining residents are provided with a reasonable level of visual privacy.	Privacy will be maintained through fencing and landscaping along the northern and eastern boundary. The reduction in the multi-purpose halls height will further ensure that adjoining residents are provided with adequate levels of visual privacy.	Complies.
3.3.6 Setback – side setbacks are to be a minimum of 3m from the property boundary, where the adjoining site has balconies or windows to main living areas.	 The setbacks will be increased from the approved multi-purpose hall, as follows: The southern boundary setback will be increased from 8.05m to 11.68m. The eastern boundary setback will be increased from 4.18m to 4.22m No change to the northern boundary setback. 	Complies
3.3.7 Form, massing & scale – height of buildings is not to exceed that stipulated within the NLEP 2013.	The maximum building height within cl. 4.3 is 12m. The hall will have a height of approximately 10.7m, compliant with cl. 4.3.	Complies.



Control	Proposed	Compliance
Access/BCA – Demonstrate ability to comply with relevant provisions of the BCA 2016.	The proposal has the ability to comply with the relevant provisions of the BCA. The amended multi-purpose hall design will accommodate access from the ground level, opposed to through the existing TAFE building. This is more desirable from an accessibility perspective and safer for afterhours use.	Complies.

6.4. LIKELY IMPACTS OF THE DEVELOPMENT

Notwithstanding the proposed amendments, the development as proposed to be modified maintains and generally improves the environmental impacts of the development in relation to the locality and surrounding properties. The likely impacts are addressed in detail below.

6.4.1. Overshadowing

The proposed modification will reduce the overall height and building footprint of the hall compared to the approved. Shadow Diagrams for 9:00am, midday and 3:00pm at the Winter Solstice accompany the Architectural Plans prepared by TKD Architects and are included in **Appendix A.** The diagrams demonstrate that the redesign will reduce shadow impacts on most adjoining properties. In summary:

- Reduction in overshadowing to 11 Rodborough Avenue between 9:00am and 2:00pm on 21 June. This property is a single storey dwelling to the south. The existing fence would cast significant shadow. The amended hall design will result in some overshadowing of this property, however significantly less than the approved design. At 9:00am, the proposal overshadows all windows on the northern elevation. However, by 12.00pm solar access is achieved to the majority of the window openings and rear private open space. While the proposal impacts the northern elevation, sunlight will be maintained from an easterly direction in the mornings; this is considered acceptable. The adjoining dwelling will have reasonable access to sunlight and daylight.
- No additional overshadowing to 159 Ernest Street at 21 June.
- Reduction in overshadowing to 346 and 350 Miller Street after 2:00pm on 21 June. Nos. 346 and 350 Miller Street are residential flat buildings to the east of the site. The amended hall design will result in some overshadowing of this property, however significantly less than the approved design. Specifically, residences 346 and 350 Miller Street will experience a reduction in overshadowing from 2:00pm on 21 June. At 9am and 12pm, the proposal will not increase existing levels of overshadowing to living areas. While the proposal impacts the western elevation, sunlight will be maintained from an easterly direction in the mornings; this is considered acceptable.



6.4.2. Privacy

To ensure that adjoining residents are provided with a reasonable level of visual privacy, the following design measures have been incorporated:

- Locating windows of the hall high to avoid direct or close views into windows, balconies or private opening space of adjoin dwellings.
- Provision of suitable screening structures including landscaping and solid fences to minimise overlooking, specifically along the northern boundary adjacent to the hall.
- Retain the majority of all large mature trees on site, to filter views to the site from adjoining residential properties.

Privacy impacts will therefore be minimised.

6.4.3. Construction Traffic / Vehicular Access

Traffix has undertaken a preliminary swept path assessment for the proposed developments truck routes and access during the demolition and excavation phase, this assessment is provided at **Appendix E.** The assessment concludes that the existing road network can accommodate a 19.6m Truck and Dog Design vehicle accessing and egressing the site via the M1, Falcon Street, Rodborough Avenue, West Street, Ernest Street and Miller Street.

Table 5 compares the approved and proposed development, it is evident that due to the increased amount of cut on site an increase in 130 articulated vehicles will occur during the excavation phase. This amount is considered acceptable by Traffix as the increase will be for a short period of time during construction. The amended design and increase in cut will in the long-term result in reduced environmental amenity concerns such as visual and acoustic privacy to adjoining residential dwellings.

	Approved Development	Proposed Development	Difference
Excavated Material	1,523m ³	4,000m ³	+2,477m ³
Truck (Heavy Rigid)	190 trucks	500 trucks	+310 trucks
Truck and Dog (Articulated)	80 trucks	210 trucks	+130 trucks

Table 5 – 0	Construction	Traffic	Comparison
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Prior to construction a more detailed analysis will be provided for internal site movements and the management of pedestrian, cycle and road traffic for egress movements on West Street, Crows Nest.

6.4.4. Noise and Vibration

Wilkinson Murray has provided an addendum to the submitted *Construction and Operational Noise Report,* see **Appendix G.** The addendum confirms that Wilkson Murray have reviewed the amended architectural plans, and confirm that the modified hall does not materially change the predicted noise emission from operation of the hall.

The modified design will require a longer period of excavation than originally assessed. While the overall predicted noise levels would be similar, there would be a longer period of impact. The



conditioned *Construction Noise and Vibration Management Plan* will outline a construction methodology to minimise noise impacts to adjacent residential properties, this management plan will be prepared prior to the construction of the multi-purpose hall.

6.5. SUITABILITY OF THE SITE

Key considerations in the assessment of the site's suitability include:

- The site is zoned SP2 Infrastructure (Educational Establishment) pursuant to the North Sydney LEP 2012 and education establishments are permitted with consent in this zone.
- The site is not burdened by heritage or other environmental constraints.
- The proposed modifications are consistent with the approved use and nature of the educational facility.
- The proposal scale and height of the development will be reduced to be compliant with cl.4.3 of the LEP. This amended design will improve visual privacy and solar access to adjacent residents in comparison to the approved design.
- Residential amenity and privacy will be maintained through the use of landscaping, setback, fencing and the one-storey interface of the new hall to adjoining residents.
- The amended design will improve accessibility to the hall and improve security to the main building during after hour events.

6.6. PUBLIC SUBMISSIONS

Any submissions received are required to be considered under Section 79C of the *Environmental Planning and Assessment Act* 1979.

6.7. PUBLIC INTEREST

The modified proposal is considered to be in the public interest for the following reasons:

- The modified development will result in a compliant scheme that is well below the LEP height limit and reduces overshadowing to neighbouring residential properties.
- The modification improves the functionality and accessibility of the multi-purpose hall including patron access, movement and internal amenity.
- The modified proposal continues to comply with Council's policies.
- The modification will not result in any additional adverse built form impacts in terms of overshadowing, visual privacy and views.
- The multi-purpose hall is an important piece of community infrastructure that has the opportunity to be a community asset, providing additional performance, sport and gathering spaces for community uses in the local area.



7. CONCLUSION

The proposed modifications to the conditions of consent and approved development contained within DA214/17 reflect changes associated with continued design refinement and continued discussions with the community. In summary, the modification application should be approved for the following reasons:

- The proposal satisfies the applicable local and state planning controls The proposal achieves a high level of compliance with the relevant planning controls.
- The proposal will offer a high standard of amenity The proposal seeks to improve a number of aspects of the design including façade treatment, landscaping, height and internal configurations to improve the developments relationship to adjacent residential properties.
- **The proposal has limited impacts** The proposal improves the relationship of the hall to adjacent residential properties. The amendment will reduce the bulk, scale and height of the hall.
- The proposal is substantially the same development The proposal is substantially the same as that originally approved.
- The proposal is consistent with the broader public interest The proposal considers the community consultation feedback and will provide critical community infrastructure to Crows Nest.

The proposal results in a better planning outcome for the site and is therefore in the public interest. Should you have any questions, please do not hesitate to contact the undersigned on (02) 8233 7686.

Yours sincerely,

Naomi Weber Consultant