

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	2018SNH036
DA Number	DA0583/17
LGA	Ku-ring-gai
Proposed Development	Alterations and additions to an existing educational establishment including increase in student and staff numbers and an exemption from the S.7.12 Fixed development consent levy (formerly S.94A)
Street Address	21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga,
Applicant/Owner	The Trustees- Sister of Saint Dominic C/- DFP Planning
Number of Submissions	Nine
Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011)	School (private infrastructure) and has a capital investment value of more than \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55; • State Environmental Planning Policy No. 64; • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; • Ku-ring-gai Local Environmental Plan 2015; • Ku-ring-gai Development Control Plan; • Ku-ring-gai Section 94A Plan 2015; • Environmental Planning and Assessment Regulation; • and • Ku-ring-gai S94A Contributions Plan 2015
Is a Clause 4.6 variation request required?	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Have draft conditions been provided to the	Yes

applicant for comment? Have any comments been considered by council in the assessment report?	Yes
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> - Zoning map extract - Locality/Submitters map - Architectural Plans - Traffic report - Landscape Plan
Recommendation	Approval
Report prepared by	Scott McInnes
Report date	November 2018

EXECUTIVE SUMMARY

Primary Property	21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga
Lot & DP	Lot A/DP 341153, Lot B/DP 341153, Lot 1/DP 715429, Lot 1/DP 726090, Lot 1/DP 105255, Lot 2/ DP 105255
Proposal	Demolish existing structures at 6 & 8 Billyard Avenue and the staged construction of a basement carpark, classroom buildings and associated landscaping. Increase student numbers to 240 and staff numbers to 105. The site (St Lucy's School) contains a heritage item and is within a heritage conservation area. The proposal includes an exemption request from the Ku-ring-gai S7.12 Contributions Plan 2015
Development application no.	DA0583/17
Ward	WAHROONGA
Applicant	St Lucy's School
Owner	The Trustees - Sisters of Saint Dominic
Date lodged	4/12/2017
Issues	Heritage conservation area Tree impacts Car parking Traffic generation
Submissions	Yes- Seven (notification), Two (as amended)
Land & Environment Court	N/A
Recommendation	Approval
Assessment Officer	Scott McInnes

LEGISLATIVE REQUIREMENTS:

Zoning	SP2- Infrastructure
Permissible under	Ku-ring-gai Local Environmental Plan 2015 (KLEP) and State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
Relevant legislation	KLEP State Environmental Planning Policy No. 55; State Environmental Planning Policy No. 64; State Environmental Planning Policy, (Educational Establishments and Child Care Facilities) 2017; Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River; State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; Draft State Environmental Planning Policy (Remediation of Land)

Integrated development

Ku-ring-gai Local Environmental Plan 2015;
Ku-ring-gai Development Control Plan;
Ku-ring-gai Section 94A Plan 2015;
Environmental Planning and Assessment
Regulation; and
KS94A Contributions Plan 2015
NO

PURPOSE OF THE REPORT

This matter is reported to the Sydney North Planning Panel (SNPP) for determination as the application relates to a school (private infrastructure) and has a capital investment value of more than \$5 million (\$11,844,419). Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the SNPP is the consent authority.

HISTORY

Site history:

The subject site has an ongoing use as an educational establishment.

St Lucy's School is a Catholic school in the Dominican tradition for students with disabilities. St Lucy's School originally began in 1938 in Homebush and was subsequently transferred to Wahroonga in 1959 to its current site, where it has grown to its present configuration.

No. 23 Cleveland Street comprises a two storey red brick building built in 1896 by school teacher, William Rowland. It was initially used as a girls school known as "Camelot College". It became a private home and named "Colwyn" in 1912. The property remained as a private residence until 1949 when it was purchased by the Dominican Sisters and became a convent. The Sisters renamed the property "Prouille" after the village in France where the order was founded. In 1959 an established school for the blind moved from Homebush to "Prouille" and commenced as St Lucy's School. The school now teaches children with other disabilities as well.

Development application history:

DA01325/04 (toilet facilities): On 10 December 2004, Council granted development consent for the upgrade of existing toilet facilities at 21 Cleveland Street.

DA1340/05 (playground alterations and additions): On 5 January 2006, Council granted development consent for alterations and additions to the playground area, including shade structures, cubby house, rebound wall, flying fox and climbing structure at 21 Cleveland Street.

DA0350/17 (school Hall): On 1 November 2007, Council granted development consent for the construction of a new school hall, linkage to heritage item ("Prouille"), ancillary facilities for existing swimming pool and parking at 21 and 23 Cleveland Street, Wahroonga.

The approved works included the following:

- new hall to replace existing;
- new glazing screening to second level balcony of the existing school building;
- a new link from the hall building to the heritage item;
- change rooms for the pool, plant and maintenance, equipment facilities;
- 17 car spaces within the front setback; and
- landscaping.

DA0350/07 has been modified on four (4) occasions since consent was granted in 2007. The approved modifications are summarised as follows.

- MOD0047/08 (approved 3 April 2008) - removal of trees located within the southern car park fronting Cleveland Street
- MOD0182/08 (approved 12 August 2008) - modification of fenestration, access ramp, roof design and ancillary facilities for the pool
- MOD0263/08 (approved 28 April 2008) – modification of numerous conditions to allow for tree removal
- MOD0039/09 (approved 17 April 2009) – installation of fire hydrant and amended landscape plan relating to trees located within the courtyard area between the hall and the heritage item

DA0530/17 relates to 10 Billyard Avenue which was recently acquired by St Lucy's School and is currently used for residential purposes. No. 10 Billyard Avenue adjoins St Lucy's to the east. The application proposed changing the use of the dwelling to an educational establishment and included the erection of a 2.4m high lapped and capped timber acoustic fence adjacent to the boundary with 12 Billyard Avenue.

The application was refused by the Ku-ring-Local Planning Panel on 19 November 2018, the reasons for refusal are attached to this report (refer to **Attachment 6**).

Development application history:

DA0583/17

4 December 2017	The DA was lodged.
14 December 2017 to 13 January 2018	Neighbour notification was undertaken for 30 days along with referrals to internal departments of Council.
9 April 2018	Roads and Maritime Services issued concurrence subject to Condition 10 .
17 April 2018	An assessment letter was sent to the applicant, identifying the following issues: <ul style="list-style-type: none">- the black and white colour scheme not compatible with the predominant colours of contributory buildings in the Heritage Conservation Area- sandstone clad finish of the low front sandstone wall not compatible- redesign of the acoustic fence on the boundary with 10 Billyard Avenue to address heritage, landscaping and environmental health issues

	<ul style="list-style-type: none"> - clarification regarding the viability of Stage 1 landscape planting when other stages of construction commence - tree protection fencing to be included during construction and included on environmental site management plan - clarifications regarding plan of management for pick up and drop off
20 April 2018	A meeting was held with the applicant to discuss concerns raised within the above letter.
2 May 2018	A follow up meeting held with applicant to discuss heritage and landscape matters.
22 May 2018	The applicant's request for a merit exemption from the Section 7.12 levy (formerly Section 94A levy) was supported by full Council on the basis of their extenuating circumstances.
21 June 2018	Amended plans and supporting documentation were received.
6 July to 20 July 2018	The amended proposal was notified for 14 days. Two submissions were received.
1 August 2018	The SNPP was briefed on the application.
31 August 2018	<p>A second assessment letter was sent to the applicant, identifying the following issues:</p> <ul style="list-style-type: none"> - tree impacts - provision of a minimum 20,000L rainwater tank - stormwater management - further information and clarifications needed to complete the assessment.
25 September 2018	A meeting was held with the applicant to discuss concerns raised in the above letter.
27 and 28 September 2018	Amended plans and supporting documentation were received.
19 October 2018	A further assessment letter was sent to the applicant raising issues with the acoustic assessment report.
23 October 2018	An amended acoustic report and School plan of management was received.
24 October 2018	SNPP undertook a site inspection.
25 October 2018	A final assessment letter was sent to the applicant raising issues with the acoustic assessment report.
2 November 2018	An amended acoustic report and School plan of management were received.

THE SITE AND SURROUNDING AREA

The site:

Zoning	SP2 – Infrastructure (educational establishment)
Visual character study category:	Pre 1920/1945
Lot/DP	Lot A/DP 341153, Lot B/DP 341153, Lot 1/DP 715429, Lot 1/DP 726090, Lot 1/DP 105255, Lot 2/DP 105255
Area	10,684 m ²
Cross Fall	South-western corner to the north-eastern corner to a valley within the property.
Easements/rights of way:	Yes- drainage easement (23 Cleveland Street)
Heritage Item:	Yes (Prouille, 23 Cleveland Street)
Heritage conservation area:	Yes
In the vicinity of a heritage item:	Yes
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

Site description:

The subject site is an irregular shaped allotment, located on the north eastern intersection of Billyard Avenue and Cleveland Street. The site has an area of just over 1ha (10,684m²) and is developed and operated as a primary school, the majority of which has been constructed at various stages since 1889 and includes a heritage listed convent known as “Prouille”, classrooms, administration facilities, performance facilities, multi-purpose hall and recreation facilities. School buildings are generally concentrated along the street frontages, with the central area of the site comprising landscaped play areas (refer to **Attachment 1**).

Surrounding development:

The site is in an area characterised by low density residential development and associated supportive development, notably institutions such as schools. Knox Grammar Preparatory School is located directly south of the site and comprises built form up to four storeys in height. Prouille Catholic Primary is located directly north of the site and comprises built form up to two storeys in height.

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

THE PROPOSAL

The following works are proposed to be built over three construction stages:

1. Stage 1- New two storey classroom building with basement, comprising:
 - i. Demolition: Demolition of repurposed dwelling houses at 6 and 8 Billyard Avenue, removal of demountable classroom, and removal of

trees.

- ii. Basement: Construction of half basement, comprising 25 car parking spaces, maintenance store, secure drop-off and pick-up foyer, vertical circulation including lift, driveway and ramp access from Billyard Avenue, and associated infrastructure (rainwater tank, distribution board, ventilation system etc.).
- iii. Ground Level: Two new pedestrian entries to Billyard Avenue (stairs and ramp), sub-station, driveway access to basement, four General Learning Areas (GLAs) with associated breakout spaces, withdrawal spaces, activity spaces and bathrooms, two sets of stairs, lift, storage and covered verandah.
- iv. First Floor: Four (4) GLAs with associated breakout spaces, withdrawal spaces, activity spaces, bathrooms, two (2) sets of stairs, lift, storage and covered verandah.
- v. External works: Landscaping works to the extent of the Stage 1 build and play areas, the installation of a power substation adjacent to the basement vehicle ramp and business identification signage.
- vi. Intensification: Increase in student numbers by 132 to a total of 190; and increase in staff numbers by 58 full time equivalent (FTE) to a total of 80 FTE.

2. Stage 2-Additional basement, comprising:

- i. Demolition: Demolition of library and associated structures, removal of trees.
- ii. Basement: Construction of half basement comprising 23 car parking spaces.
- iii. Ground Level: Erection of security fencing around exposed basement slab, and provide temporary connection to Stage 1 stormwater drainage.
- iv. External: Landscaping works to partial extent of the Stage 2 build and play areas (as appropriate).
- v. Intensification: Increase in student numbers by 50 to a total of 240 students; and increase in staff numbers by 24 FTE to a total of 104 FTE.

3. Stage 3- New two storey classroom building with basement, comprising:

- i. Ground Level: New pedestrian entry to Billyard Avenue (stairs), Four (4) GLAs with associated breakout spaces, withdrawal spaces, activity spaces, bathrooms, two sets of stairs, lift, storage and covered verandah linking to the existing administration and support services

building, new covered outdoor learning area and Stage 1 building.

- ii. First Floor: Four GLAs with associated breakout spaces, withdrawal spaces, activity spaces, bathrooms, two sets of stairs, lift, storage and covered verandah linking to the verandah of the existing administration and support services building.
 - iii. External works: Landscaping works to full extent of the site frontage and play areas.
4. Net increase - The proposed development will result in a net gain of sixteen classrooms, which will enable the School to accommodate up to 132 additional students and 58 additional FTE staff, providing a total of 240 students and 104 FTE staff.
 5. Signage - Business identification and directional signage attached to the front fence on the Billyard Avenue frontage, adjacent to the main pedestrian entry to the site.

COMMUNITY CONSULTATION

In accordance with the notification requirements of Ku-ring-gai Development Control Plan, Council notified and advertised the proposed development for 30 days to surrounding and affected property owners from 14 December 2017 to 13 January 2018.

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

1. Mr A James-65 Billyard Avenue, Wahroonga
2. Mr V H Pigott-12 Billyard Avenue, Wahroonga
3. Ms F Small- 25 Billyard Avenue, Wahroonga
4. Ms A Hurdis-25 Billyard Avenue, Wahroonga
5. Mr P & Mrs L Fitzgerald-16 Billyard Avenue, Wahroonga
6. Mr S and Mrs L Ramanathan- 45 Billyard Avenue, Wahroonga
7. Dr J Fox- 22A Billyard Avenue, Wahroonga

Traffic impacts during construction

Council's Development Engineer has not raised any concerns regarding the potential for the development to generate significant amounts of traffic during construction.

The indicative Construction Management Plan lodged with application satisfies Council's DA requirements given that it includes:

- Commitments for minimising disruption to and maintaining the safety of residents, pedestrians and road users.
- Construction vehicle routes for a 19m articulated vehicle for approach and departure to and from the site.
- A site plan showing the proposed entry and exit points with swept paths of an 11m Heavy Rigid Vehicle showing access and egress via the provided driveway.
- Details of construction employee parking and recommendations for parking restrictions if through traffic is likely to be reduced to one lane.

Council and the RMS have recommended that a detailed Construction Traffic Management Plan be submitted and approved prior to the issuing of any construction certificate (**Condition 10**). In addition, a construction works zone will be required along the Billyard Avenue frontage. This will assist in minimising impacts in relation to vehicle sight lines and general road safety and conflicts with construction related vehicles (**Condition 11**).

The local street network cannot sustain the additional vehicle movements

Both Council's Development Engineer and the Roads and Maritime Service are satisfied that the local road network can sustain the additional traffic movements generated by the proposal within the surrounding local street network.

There is no evidence to suggest that the additional students numbers will result in an increased frequency of cars parking across driveways, rather, the purpose built facility would likely reduce this through the proposed dedicated on-site drop-off / pick-up bays.

Unreasonable impacts associated with on site and off-street parking

The proposal now seeks to provide an additional 56 full time equivalent staff which requires 56 parking spaces. This proposal seeks provision of 48 off-street parking spaces. The proposal also results in 2 additional on-street parking spaces which will be made available when the two existing driveway crossings along Billyard Avenue are made redundant and reinstated to kerb and gutter. This parking will equate to 50 parking spaces. This is a shortfall of 6 spaces which can be accommodated within the surrounding road network.

To mitigate the use of on-street parking by staff, the School is to adopt a Green Travel Plan for staff that will encourage staff to travel by public transport, car-pooling / car sharing, cycling, walking and being dropped off as alternatives to driving (**Condition 71**).

The proposal also allows for an improved drop-off/pick-up arrangement from both Cleveland Street and Billyard Avenue. At present, the existing student drop-off/pick-up zone is located along the kerbside parking area in Billyard Avenue and will now be accommodated within the basement and implemented with a plan of management (**Condition 87**).

Acoustic impacts associated with mechanical plant and noise attenuation have not been provided

The architectural plans submitted with the DA nominate the intended location of air conditioning condenser units on the eastern and western side of the proposed classrooms and the two car park exhaust fans.

Council's Environmental Health Officer is satisfied that the proposal will not result in unreasonable acoustic impacts to sensitive noise receptors, subject to **Conditions 4,25,26,48,49,70,72,73,74 and 91**.

Inconsistencies between acoustic report for this application and St Lucys DA0530/17 for a change of use at 10 Billyard Avenue, Wahroonga

Concern was raised that the acoustic reports prepared for each DA do not contain the same projected student numbers. The change of use DA uses current student numbers whilst the built form DA uses projected student numbers.

DA0530/17 was refused by the Ku-ring-Local Planning Panel on 19 November 2018, the reasons are attached to this report (refer to **Attachment 6**).

Noise and vibration impacts during construction

Construction noise will be managed via a condition requiring a noise and vibration management plan to be prepared in accordance with AS 2436-2010 and the Office of Environment and Heritage Interim Construction Noise Guidelines to ensure minimal impacts for sensitive receptors (**Condition 25 and 49**).

The proposed built form and fencing is not in character of the heritage conservation area

Council's Heritage Advisor has found the proposal acceptable with regard to its impacts on the Wahroonga Heritage Conservation Area and the setting of the heritage items within the vicinity of the subject site, subject to **Conditions 8 and 27**.

Increase in student numbers at St Lucy's School is inappropriate

The environmental impacts relevant to the proposed increase in staff and student numbers include traffic, parking and acoustic impacts. The proposal has been designed so as to seek an outcome (240 students and 104 staff) which is within the 'environmental capacity' of the site and surrounds, based on:

- (i) The adoption of traffic management measures commensurate with the number of students enrolled and the length of time over which drop-off/pick-up is carried out (**Condition 87**);
- (ii) Adequate car parking being provided at all stages of the construction of the development; and
- (iii) Implementation of noise mitigation infrastructure (acoustic fences) to ensure the acoustic amenity impacts of the proposal are within acceptable parameters, including noise generated from playground noise and the noise of mechanical plant (**Conditions 25,26,72,73,74 and 91**).

Amended Plans lodged 21 June 2018

The amended plans were also notified in accordance with the notification requirements of Ku-ring-gai Development Control Plan 2016 for a 14 day period to surrounding and affected property owners from 6 July to 20 July 2018.

During the notification period, Council received 2 submissions from the following:

- 1. Mr W and Mrs P McCarthy from 1 Clwydon Place, Wahroonga.
- 2. Ms S Shepherd from 27 Ravenhill Road, Turramurra

Both submissions were in support of the proposal.

Amended Plans lodged on 27, 28 September 2018, 23 October 2018 and 2 November 2018

The amended plans were not notified to surrounding residents as the proposed amendments do not result in a greater environmental impact than the original proposal.

INTERNAL REFERRALS

Infrastructure Coordinator

As part of this application, the applicant sought an exemption from the Section 7.12 Plan which was considered by full Council at its ordinary meeting on 22 May 2018. Council resolved to support the request as follows:

“That the application by St Lucy’s for exemption from S94A contributions be supported on the basis of their unique extenuating circumstances with specific reference to the extended community benefit from their mission to provide education for children who are unable to attend mainstream schools and their charitable status.”

Heritage

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

Heritage status

- *A heritage item is located on the subject site. The heritage item, item no. 880, is the former convent building “Prouille” at 23 Cleveland Street, Wahroonga.*
- *A number of heritage items are located with the immediate vicinity of the subject site including:*
 - *Dwelling House, 10 Cleveland Street (item no. 878)*
 - *Dwelling House, 26 Cleveland Street (item no. 881)*
 - *“Ewan House”, 1-3 Billyard Avenue (item no.831)*
 - *Dwelling house, 12 Billyard Avenue (item no. 825)*
 - *Dwelling house, 1 Water Street (item no. 994)*
- *The subject site is located within the Wahroonga Heritage Conservation Area (C1).*

The curtilage of the heritage item at 23 Cleveland Street requires review as the extent currently mapped differs from that shown on its heritage inventory sheet.

Clause 5.10 of the Ku-ring-gai Local Environmental Plan 2015 requires that, before granting consent to proposed works, Council must consider the effect of the works on the Heritage Conservation area (HCA), on the heritage item located on the subject site, and on heritage items within the vicinity of the site. Clause 5.10 (5) allows Council to require a HIS before granting consent.

Significance

Statement of Significance for “Prouille” at 23 Cleveland Street, Wahroonga:

‘Prouille’ is a good representative example of the first wave of suburban development of the Wahroonga Heights Estate, showing the substantial character of fashionable buildings erected there by the upper middle class following establishment of the North Shore railway. The building has

associations with early private education in the area and also with the lives and works of the Sisters of St Dominic who established their convent there in 1949.

The building retains its substantial Federation character, despite later additions and alterations and contains good representative details of architecture of that period and the later Inter War period.

Located within a Conservation Area, the building makes a positive contribution to the streetscape of Cleveland Street, which has been enhanced by the reinstatement of its early verandah detailing.

The place has Local heritage value under the Historic Evaluation, Historic Associations, Aesthetic and Special values at a representative level.

Statement of Significance for the Wahroonga Heritage Conservation Area:

Wahroonga Heritage Conservation Area is of heritage significance for its distinctive residential streetscapes which evidence the transformation of early subdivisions of the 1890s into the later rectilinear grid lot street and lot pattern of later subdivisions including the Wahroonga Heights Estate. The area contains a significant collection of grand residences from the Federation and Inter-war periods, built following the opening of the North Shore railway line in 1890, many of these the residences of prominent families of this period, and often designed by prominent architects, for example the 1894 Ewan House (formerly Innisfail) designed by architect Herbert Wardell for John Thomas Toohey, and eleven houses designed by the architect Howard Joseland. The western end of Burns Road and western side of Coonanbarra Road are representative streetscapes of intact more modest Federation period houses.

The through-block pathways and formal avenues of street trees within the area (in Burns Road, Water Street and Coonanbarra Road) along with the formal landscaping of Wahroonga Park, and its distinctive John Sulman-designed shops in Coonanbarra Road facing the Park, are a tribute to the work of the Wahroonga Progress Association in the early 20th century (which included Sulman as a member), and have resulted in a high-quality and distinctive residential landscape.

Nos 6 and 8 Billyard Avenue are identified as contributory items in the HCA.

Controls

Ku-ring-gai Development Control Plan in Section B Part 19A, 19B, 19D, and 19E has objectives and controls for development within a Heritage Conservation Area, and within the vicinity of a heritage item.

19A SUBDIVISION AND SITE CONSOLIDATION	
Development Control	Complies
19A.1 Within a HCA	
1. Only considered if: - no adverse impact on significance - retains subdivision pattern	No

<ul style="list-style-type: none"> - setting and curtilage retained - vistas and views not interrupted or obscured - streetscape landscape quality retained - contours and landscape features retained - it will not result in future unsympathetic development 	
2. Setting and curtilage of heritage items and contributory buildings not to be compromised	No
3. Curtilage assessment required.	No
19A.2 Heritage Item	
1. Only supported if <ul style="list-style-type: none"> - no adverse impact on cultural significance - evidence of historical setting, landscape and subdivision pattern retained 	Yes
2. Curtilage not compromised	Yes
4. Consider the impact of proposals on both street frontages.	N/A
19B DEMOLITION	
Development Control	Complies
19B.1 Within HCA	
1. Demolition of heritage items and contributory buildings not supported	No
2. Only supported if <ul style="list-style-type: none"> - no impact on streetscape and character of HCA - retention of structure unreasonable - alternatives considered but not viable - replacement building compatible 	Yes
19D DEVELOPMENT WITHIN HCAs: NEW BUILDINGS	
Development Control	Complies
19D.1 Local Character and Streetscape	
Built Form	
1 Scale and massing of any new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to be incorporate design elements such as the roof forms, façade and parapet heights, door, window and verandah proportions of contributory buildings in the HCA, particularly neighbouring buildings from the same key development period.	Yes
2 The design and character of any new buildings are to be informed by the: <ul style="list-style-type: none"> i) date and style of contributory buildings; ii) scale and form of contributory buildings; iii) street and subdivision patterns of the HCA; iv) setbacks of neighbouring contributory buildings; v) materials, building techniques and details used in the HCA; and vi) views, vistas and skylines in the HCA. 	Yes
3 Façades are to be modulated to break down the scale of new development.	Yes
4 The height of new buildings is not to be higher than contributory buildings.	Yes
5 New roofs visible from the street are reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory buildings and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA	No
6 New buildings may be contemporary in design, however, their scale,	No

<i>form and detail is not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.</i>	
<i>7 Where an HCA is characterised by single-storey dwellings, single storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where the new building is in keeping with the height, mass and proportions of contributory buildings in the vicinity.</i>	N/A
19D.2 Building setbacks	
Location and Setback of New Buildings	
<i>1 The siting of new buildings is to be consistent with the established pattern of built elements in the HCA, including the main dwellings, garages, carports and garden structures.</i>	No
<i>2 Where there is a uniform building setback from streets, new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. Side setbacks are to be consistent with historic patterns.</i>	N/A
<i>3 New buildings are not to be orientated across sites contrary to the established alignment pattern</i>	Yes
<i>4 The location of new buildings is to ensure that significant views to and from places within the HCA are retained</i>	No views identified
19D.3 Gardens and Landscaping	
<i>1 New, traditionally designed gardens that enhance the historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.</i>	Yes
<i>2 New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.</i>	Yes
<i>3 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged</i>	Yes
<i>4 High solid hedges that screen the dwelling from the street are not permitted.</i>	Yes
19.4 Building Design	
<i>1 Materials and details used for new buildings are to be similar to, or compatible with, the original buildings in the HCA</i>	Yes
<i>2 Development applications are to provide a material board and details of the colour scheme and finishes.</i>	Yes
<i>3 Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA</i>	Yes
<i>4 New buildings are to incorporate architectural language such as massing, proportions, detailing, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA</i>	Yes
<i>5 Colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory buildings in the HCA. Recessive colours and traditional materials are preferred.</i>	Yes
19F DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Development Controls	Complies
19F.1 Local Character and Streetscape	
<i>General</i>	Yes
<i>1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.</i>	
<i>2 Development on sites that either directly adjoin or are in the vicinity of a</i>	

Heritage Item or an HCA is to have regard to: i) the form of the existing building or buildings including height, roofline, setbacks and building alignment; ii) dominant architectural language such as horizontal lines and vertical segmentation; iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; vi) setting and context; vii) streetscape patterns.	Yes
Views	
4 New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	Yes
19F.2 Building Setbacks	
Setbacks	
1 The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply	N/A
Residential Context	
2 All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.	Yes
3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following: i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if setback requirements are not met within the 12m) as per Figure 19F.2-2; ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades; iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19F.2-2; Where variations in setbacks exist the larger setback will apply.	Yes
19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage	
1 Development in the vicinity of a Heritage Item or an HCA is to: i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting ii) retain the established landscape character of the Heritage Item or HCA. iii) include appropriate screen planting on side and rear boundaries.	Yes
19F.4 Fencing	
Fences on adjoining sites	
1 New front fences on adjacent sites are to be no higher than the front fences of the adjoining Heritage Item or HCA. Open and transparent front fences such as timber or metal picket are preferred.	Yes
2 No metal panel fencing is to be constructed on any boundary of a Heritage Item.	Yes

Consolidation of allotments

The proposal will result in the loss of the existing residential allotments of 6 and 8 Billyard Avenue as they will become subsumed within the site of St Lucy's School. These allotments form part of an historical subdivision and are characteristic of the HCA. The historic subdivision pattern provides the framework for the character of a HCA, influencing building typologies and scales, streetscape rhythm, setbacks and landscaping (including front gardens). The loss of the allotments will have an adverse impact on the heritage values of the Wahroonga HCA.

The proposed consolidation will not adversely affect the setting of Prouille as it is located well away from the heritage item and will have a limited adverse impact on its lot boundary curtilage as the original lot boundary of Prouille is no longer intact and this is another change.

Demolition of existing buildings

The NBRS heritage report states that 6 Billyard Avenue was constructed c.1912 and that 8 Billyard Avenue was constructed c.1915, with both houses being used for most of their history as family residences. The heritage report states that the demolition of the buildings is acceptable because they:

- currently do not have a residential purpose*
- do not represent significant or distinctive forms of residential development in comparison to neighbouring development*
- do not contribute much aesthetic value to the HCA*
- lack integrity having been unsympathetically altered and original fabric lost*
- the demolition of the houses is needed in order for St Lucy's school to expand*

In response to the above:

- It is agreed that the loss of the primary and historic purpose of a building can adversely affect its heritage values, however this is an insufficient reason for demolition when other aspects of its significance remain. It is noted that many buildings of National, State and Local significance, as well as contributory buildings in HCAs retain their heritage values, despite a change in use.*
- While the houses at 6 and 8 Billyard Avenue may not have sufficient heritage significance to be considered Local heritage items, as is the case with some properties in their neighbourhood, they nevertheless date from a key period of significance for the Wahroonga HCA, appear to be characteristic of the more modest houses in the HCA and have been identified as contributory items in the HCA.*
- The Wahroonga HCA has a predominantly residential character despite the presence of other building types such as those associated with churches and schools. Many schools have adapted rather than demolished historic houses (as well as other buildings) and this helps to retain the residential character of the HCA. Any new development should be seeking to enhance the contribution St Lucy's School makes to the Wahroonga HCA. The demolition of the houses at nos. 6 and 8 Billyard Avenue will not necessarily enhance this contribution.*
- The demolition of the houses is contrary to DCP controls 19B.1.1 and 19B.1.2.*

The NBRS heritage report states that as the library does not have heritage significance and does not contribute to the significance of the HCA, its demolition is acceptable. The demolition of this building is considered acceptable with regard to its impact on the HCA for the reasons stated by NBRS.

However, it is noted that the subject site is zoned SP2 Infrastructure which anticipates an educational establishment. This zoning presents a deliberate conflict between the nature of development typical of such a zone and the character of the heritage conservation area. Given this, it seems that the SP2 Infrastructure zoning prevails over the heritage conservation area listing and therefore demolition of residential buildings in order to allow the construction of education buildings is consistent with the SP2 Infrastructure and the overall aims of Ku-ring-gai Local Environmental Plan 2015.

Proposed development

The proposed school building will introduce a large new building that is not characteristic of the HCA - predominantly a low density residential area. The proposed school building has form, massing, scale and detailing that are very different from the residential buildings of the HCA, instead relating to the buildings of St Lucy's School campus. Given the zoning of the site, this relationship seems appropriate.

The school campus is one of a number of school sites in the HCA – Knox, Wahroonga Public School, Prouille Primary School, St Edmunds College, and Wahroonga Preparatory School being others and, while this conglomeration of schools has not been identified as contributing to the significance of the HCA, it is definitely an important feature. The enlargement of the St Lucy's School campus is consistent with this feature of the HCA and also with the SP2 Infrastructure zoning of the subject site which anticipates an educational establishment. This zoning presents a deliberate conflict between the nature of development typical of such a zone and the character of the heritage conservation area. Given this, it seems that the SP2 Infrastructure zoning prevails over the heritage conservation area listing, and therefore a new education building, which by its nature would be different to residential buildings in the HCA, is consistent with the aims of Ku-ring-gai Local Environmental Plan 2015.

If a new school is considered acceptable on planning grounds, the issue then becomes one of how a large school building can be designed to limit its adverse impact on the HCA. This is discussed below.

- (i) The building height has been limited to two storeys which is compatible with building heights in the HCA.*
- (ii) The building volume has been modulated to reduce its apparent bulk.*
- (iii) Decorative aluminium vertical blades, in a variety of colours, have been added to parts of the façade to relieve the long extent of the façade by providing some visual interest.*
- (iv) The car parking is located at basement level, with the entry located on the side of the building, thus limiting its impact on the streetscape.*
- (v) The front façade is set back 7 metres from the front boundary, providing sufficient room for trees, the canopies of which would soften the hard lines of the building behind.*
- (vi) A landscaped buffer has been provided along the eastern boundary where the subject site adjoins the low density residential area.*

- (vii) *The proposed materials and colour scheme are generally acceptable as the materials and colours are compatible with those of the existing school buildings and not unsympathetic to the HCA. Further comments are made below*
- (viii) *The proposed signage is modest and is therefore acceptable.*
- (ix) *The existing low sandstone front fence is to be retained and incorporated into the landscaping. This is appropriate as it is an attractive historic feature in the streetscape. The proposed sandstone wall is not acceptable as it will be visually awkward next to the historic sandstone wall. The sandstone is not used elsewhere in the building. Given this, it is recommended that the low boundary wall be face brickwork in Bowral Blue colour – to match the ground floor walls of the proposed new building. The low wall is to have a bull nose top (both sides) set as a header course. **Condition 27(4)** has been recommended to ensure the wall is 470mm wide.*
- (x) *The paving materials and colour for the paths within the front setback and for the driveway have been provided. The driveway materials and colours is consistent with the immediate area and the paths will not be off-white concrete.*
- (xi) *The material, finish and colour of the wall along the eastern side of the driveway has not been shown. This wall will be highly visible in the streetscape and it is recommended that the retaining wall be clad with face brickwork to match the walls of the ground floor. This issue has been resolved by the imposition of **Condition 27(4)**.*

The impact of the proposed works and the existing heritage items on the site

The existing heritage item is the former convent building “Prouille” at 23 Cleveland Street. This building is located some distance from the proposed building on Billyard Avenue, whilst the demolition of the existing houses as well as the proposed building will have some impact on the setting of “Prouille”, this is limited and acceptable given the separation between “Prouille” and the proposed building.

Conclusion and recommendations

The proposed work, subject to conditions, is acceptable with regard to its heritage impacts on the Wahroonga Heritage Conservation Area and the setting of the heritage items within the vicinity of the subject site.

*The proposal is acceptable with regard to the objectives of clause 5.10 of Ku-ring-gai Local Environmental Plan 2015 and the provisions of Parts 19A, 19B, 19D, and 19E Ku-ring-gai Development Control Plan, subject to **Conditions 8 and 27.***

Landscaping

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

Significant existing trees – SEPP (Vegetation in Non-Rural Areas) 2017

The application is for a three staged development. The trees are all proposed to be removed in Stages 1 and 2.

An amended arborist report, prepared by Lee Hancock Consulting Arborist, has been submitted with the application dated 21 September 2018. Tree numbers refer to this report and the Site plan- tree location plan (A01/1, Stanton Dahl dated 14/6/2018).

Trees to be removed

The ability to retain existing trees is limited due to the zoning (SP2 Infrastructure) and the expected use of the site as an educational establishment. Six (6) trees of high landscape significance and a long Safe Useful Life Expectancy (SULE) are proposed to be removed (Trees 8, 9, 11, 14, 15, and 16). Several mature trees are proposed to be removed at the rear of the site (Group A and Tree 9).

Tree/Location

Tree 9/ Acer negundo (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's. An investigation of the structural strength of this tree has been provided (Ents Tree Consultancy, 7/05/18). The report observes that there is a decay column, initiated by pruning and the insertion of metal rods, that is developing in the branches, trunk and possibly roots. The wounds incurred by the installation of a flying fox and deck around the trunk have allowed decay to enter the tree and advance rapidly. The report recommends removal as the tree has only a short SULE with increasing risk as the defect worsens. There is no landscape objection to the tree removal.

Tree 11/ Nyssa sylvatica(Tupelo) located in front setback of 8 Billyard Avenue. To be removed for building footprint. Front building setback compliance with the setback pattern of the street block would possibly enable retention of Tree 11, however its location in proximity to the entrance driveway would still result in a major construction encroachment. There is no landscape objection to the removal of this tree.

Tree 14/ Jacaranda mimosifolia (Jacaranda) located along eastern boundary, supressed by Tree 12. This tree provides existing landscape screening amenity between proposed and existing buildings within the Heritage Conservation Area. The tree is to be conditioned to be retained and the bioretention basin and associated pipes are required not to encroach within 3m of the tree.

Tree 15/ Liquidamber styraciflua (Liquidamber) located in rear yard of 8 Billyard Avenue, rated as high significance. The tree is to be removed for the proposed driveway. There is no landscape objection to the removal of this tree.

Tree 16/ Liriodendron tulipifera (Tulip Tree) located in rear yard of 8 Billyard Avenue, rated as high significance. The tree is to be removed for the proposed building footprint. There is no landscape objection to the removal of this tree.

Group A – a group of trees on school grounds adjacent to existing building. To be removed for building footprint. There is no landscape objection to the removal of these trees.

Three trees of medium landscape significance are to be removed for the building (Trees 7, 8 and 17). There is no landscape objection to their removal.

Street trees to be removed

Tree 6a/ Jacaranda mimosifolia (Jacaranda) This tree, which is located in the Billyard Avenue nature strip, is to be removed for the proposed driveway. There is no alternate location for the driveway. An adjacent Brushbox (Tree 6) is to be retained and will continue the avenue of Brushbox Street tree planting. There is no landscape objection to the removal of this tree.

Trees to be retained

The proposal retains four existing trees within the site.

Tree 3/ Melaleuca quinquinervia (Broadleaved Paperbark) This tree is located in the front setback of St Lucy's. The proposed basement and associated retaining wall will result in a major encroachment within the tree protection zone. In consideration of the existing structures within this area, the impact is considered acceptable.

Tree 10/ Acer negundo (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's. The proposed encroachment, including the basement and stormwater line, will result in a major incursion into the tree protection zone, however this is acceptable as it is compensated for elsewhere contiguous with the TPZ (Arboricultural Impact Assessment by Lee Hancock, dated 21/9/2018). It is recommended that the proposed decking to a large proportion will require additional post construction arboricultural care. The peer review (Mark Bury Consulting 13/09/18) recommends that 'the planned strategy for the tree will ensure its continued long term development'. In consideration of the arborist advice, the impact is considered acceptable.

Tree 12/ Quercus robur (English Oak) This tree is located on eastern boundary of 8 Billyard Avenue. The vehicle crossing, fire hydrant and driveway kerb will result in a major encroachment. Several large roots were exposed during the root investigation along the line of the proposed driveway (Mark Bury dated 13/09/18). The report concludes that the proposed fire hydrant piping could be installed without the root pruning of the any roots of the tree (Mark Bury 25/09/18). The proposed pipe is indicated on the Site plan- tree location plan (A01/1, Stanton Dahl) to avoid roots in accordance with the root investigation. The Site Plan is to be amended to include identification of the proposed red/blue lines in the Legend as described in the Response to Second Request for Information Letter (DFP, 21/09/18), is to be conditioned.

Tree 13/ Magnolia soulangeana (Magnolia) This tree is located on eastern boundary of 8 Billyard Avenue. The proposed pedestrian path is to be constructed at existing grade.

The impacts are considered acceptable.

Street trees to be retained

Tree 1/ Eucalyptus robusta (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip. The proposed vehicle crossing for Stage 2 is located within the tree protection zone. Tree protection shall be provided by condition.

Tree 2/ Eucalyptus robusta (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip. The proposed vehicle crossing for Stage 2 is located within the tree protection zone. Tree protection shall be provided by condition.

Tree 4/ Jacaranda mimosifolia (Jacaranda) This tree is located in the Billyard Avenue nature strip. The proposed front masonry fence, planter and steps will result in a minor encroachment within the tree protection zone. The impact is considered acceptable.

Tree 5/ Jacaranda mimosifolia (Jacaranda) This tree is located in the Billyard Avenue nature strip. The proposed front masonry fence, planter and ramp will result in a

minor encroachment within the tree protection zone. The impact is considered acceptable.

Tree 6/ Lophostemon confertus (Brushbox) This tree is located in the Billyard Avenue nature strip. The proposed basement and substation will result in a minor encroachment within the tree protection zone. The impact is considered acceptable.

Tree 6b/ Lophostemon confertus (Brushbox) This tree is located in the Billyard Avenue nature strip. Although the first part of the driveway is above grade excavation for the vehicle crossing, the fire hydrant and driveway kerb will result in a major encroachment. A further calculation of the encroachment of 11% has proposed that root mapping is not required. The report concludes that 'the proposed works are unlikely to cause a loss in vigour and/or stability of the subject tree'(Naturally Trees, 17/09/18).

Heritage gardens and landscaping – Clause 5.10, KLEP 2015; Part 19D.3 Section C Ku-ring-gai DCP 2016

*The proposed landscape treatment of the front setback retains existing garden structures, such as a section of the existing stone wall. The stone from the wall is to be reused as a wall structure within the front setback. Proposed canopy tree planting of predominantly *Tristania laurina* are to be substituted with more horticulturally sympathetic evergreen and deciduous canopy trees such as *Franklinia axillaris* and *Nyssa sylvatica*. Tree plantings should be greater than five metres from the building to enable sustainable establishment and this is conditioned.*

Landscape plan/tree replenishment

The landscape plan is provided in two stages. Part of Stage 1 planting in the front setback is likely to be substantially effected by Stage 2 construction, including basement excavation and construction access via the existing driveway that is shown retained on Dwg C2-03, General Arrangements Plan, Calibre within Appendix K of the Environmental Site Management Plan, APP, November 2017. Any Stage 1 works removed by Stage 2/3 are to be replaced as part of the latter Stages.

Stormwater plans

*The stormwater plans are to be amended (**Condition 29**)*

The proposed sewer relocation is considered satisfactory on landscape grounds.

Environmental site management plan

An ESMP has been provided, including a Soil and Erosion Control plan indicating site access and temporary storage areas.

Issues to be addressed by conditions

- 1. Tree 14 provides existing landscape screening amenity between proposed and existing buildings and is to be shown to be retained and the bioretention basin and associated pipes are not to encroach within 3m of the tree.*
- 2. Tree protection conditions are to be provided to street trees in the vicinity of construction and construction access.*
- 3. Proposed canopy tree planting of predominantly *Tristania laurina* are to be substituted with more horticulturally sympathetic evergreen and deciduous*

canopy trees such as *Franklinia axillaris* and *Nyssa sylvatica*. Tree plantings should be greater than five metres from the building and outside of existing canopies to enable sustainable establishment.

4. Proposed bioretention basins are to be relocated so that they do not encroach within 2m from the site boundary to preserve the proposed vegetation buffer along the eastern boundary.
5. Proposed pit and RHS connection to the existing culvert are not to encroach within 2.5m from Tree 19. Non destructive methods are to be utilised such as by Air Spade to construct trench under supervision of Project Arborist to avoid root severance over 30mm diameter.
6. To preserve existing trees within the southern building setback to the existing 2 storey building fronting Cleveland Street, the pipe is to be relocated as close as possible to the external building wall.
7. Section 3 is to be indicated on the architectural plans.
8. The Site Plan is to be amended to include an interpretation in the Legend of the proposed red/blue lines as described in the Response to Second Request for Information Letter (DFP, 21/09/18).

Conclusion

The proposal is considered acceptable on landscape grounds, subject to **Conditions 16, 17, 18,19,20,21,22,23,27, 28, 29, 63,64,65,66,67,68,69 and 75.** ”

Environmental Health

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

Report relied upon

Environmental Noise Assessment – Alterations & Additions to St Lucy's School, 21-23 Cleveland Street & 6-8 Billyard Avenue Wahroonga, NSW” Report Number 6332-1.2R Rev F, Date Issued 2 November 2018

Assessment

The report has addressed previous concerns in relation to the calculation of project specific noise criteria by referencing background + 5dB(A) as per the Ku-ring-gai Development Control Plan. Please note, the previous criteria given was background +10dB(A), which was not acceptable to Council.

The adjusted site specific acoustic criteria of 44dB(A) for the nearest residential receiver location 'R3' – 12 Billyard Avenue (front) and 42dB(A) for the nearest residential receiver location 'R3a' – 12 Billyard Avenue (back) is considered to be an appropriate noise goal.

The addition of site specific acoustic criteria of 42dB(A) for the residential receiver location R6 – 10 Billyard Avenue (rear). Note: Although this property is currently indicated as residential, 10 Billyard Street has been purchased by St Lucy's school with the intention of extending the school and was acquired solely for the purpose of use as an educational facility at some stage (subject to consent).

The measured background levels have been taken in suitable locations and are consistent with background noise readings obtained during routine noise assessments by Council's EHOS within the Ku-ring-gai LGA.

The acoustic assessment for noise impacts of any potential outdoor play area use is based on 108 students being in the playground throughout the entire school grounds at any given time, which is consistent with the St Lucy's School's Plan of Management.

The report advises that project specific noise criteria can be achieved for all noise sensitive receptors, subject to installation of a sound barrier wall (being a 2.4m high, double sided, 3 rail, lapped and capped timber fence) to achieve the site specific noise criteria of 44dB(A) for receptor R3 and 42dB(A) for receptor R3a, with the exception of receptor R6 which exceeded by 3dB(A). An exceedance of 3dB(A) is generally not considered significant and may be barely audible to the human ear, and is acceptable in this situation.

The height and design of the 2.4m proposed acoustic wall is consistent with previous development approvals issued for acoustic attenuation at child care centres within the Ku-ring-gai LGA.

The proposed acoustic wall constructed of a double sided, 3 rail, lapped and capped timber fence is preferred by Council over alternatives such as colorbond or masonry fences.

Based on the above, the report is acceptable and there is no objection to the proposal, subject to **Conditions 4, 25, 26,48,49,70,72,73,74 and 91**.

Engineering

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

Water management

The development site is lower than the road and has a general fall of approximately 2.5m from the south-western corner to the north-eastern corner to a valley within the property. Gravity discharge to the public drainage system would be difficult to achieve. It is understood from the consulting engineer's investigation, that surface runoff from the school's eastern play area, library and 6-8 Billyard Avenue drain through this valley and supposedly flows to Council's road drainage system via several downstream properties prior to discharging at a road sag point in Billyard Avenue. There are no stormwater drainage easements through the downstream properties that benefit the School. The development site does consist of a piped drainage system that drains the building and swimming pool areas fronting Cleveland Street which connects to Council's stormwater pit in Cleveland Street.

Following Council's Pre-DA meeting and discussion with Council's Team Leader Development Engineering, an alternative solution would be considered on merit due to the site constraints given that gravity discharge from an in-ground OSD tank to Billyard Avenue would not be feasible and that there are no available road piped drainage systems to formally connect to.

The amended stormwater design now shows stormwater runoff from the roof areas to be drained into a 19,200 litres rainwater tank (stage 1) and 2,800 litres rainwater tank (stage 2) for reuse and irrigation of landscaped areas. In a meeting with the applicant, Council officers were advised that it was not possible to connect the

rainwater tank to the toilets due to operational requirements specific to a special needs school.

The rainwater tank overflows from the eastern and western building will be directed to the existing kerb outlet via a charged line system that then flows to Council's road drainage system in Cleveland Street.

The combined 22,000 litres rainwater tanks would satisfy Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP. Bio-retention basins are also proposed at the outlets of new piped drainage lines as stormwater treatment measures, which would satisfy the objectives of Part 24C.6 of the Ku-ring-gai DCP with regard to stormwater quality

Vehicular access

Vehicular access to the site is via an existing driveway crossing off Billyard Avenue, which is proposed to be widened to 5.8m to accommodate two-way traffic. The driveway width satisfies the requirements of Part 22.2 of the Ku-ring-gai DCP.

The driveway widths, internal circulation, aisle widths, height clearances in excess of 2.2m and driveway gradients comply with Australian Standard 2890.1 (2004) "Off-Street car parking".

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

Parking provision

The application was referred to Roads and Maritime Services under Clause 57 of the Education SEPP. RMS raised no objection to the proposal and recommended that a Construction Traffic Management Plan be submitted to Council for approval prior to the issue of a Construction Certificate.

The parking requirements of Ku-ring-gai Development Control Plan Part 22R.1 for Schools are 1 space per equivalent full time employee and 1 space per 8 Year 12 students.

Currently, the school has 108 students and 47.5 full time equivalent (staff, where 17 formal spaces are provided and 24 vehicles utilise the on-street parking. The proposal seeks an increase in the maximum number of student enrolments up to 240 and staffing for 104 staff.

In summary, the proposal seeks an additional 48 parking spaces on top of the existing 17 at grade spaces off Cleveland Street. The methodology adopted to ascertain the additional parking requirements has been calculated based on the increase in full time equivalent staff travelling by car.

The proposal now seeks to provide an additional 56 full time equivalent which requires 56 parking spaces. This proposal seeks provision of 48 off-street parking spaces. The proposal also results in 2 additional on-street parking spaces which will be made available when the two existing driveway crossings along Billyard Avenue will be made redundant and reinstated to kerb and gutter. This parking will equate to 50 parking spaces. This is a shortfall of 6 spaces which can be adequately accommodated within the surrounding road network.

This is also on the assumption that the increase in staff demand will be accommodated within the basement carpark and the 24 members of staff who currently park on-street are expected to continue to park on-street. To mitigate the current street parking arrangement, the School is to adopt a Green Travel Plan for staff that will encourage staff to travel by public transport, car-pooling / car sharing, cycling, walking and being dropped off as alternatives to driving.

The proposal also allows for an improved drop-off/pick-up arrangement, both from Cleveland Street and Billyard Avenue. At present, the existing student drop-off/pick-up zone is located along the kerbside parking area in Billyard Avenue, with some additional student drop-off, by private vehicles as well as Government taxis undertaken in the 'Port Cochere' off Cleveland Street.

According to the applicant's traffic report, observations, were made on Monday 20 and Tuesday 21 February 2017 to assess the Schools drop-off and pick-up arrangements. The result show an average time taken for parents to park on Cleveland Street and Billyard Avenue and escort their child to school for drop-off was approximately 5 minutes (average time taken from parking to exiting the space) and 6 to 8 minutes for pick-up. The proposal intends to relocate this operation to the basement carpark.

Government taxis and mini buses using the Port Cochere for drop-off took on average took 2 and 4 minutes and pick-up was on average 3 to 5 minutes (depended on the level of disability). The proposal does not include changing this operation.

The drop-off times are from 8.30am to 8.50am and the pick-up times are from 2.30pm to 2.50pm. There are currently no parking spaces or pick-up /drop-off areas for parents on site.

Staff entry and exit from the carpark is proposed to take place outside these time periods and hence there should not be any conflict with the movement of vehicles dropping off and picking up students.

Furthermore, the traffic consultant estimates that the carpark can accommodate up to 17 additional vehicles in the queue (not including the 6 vehicles undertaking drop-off/pick-up), before reaching the external road network. In this instance it is evident that there would be sufficient room within the carpark for further queuing without impacting the external traffic or causing undue delay.

Traffic generation

Traffic count surveys were undertaken over three days (8 May to 10 May 2018) and were conducted from 7am-9am and from 3pm-6pm on each day to identify the level of traffic activity generated by the existing student numbers. The surveys were undertaken at the intersections of Cleveland Street and Billyard Avenue, Cleveland Street and Millewa Avenue, Billyard Avenue and Sutherland Avenue and Stuart Street and Cleveland Street for both the weekday morning and evening peaks.

The survey of 10 May 2018 presented the greatest traffic volumes and hence was used for the analysis in the updated SIDRA modelling. The peak hours on this day were identified to be 7:30am-8:30am and 4:30-5:30pm.

Based on the split mode into the vehicle trips generated by taxis, private vehicles for parents and teachers, the traffic generation rates carried out by the survey results were as follows:

- 44 taxis required, resulting in a net increase of 24 vehicles trips in and 24 vehicles out in each peak hour
- 70 and 63 private vehicle (parents) for the morning drop-off and afternoon pick-up, resulting in a net increase of 39 vehicle trips in the AM peak and 32 vehicle trips in the PM peak
- 48 vehicle trips private vehicle (teachers) resulting in 48 vehicle trips in the AM peak and 48 vehicle trips in the PM peak

The survey confirms that the projected additional traffic flows can be accommodated on the adjacent road network and will not have any unacceptable traffic implications for the road network capacity. Whilst this has been acknowledged, Council requested that additional traffic counts to be undertaken to analyse the impacts through the Cleveland Street/Stuart Street intersection due to the increased movements from the site. Additional traffic surveys were undertaken over 3 days and as a result of the SIDRA modelling, the proposed development is expected to have minimal impact upon the surrounding road network. All surveyed intersections are operating at a Level of Service A for both the pre- and post-development scenarios. The traffic report confirms that the average delays for all intersections are minor and there is ample spare capacity in all four intersections.

Of note, the Knox Prep School has an approved DA to provide on-site parking for its staff and drop-off and pick-up activity thus reducing the on-street parking demand currently generated by it (that approval has not yet been acted upon).

Council's Traffic Engineer provided the following comments in response to the Traffic Report.

- The submitted traffic report found that 29% of children are picked up and dropped off at the school by parents, with 71% being driven by government taxi's. Of this 29% (31 children), only 8 of the 31 parents (26%), who drove their children to the school used the on-site pick-up drop-off area. If these rates were extrapolated to the proposed increase in students from 108 to 240, then 171 students would be driven to and from school in government taxi's, and 69 would be driven by parents. If only 26% (18) of the parents used the basement pick-up & drop-off area, then 51 would be parking on-street. This would be an increase of 28 vehicles parking on the street. This could be problematic, given the number of schools in the vicinity, and the high demand for on-street parking. Although it's possible that some of these parents may choose to use the basement pick-up & drop-off zone, many will find it more convenient to park on the street, as they may have concerns about being delayed in a queue in the car park.
- It is noted that the proposed development would generate increased traffic volumes, however it would have a relatively minor impact on the local road network.

Construction management

An indicative construction traffic management (CTMP) has now been submitted as part of the submitted traffic report which is acceptable. The plan suggests construction vehicle routes for a 19m articulated vehicle for approach and departure to and from the site predominately to be use the demolition and excavation stages and delivery of building materials whilst a heavy rigid vehicle (11m) to be used for the construction stages.

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan (CTMP) must be submitted for review by Council Engineers prior to the commencement of any works on site. The plan is to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.

*It will be conditioned that NO construction vehicles movements are to occur during the school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm) on school days (**Condition 10**)*

*A Works Zone will be required for all stages of the development along the Billyard Avenue frontage, and a condition will be recommended to that effect, including the need for approval by Councils Traffic Committee and the payment of the necessary fees (**Condition 11**)*

Of note, the existing operation of the kiss and drop off Cleveland Street would not be compromised during the demolition, excavation and construction stages for the new basement carpark. It will also be conditioned that the work zone times will be outside the school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm) on school days so that the existing on-street parking along Billyard Avenue will not be compromised.

Geotechnical investigation

The preliminary investigation resulted in a desktop assessment and review of an existing geotechnical report undertaken in 2007 from an adjoining site within the school. The result of a borehole near the vicinity of the proposed site at the time identified fill of 0.4m that consisted generally sandy with varying gravel content. Silty clay was also encountered beneath the fill with the possibility that extremely weathered bedrock, probably shale might be encountered to depths of 3m to 5m. The subsurface profile involving deep boreholes are to be carried out prior to the issue of the Construction Certificate.

No groundwater was encountered in the boreholes during augering.

The report recommends that dilapidation surveys be carried out on adjoining properties that fall within the influence zone of the excavation prior to works commencing on site.

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

Recommendation

*The proposal is considered acceptable on engineering ground, subject to **Conditions 7,9,10,11,12,29,34,35,36,37,38,52,53,61,71,77,78,79,80,81,82,83 and 84.***

Building

Council's Building Surveyor commented on the proposal as follows:

"Class 9b School with Class 7a basement carpark

The proposed building design complies in general with the BCA requirements,

subject to **Conditions 42, 85 and 94**. A detailed fire safety assessment will need to be undertaken by the Principal Certifier at the Construction Certificate stage.”

EXTERNAL REFERRALS

Roads and Maritime Services

The application was referred to Roads and Maritime Services (RMS) under Part 7, Section 57 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 given the development proposes 50 more additional students and involves the enlargement of an existing premises.

In their letter of reply on 9 April 2018, RMS raised no objection to the development, subject to **Condition 10**, as follows:

“1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.”

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979

The proposal is “Local Development” under Section 4.2 of the Environmental Planning and Assessment Act, 1979, as amended, and requires development consent.

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

Environmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others.

The sections of the Regulation relevant to the proposal are:

- Clause 92(1)(b) requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of structures. The demolition of the existing structures will be carried out in accordance with a construction/demolition management plan, and this will be required to be submitted prior to the issue of a Construction Certificate (**Condition 47**).
- In accordance with Clause 94 of the Regulations, the proposal will be required to provide adequate fire safety in accordance with the BCA (**Condition 85 and 94**).

State Environmental Planning Policies

A State Environmental Planning Policy (SEPP) is an environmental planning instrument made under Division 3.3 of the EP&A Act for the purpose of environmental planning by the State. The following SEPPs are applicable to the proposal.

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

Clause 35 (6) of the SEPP requires that before determining a development application for specified development, the consent authority must take into consideration:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Subject to conditions, the application is considered acceptable with respect to Clause 35(6) (a). The applicant has provided a Design Quality Statement which assesses the proposal against the 7 design quality principles and is found to be acceptable.

In response to Clause 35(6)(b), the proposed development will continue the use of St Lucy's School facilities by the school and external communities, including the use of facilities by volunteers and parent groups for parents of children with disabilities (both part of, and external to the School).

Part 7 General development controls

Section 57 Traffic-generating development

- (1) This clause applies to development for the purpose of an educational establishment:*
 - (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and*
 - (b) that involves:*
 - (i) an enlargement or extension of existing premises, or*
 - (ii) new premises, on a site that has direct vehicular or pedestrian access to any road.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and*
 - (b) take into consideration the matters referred to in subclause (3).*

The proposed development involves the construction of new school buildings at St Lucy's so as to accommodate 50 or more additional students. In accordance with Section (1) (a) and (b) of the Educational Establishment SEPP, Council consulted Roads and Maritime Services. On 9 April 2018 RMS advised that it has no objection

to the development, subject to the imposition of **Condition 10** requiring a Construction Traffic Management plan prior to issue of the Construction Certificate.

State Environmental Planning Policy (Infrastructure) 2007

The development site is not in, or immediately adjacent to, the North Shore rail corridor or a Classified Road. Further, the applicant has elected to include a proposed substation in the application and not use the approval pathway available under Division 5 electricity transmission or distribution of the SEPP.

Recent amendments made to the policy on 31 August 2018 introduced new provisions for correctional services, emergency and police services facilities and bushfire hazard reduction, ports and roads infrastructure, including facilities for electric vehicles, and other operational and housekeeping improvements. These amendments have been considered and do not apply.

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

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

Clause 7 of SEPP 55 requires a consent authority to consider whether land is contaminated when determining a development application, and must be satisfied that the land is suitable for the proposed use.

The site has been zoned for and used for educational purposes for nearly 70 years and residential purposes for over 100 years, being land originally forming part of conveyance for residential purposes in 1896, and first listed in the Sands Directory in 1903.

No further investigation is triggered by SEPP 55. However, due to the age of the dwellings at 6 and 8 Billyard Avenue, there is a likelihood of lead based paints accumulating on the soil surface adjacent to the external walls. **Condition 45** would deal with any lead encountered during the demolition, excavation and construction stages.

Draft State Environmental Planning Policy (Remediation of Land)

The draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The Explanation of Intended Effects accompanying that draft SEPP advises:

“As part of the review of SEPP 55, preliminary stake holder consultation was undertaken with councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.”

The site is unlikely to contain contamination and further investigation is not warranted in this case.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP commenced on 25 August 2017 and replaced clause 5.9 of KLEP 2015, which related to the preservation of trees and vegetation.

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site (refer to Landscaping comments above).

State Environmental Planning Policy No. 64 – Advertising and signage (SEPP 64)

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

8 Granting of consent to signage

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

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

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

Schedule 1 Assessment Criteria	
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	YES, recognising that the area of the signage in which the signage is to be located is a heritage conservation area and that the proposed signage is consistent with that currently displayed on site / in the area
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	YES , it is not inconsistent with the locality
2. Special areas	
	It is found to be compatible

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?	with those special qualities. The type, scale and design of the site is considered to complement the site and area and in no way detract from it
3. Views and vistas	
Does the proposal obscure or compromise important views?	NO
Does the proposal dominate the skyline and reduce the quality of vistas?	NO
Does the proposal respect the viewing rights of other advertisers?	N/A
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	NO
Does the proposal require ongoing vegetation management?	NO
5. Site and Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	YES, its scale is appropriate for its location
Does the proposal respect important features of the site or building, or both?	YES, the signage is located considerable from the curtilage of the heritage item on Cleveland Street and is unobtrusive and does not detract from the HCA
Does the proposal show innovation and imagination in its relationship to the site or	N/A

building, or both?	
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	NO
7. Illumination	
Would illumination result in unacceptable glare?	YES (subject to recommended Condition 89)
Would illumination affect safety for pedestrians, vehicles or aircraft?	The applicant has not identified the location of the garden bed lighting. Condition 89 serves to prohibit illumination of signage.
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A
8. Safety	
Would the proposal reduce the safety for any public road?	NO
Would the proposal reduce the safety for pedestrians or bicyclists?	NO
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	NO

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (SREP 20)

SREP 20 applies to land within the catchment of the Hawkesbury-Nepean River.

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

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

Local content

Ku-ring-gai Local Environmental Plan 2015

Zoning and permissibility:

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

SP2 zone objectives:

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

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

The proposed development therefore upholds the zone objectives.

The proposal includes one business identification sign which is considered to be ordinarily incidental to the development and is therefore permissible.

Development standards:

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

Clause 5.10 – Heritage conservation

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

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

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

Part 6 Additional local provisions

Clause 6.1- Acid sulphate soils

The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 lands. Further, the works will not involve earthworks works below 5 metres. Therefore, an Acid Sulfate Soils Management Plan is not required under the provisions of Clause 6.1.

Clause 6.2 – Earthworks

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

Clause 6.3 - Biodiversity protection

The site is not mapped as containing areas of biodiversity significance.

Clause 6.5 - Stormwater and water sensitive urban design

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

Policy provisions

Ku-ring-gai Development Control Plan

Section A

Part 2 – Site Analysis

Part 12 – Signage and Advertising

Section B

Part 15 – Land Contamination

Section C

Part 21 – General Site Design

Part 22 – General Access and Parking

Part 23 – General Building Design and Sustainability

Part 24 – Water Management

Part 1A.5 General aims of the DCP

The proposed development has been assessed against the general aims of this DCP and is found to be acceptable in all relevant respects for the reasons given throughout this report.

Section A

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

Part 3: Land consolidation and subdivision

The proposed development requires the consolidation of the existing allotments (**Condition 39**). This consolidation will not result in any irregular lot configurations, result in any isolated sites or result in the creation of remaining allotments that cannot be reasonably developed due to constraints. Therefore, the application is assessed as consistent with this Part of the DCP.

Section B

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 12 Signage and advertising		
12.1 Signage general		
<ul style="list-style-type: none"> - signage to be constructed on robust materials - Not to flash, move or the like - Not to advertise a third party - Not to be illuminated - No pole signs 	The design and materials of the sign satisfy the general design requirements of the DCP	YES (Illumination prohibited via Condition 89)
12.3 Identification signs - Business		
<i>Residential</i> <ul style="list-style-type: none"> - Maximum 1 sign - Maximum height 2m - Located within property boundaries 	The signage has been designed and positioned to comply with the requirements of the DCP	YES
12.5 Advertising on heritage items or in heritage conservation areas		
<ul style="list-style-type: none"> - Design sympathetic to setting and character of item or HCA - Appropriately located - No to detract from view or fabric - Freestanding signs encouraged to avoid impact on fabric / curtilage 	Design, location and style of the signage is acceptable and not considered to have an impact upon the heritage setting of the site	YES

Part 15 Land Contamination

As discussed earlier in this report, the sites land use history has discounted the likelihood for land contamination.

No further investigation is triggered by SEPP 55. However, due to the age of the dwellings at 6 and 8 Billyard Avenue there may be the likelihood of lead paint based paints accumulating on the soil surface adjacent to the external walls. **Condition 45** has been recommended in the event lead is encountered.

Part 18 – Biodiversity

The site is not mapped as containing areas of biodiversity significance.

Part 19 – Heritage Items and Heritage Conservation Areas

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

Section C

COMPLIANCE TABLE		
Development control	Proposed	Complies

Ku-ring-gai Development Control Plan

Part 21 General Site Design

<ul style="list-style-type: none"> - 0.6m width between retaining walls - Retaining walls max height 1.0m - No change in levels within 2m of boundary - Modified ground levels not to affect ground water flow 	Retaining walls acceptable height, no significant earthworks within 2m of boundaries. However, two 3m long x1.4m wide x .2m deep landscaped swale have been conditioned to be relocated clear of the eastern boundary (Condition 29(2))	YES
Landscape Design <ul style="list-style-type: none"> - Site planning and design must retain and enhance vegetation and biodiversity corridors. 	Satisfactory	YES
22.1 Equitable access		
<ul style="list-style-type: none"> - new development to demonstrate compliance with DDA (Section 23 of Act) - Access to be integrated into design / building 	Equitable access has been provided and sufficiently integrated into the proposed buildings	YES
22.2 General vehicle access		
<ul style="list-style-type: none"> - Driveway locations to comply with AS2890.1 - Vehicle and pedestrian access separated - Driveway width minimum 3.7m 	Driveway and pedestrian access comply with the requirements of the DCP and meets the satisfaction of Council's Development Engineer	YES
22.3 Basement car parking		
<ul style="list-style-type: none"> - Efficient layout required - Natural ventilation encouraged - Basements to be fully tanked 	Basement car park layout accords with Council's DCP and meets the satisfaction of Council's Development Engineer	YES
22.5 Parking for people with a disability		
<ul style="list-style-type: none"> - 2% (minimum) of spaces to be accessible parking 	Number of accessible spaces meet the minimum requirements of the DCP	YES
22.6 Pedestrian movements with car parks		
<ul style="list-style-type: none"> - Marked pathways to be provided and comply with AS1428.1 	Pedestrian movements within the basement car parking area suitably arranged to ensure no conflict between vehicle and pedestrian movements	YES

22R.2 Car Parking Rates		
<ul style="list-style-type: none"> - 56 car parking spaces based on 1 space per equivalent full-time employee plus 1 space per 8 Year 12 students. - Provision for an onsite set down / pick up of students and a set down / pick up management plan is required. 	<p>48 spaces (shortfall of 6)</p> <p>108 fulltime staff proposed, no Year 12 students in attendance. Minimum of 48 parking spaces required.</p> <p>Total 65 spaces provided + access to a further 17 spaces on the Cleveland Street frontage.</p> <p>6 space drop off / pick up facility to be managed by staff as a driver remains with car facility, aiming to turn vehicles over for all drop-offs/pickups in 40 minutes with a maximum 3 minute dwell time (entire school). This has been formalised through A management plan (Condition 87)</p>	NO (refer to discussion below)
23.3 Sustainability of building materials		
<ul style="list-style-type: none"> - Materials where possible from recycled or renewable sources 	Materials proposed in development acceptable in circumstance proposed	YES
23.4 Materials and finishes		
<ul style="list-style-type: none"> - Materials to be durable and of high quality finish - Avoid large expanses of unbroken finish - To avoid highly reflected finishes - New materials to complement existing finishes and materials 	Materials proposed in development acceptable in circumstance proposed	YES
23.6 Building services		
<ul style="list-style-type: none"> - Services to be integrated into building design - Ventilation stacks to be concealed within building and exhaust at street level 	Building services appropriately integrated into the building. Exhaust fan riser integrated into covered walkway roof design	YES
Part 23.9 General visual privacy		
<ul style="list-style-type: none"> - Visual privacy maintained for occupants and for neighbouring dwellings, no balconies or decks that overlook neighbouring properties 	Proposed development does not create any unreasonable visual privacy issues, recognising the significant separation from the proposed works to	YES

	adjoining land uses	
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Part 24 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater run-off as per the requirements of the DCP, subject to **Conditions 1, 29, 78 and 79**.

Part 25 – Notification

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

An assessment of the variations to the design controls identified in the compliance table is provided below.

22R.2 Car parking rates

It is a requirement of Council that 1 car parking space is provided based on 1 space per equivalent full-time employee. The proposal includes an additional 56 FTE staff which requires 56 parking spaces.

This proposal provides 48 off-street parking spaces, representing a shortfall of 6 spaces and does not meet the numerical requirement.

However, the departure satisfies the objective of the control as previously stated in Council's Development Engineer's comments, in summary, the proposal is acceptable, subject to the following justification:

- a) The increase in demand is predominantly accommodated within the basement carpark
- b) To mitigate the current street parking arrangement, the School is to adopt a Green Travel Plan for staff that will encourage staff to travel by public transport, car-pooling / car sharing, cycling, walking and being dropped off as alternatives to driving.
- c) The proposal also results in 2 additional on-street parking spaces which will be made available when the two existing driveway crossings along Billyard Avenue will be made redundant and reinstated to kerb and gutter.
- d) There is available on-street parking along Billyard Avenue.

Section 7.12 Plan

Educational establishments are identified under Section 1.4 of Ku-ring-gai Council's 94A Contributions Plan 2015 as a development type subject to that Plan. Under Section 1.8 of the Plan, the development is subject to a contribution of 1% based on the estimated cost of works where they exceed \$200,000. The cost of works for the proposed alterations and additions has been determined as \$11,844,419 and therefore a 1% levy would attract the payment of \$118,444.19.

As part of this application, the applicant applied for an exemption which was considered by Council at the ordinary meeting of 22 May 2018 and was supported on the basis of the unique extenuating circumstances with specific reference to the extended community benefit from their mission to provide education exclusively for

children with special needs who are unable to attend mainstream schools on a not for profit basis and their status as a registered charity. Accordingly, no condition relating to the payment of a monetary contribution has been recommended.

REGULATIONS

The development has been considered against the Environmental Planning and Assessment Regulations 2000 and is considered to be acceptable, subject to **Conditions 47, 85 and 94.**

LIKELY IMPACTS

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

ANY SUBMISSIONS

The submissions received during the notification period have been considered.

PUBLIC INTEREST

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

CONCLUSION

Having regard to the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

RECOMMENDATION

PURSUANT TO SECTION 4.17(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That the Sydney North Planning Panel, as the consent authority, being satisfied that the proposed development will be in the public interest, grant development consent to DA0583/17 for the staged construction of alterations and additions to St Lucy's School, including class room buildings, basement car park, signage, engineering and landscaping works and the increase in student numbers to 240 and 104 staff, at 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga, for a period of 2 years from the date of the Notice of Determination, subject to the following conditions.

Pursuant to Section 4.53(2) of the Environmental Planning and Assessment Act, this Development Consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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

Plan no.	Drawn by	Dated
DA00 cover sheet (Amendment 2)	Stanton Dahl Architects	15/6/2018
DA01 site plan (Rev 2)	Stanton Dahl Architects	14/6/2018
DA02 basement plan (Rev 1)	Stanton Dahl Architects	30/11/2018
DA03 ground floor plan-part 1 (Rev 3)	Stanton Dahl Architects	17/9/2018
DA04 ground floor plan (Rev 3)	Stanton Dahl Architects	17/9/2018
DA05 first floor plan (Rev 1)	Stanton Dahl Architects	30/11/2018
DA06 roof plan (Rev 2)	Stanton Dahl Architects	14/6/2018
DA07 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA08 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA09 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA10 sections (Rev 3)	Stanton Dahl Architects	17/9/2018
DA11 site plan-stage 1 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA12 site plan-stage 2 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA13 site plan- stage 3 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA15 site plan- fencing plan (Rev 1)	Stanton Dahl Architects	14/6/2018
DA16 acoustic fencing details (Rev 1)	Stanton Dahl Architects	14/6/2018
A01 site plan- tree location plan (Rev 2)	Stanton Dahl Architects	21/9/2018
A02 Detail section (Rev 1)	Stanton Dahl Architects	17/9/2018
C2-00 (Amend D) General arrangement plan - basement stage 1	Calibre	27/9/2018
C2-01 (Amend C) General arrangement plan - basement stage 2	Calibre	27/9/2018
C2-02 (Amend H) General arrangement plan - ground	Calibre	28/9/2018

floor stage 1		
C2-03 (Amend G) General arrangement plan - ground floor stage 2	Calibre	28/9/2018
C4-20 (Amend E) Stormwater drainage details - sheet 1	Calibre	27/9/2018
C4-21 (Amend D) Stormwater drainage details - sheet 2	Calibre	27/9/2018
000 (Issue C) Landscape coversheet	Site image	28/11/2017
101 (Issue B) Landscape plan stage 1	Site image	20/11/2017
102 (Issue B) Landscape plan stage 2	Site image	20/11/2017
103 (Issue C) Landscape plan stage 3	Site image	28/11/2017
501 (Issue C) Landscape details	Site image	28/11/2017

Document(s)	Dated
Material selection by stanton dahl architects	7/5/2018
Plan of management for the operation for the school	October 2018
Environmental noise assessment by Day Design Pty Ltd (Rev F)	2 November 2018
Access review by Stanton dahl architects	27/11/2017
Preliminary Geotechnical Assessment by JK Geotechnics	4/12/2017
Environmental site management plan by APP	November 2017
Arboricultural Impact Assessment by Lee Hancock	21/9/2018
Tree statement by Mark Bury Consulting	13/9/2018
Tree statement by Mark Bury Consulting	25/9/2018
Building Code of Australia Assessment Report by City Plan Services	28/9/2017

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

2. Inconsistency between documents

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

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

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

3. Asbestos works

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

Reason: To ensure public safety.

4. Vibration

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

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

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Cleveland Street and Billyard Avenue over the site frontages, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic)

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

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

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

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

8. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifier shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

9. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address:
10 Billyard Avenue, Wahroonga

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a

consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

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

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

Reason: To record the structural condition of likely affected properties before works commence.

10. Construction traffic management plan

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

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

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

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

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for a largest heavy rigid vehicle. The Swept Path Analysis Plans **shall** show the existing trees being retained and their tree protective fencing requirements (consistent with the DA consent). These plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict.

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

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site.

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

For safety and amenity, no construction vehicle movements are to occur in Cleveland Street and Billyard Avenue during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

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

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

11. Work zone

A Works Zone is to be provided in Billyard Avenue subject to the approval of the Kuring-gai Local Traffic Committee.

No loading or unloading must be undertaken from the public road or nature strip unless within a Works Zone which has been approved and paid for.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

12. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

13. Sediment controls

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

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

Reason: To preserve and enhance the natural environment.

14. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifier. The plan shall comply with the guidelines set out in the Landcom manual "Managing Urban Stormwater: Soils and Construction". Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

15. Marking of trees to be removed

All trees that are to be removed within the development area, are to be clearly marked on site by the Project Arborist in accordance with the approved plans. All other trees are to be retained.

Reason: To protect existing trees during the construction phase.

16. Tree protection fencing

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

Tree/Location	Radius in metres
Tree 1/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is located in the Billyard Avenue nature strip	6.7m
Tree 2/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is located in the Billyard Avenue nature strip	6.6m
Tree 4/ <i>Jacaranda mimosifolia</i> (Jacaranda) this tree is located in the Billyard Avenue nature strip	4.2m
Tree 5/ <i>Jacaranda mimosifolia</i> (Jacaranda) this tree is located in the Billyard Avenue nature strip	6.2m
Tree 6/ <i>Lophostemon confertus</i> (Brushbox) this tree is located in the Billyard Avenue nature strip	9.7m
Tree 6b/ <i>Lophostemon confertus</i> (Brushbox) this tree is located in the Billyard Avenue nature strip	10.2m
Tree 18/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is located in the Cleveland Street nature strip	5.8m
Tree 19/ <i>Eucalyptus botryoides</i> (Bangalay) this tree is located in the Cleveland Street nature strip	5.6m

Reason: To protect existing trees during the construction phase.

17. Tree protection fencing excluding structure

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

Schedule

Tree/Location	Radius from trunk
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) this tree is located in the Billyard Avenue front setback	6.0 m
Tree 10/ <i>Acer negundo</i> (Box Elder) this tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) this tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) this tree is located on eastern boundary of 8 Billyard Avenue	6.0m
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	8.5m

Reason: To protect existing trees during the construction phase.

18. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

19. Tree protection signage

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

Tree protection zone.

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

Reason: To protect existing trees during the construction phase.

20. Tree protection mulching

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

Tree/Location

Tree 10/ *Acer negundo* (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's

Reason: To protect existing trees during the construction phase.

21. Tree protection - avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Tree/Location

Tree 1/ *Eucalyptus robusta* (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip

Tree 2/ *Eucalyptus robusta* (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip

Reason: To protect existing trees during the construction phase.

22. Branch protection

To preserve the following tree/s, no work shall commence until the branch/s nearest the road are protected by the placement of reasonable lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The branch protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifier:

Tree/Location

Tree 6/ *Lophostemon confertus* (Brushbox) This tree is located in the Billyard Avenue nature strip.

Reason: To protect existing trees during the construction phase.

23. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

24. Construction waste management plan

Prior to the commencement of any works, the Principal Certifier shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's Waste Management controls in the Ku-ring-gai Development Control Plan.

The plan shall address all issues identified in the DCP, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Principal Certifier.

Reason: To ensure appropriate management of construction waste.

25. Noise and vibration management plan (Part 1)

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

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

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

Reason: To protect the amenity of surrounding residents during construction.

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

26. Acoustic design report - mechanical plant

Prior to the issue of the Construction Certificate, an acoustic design report prepared by an appropriately qualified acoustic consultant shall be submitted to and approved by the Principal Certifier. The report shall detail all acoustic measures required to ensure that noise generated by the mechanical plant, including air conditioners and

car park exhaust, is not more than 5db(A) above the L₉₀ (ambient background) noise level when measured at any point on an adjoining residential property. The acoustic design is to include noise mitigation measures as recommended by Day Design Pty Ltd in Environmental Noise Assessment Report Number 6332-1.2R Rev F, dated 2 November 2018.

Reason: To protect the amenity of surrounding residents

27. Amendments to approved architectural plans

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that the architectural plan endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent.

The relevant architectural plan shall be amended in the following ways:

1. Tree 14/ Jacaranda mimosifolia (Jacaranda) currently provides landscape screening amenity between proposed and existing buildings and is to be shown to be retained.
2. Section 3 is to be indicated on the architectural plans.
3. The Site Plan is to be amended to include an interpretation in the Legend of the proposed red/blue lines as described in the Response to Second Request for Information Letter (DFP, 21/09/18).
4. Front boundary wall:
 - i. The low sandstone walls within the front setback is to be replaced with face brick walls, the bricks to be Austral Bowral Bricks, colour "Bowral Blue" to match those of the ground floor. The low brick wall is to have a header course of bullnose bricks on all edges of the top of the wall. The wall is to be 470mm wide.
5. Eastern and western wall of the proposed basement driveway

The eastern and western retaining wall of the proposed driveway is to be clad with face brickwork, the bricks to be Austral Bowral Bricks, colour "Bowral Blue" to match those of the ground floor. The wall is to have a header course of bullnose bricks at the top of the wall."

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

Note: An amended plan, prepared by an architect or qualified draftsman shall be submitted to the Principal Certifier.

Reason: To protect the privacy and amenity of adjoining properties

28. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp,

have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
000 (Issue C) Landscape coversheet	Site image	28/11/2017
101 (Issue B) Landscape plan stage 1	Site image	20/11/2017
102 (Issue B) Landscape plan stage 2	Site image	20/11/2017
103 (Issue C) Landscape plan stage 3	Site image	28/11/2017
501 (Issue C) Landscape details	Site image	28/11/2017

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

1. The landscape plans are to be consistent with the approved architectural and stormwater plans listed in Condition 1 and as amended by other conditions of consent.
2. Tree 14 provides existing landscape screening amenity between proposed and existing buildings and is to be shown to be retained.
3. Proposed canopy tree planting of predominantly *Tristanopsis laurina* is to be substituted with more horticulturally sympathetic evergreen and deciduous canopy trees such as *Franklinia axillaris* and *Nyssa sylvatica*. Tree plantings should be greater than 5 metres from the building and outside of existing canopies to enable sustainable establishment.
4. Proposed bioretention basins are to be relocated so that they do not encroach within 2 metres from the site boundary to preserve the proposed vegetation buffer along the eastern boundary. Proposed screen planting is to be continued along the entire length of the eastern boundary.

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

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

Reason: To ensure adequate landscaping of the site

29. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
C2-00 (Amend D) General arrangement plan - basement stage 1	Calibre	27/9/2018
C2-02 (Amend H) General arrangement plan - ground floor stage 1	Calibre	28/9/2018
C2-03 (Amend G) General arrangement plan - ground floor	Calibre	28/9/2018

stage 2

The above engineering plan(s) shall be amended as follows:

1. To preserve the existing landscape screening amenity between the proposed and existing buildings the bioretention basin and associated pipes are not to encroach within the specified radius of Tree 14.

Tree/Location	Radius in metres
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	3.0m

2. The proposed bioretention basins are to be relocated so that they do not encroach within 2m from the site boundary to preserve the proposed vegetation buffer along the eastern boundary.
3. The proposed pit and RHS connection to the existing culvert are not to encroach within 2.5m from Tree 18 and Tree 19 as measured from the centre of the trunk. Non destructive methods are to be utilised such as an air spade to construct a trench under the supervision of a project arborist to avoid root severance over 30mm in diameter.
4. To preserve existing trees within the southern building setback to the existing 2 storey building fronting Cleveland Street, the pipe is to be relocated as close as possible to the external building wall.

Note: An amended engineering plan, prepared by a qualified engineer shall be submitted to the Principal Certifier.

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

30. Long service levy

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

Reason: Statutory requirement.

31. Outdoor lighting

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

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

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

32. External service pipes and the like prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on the relevant construction certificate plans and detailed with relevant construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed upon development consent plans.

Reason: To protect the streetscape and the integrity of the approved development.

33. Access for people with disabilities (commercial)

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

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

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

34. Excavation for services

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

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

Reason: To ensure the protection of trees.

35. Driveway crossing levels

Prior to issue of a Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council.

Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

36. Basement car parking details

Prior to issue of a Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Principal Certifier. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- i. all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- ii. the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

Reason: To ensure that parking spaces are in accordance with the Development Consent.

37. Utility provider requirements

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

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

38. Underground services

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

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

39. Consolidation of lots

Prior to issue of a Construction Certificate for Stage 1 works, the Applicant must consolidate the existing Torrens title lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Principal Certifier prior to issue of a Construction Certificate.

Reason: The proposal relies on other lots to achieve compliance with the KLEP and DCP (car parking and stormwater management) and also to ensure continuous structures will not be placed across separate titles.

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

40. Infrastructure damage security bond and inspection fee

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

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

such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

- (e) **Release of the bond** – Upon receipt of the Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt of the Occupation Certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

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

41. Road opening permit

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

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

42. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- the work must be carried out in accordance with the requirements of the Building Code of Australia

- in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence
- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

43. Hours of work

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

Excavation using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

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

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

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

44. External walls and cladding flammability

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate, the Certifier and Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: Statutory requirement to ensure the safety of occupants.

45. Lead based paint

Buildings built prior to the 1970s may contain lead based paint. In the event it is encountered during demolition and/or excavation the WorkCover and NSW Environmental Protection Authority Lead safety guidelines are to be followed to prevent personal and environmental contamination.

Reason: Environmental safety

46. Approved plans to be on site

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

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

47. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

48. Vibration

The Principal Certifier shall be satisfied that vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure will be in accordance with the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

49. Construction noise (Part 2)

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

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

50. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

51. Dust control

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

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

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

52. Post-construction dilapidation report

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

Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

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

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

Reason: Management of records.

53. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the Geotechnical Assessment Report dated 4 December 2017 Ref: 31003Vprelimrpt.revWahroonga prepared by JK Geotechnics. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

54. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

55. Guarding excavations

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

Reason: To ensure public safety.

56. Toilet facilities

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

Reason: Statutory requirement.

57. Protection of public places

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

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

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

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

Reason: To protect public places.

58. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

59. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

60. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

61. Sydney Water Section 73 Compliance Certificate

The applicant must apply for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant should refer to Sydney Water's web site at www.sydneywater.com.au <<http://www.sydneywater.com.au>> or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

62. Project arborist

A suitably qualified project arborist (AQF level 5) is to be engaged to advise the Principal Certifier on the protection of trees at the site and to supervise the installation and maintenance of tree protection measures required by this consent.

Prior to the commencement of any works including demolition on the site in areas required to be protected by this consent, the project arborist shall inspect the site and satisfy himself/herself that the protection measures are in accordance with the approved design and must provide a written certification to the Principal Certifier to that effect.

If not satisfied, the project arborist must provide to the Principal Certifier a list of works that are to be completed to ensure compliance with all conditions of consent relating to the protection of trees at the site. Those works must be undertaken to the satisfaction of the project arborist.

Reason: To ensure protection of existing trees

63. Arborist's report

All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 and reports by Lee Hancock Consulting Arborist, dated 21/09/2018 and Mark Bury dated 13/09/18 and associated plans by same, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the project arborist to the Principal Certifier are required during all works within the canopy spread of all existing trees on site and overhanging from adjoining sites, including date, brief description of the works inspected, and any mitigation works prescribed. All monitoring shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

- All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

64. Trees on nature strip

Removal/pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000:

Tree/Location
Tree 6a/ <i>Jacaranda mimosifolia</i> (Jacaranda) This tree is located in the Billyard Avenue nature strip

Reason: To ensure protection of existing trees.

65. Treatment of tree roots

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

Reason: To protect existing trees.

66. Approved tree works

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

Tree/Location	Approved tree works
Tree 7/ <i>Camellia sasanqua</i> (Camellia) This tree is located in the centre of the site	Removal
Tree 8/ <i>Michelia figo</i> (Port Wine Magnolia) This tree is located in front setback of 6 Billyard	Removal
Tree 9/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	Removal
Tree 11/ <i>Nyssa sylvatica</i> (Tupelo) located in front setback of 8 Billyard Avenue	Removal
Tree 15/ <i>Liquidamber styraciflua</i> (Liquidamber) located in rear yard of 8 Billyard Avenue	Removal
Tree 16/ <i>Liriodendron tulipifera</i> (Tulip Tree) located in rear yard of 8 Billyard Avenue	Removal
Group A - a group of trees on school grounds adjacent to existing building	Removal
Tree 16/ <i>Liriodendron tulipifera</i> (Tulip Tree) located in rear yard of 8 Billyard Avenue	Removal
Tree 17/ <i>Syzigium smitthii</i> (Lilly Pilly) located in front setback of 6 Billyard	Removal

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Development Control Plan.

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

67. Excavation near trees

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

Schedule

Tree/Location	Radius from trunk
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) This tree is located in the Billyard Avenue front setback	6.0 m
Tree 10/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) This tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) This tree is located on eastern boundary of 8 Billyard Avenue	6.0m
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	8.5m

Reason: To protect existing trees.

68. Hand excavation

All excavation excluding for the approved basement and driveway and subject to other conditions, within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule

Tree/Location	Radius from trunk
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) This tree is located in the Billyard Avenue front setback	6.0 m
Tree 10/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) This tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) This tree is located on eastern boundary of 8 Billyard Avenue	6.0m
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	8.5m
Tree 18/ <i>Eucalyptus robusta</i> (Swamp Mahogany) This tree is located in the Cleveland Street nature strip	5.8m
Tree 19/ <i>Eucalyptus botryoides</i> (Bangalay) This tree is located in the Cleveland Street nature strip	5.6m

Reason: To protect existing trees.

69. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Part 13 of the Ku-ring-gai Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

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

70. Mechanical ventilation – commercial premises

- (a) Prior to the issue of the Occupation Certificate for Stage 1, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

71. Staff travel plan

Prior to issue of the Occupation Certificate for Stage 3 works, St Lucy's School is to prepare and implement a green travel plan for staff that will encourage staff to travel by public transport, car pooling / car sharing, cycling, walking and being dropped off as alternatives to driving. Such a plan would include the following considerations and commitments:

- objectives (what the plan is trying to achieve);
- outcomes (the initiatives that will be implemented);
- performance measurement (identify indicators to evaluate the success of the plan);
- benchmarking/targets (measurable and achievable, with a focus towards active transport);
- monitoring and review (set intervals for monitoring and review, for continuous improvement, with regular updates/feedback to Council)

A green travel plan is to be developed in accordance with the principles identified by Transport for NSW and RMS and must be submitted to the satisfaction of Council's Traffic Engineer, prior to the issue of an Occupation Certificate.

The green travel plan is to be implemented prior to the commencement of works.

Reason: Environmental sustainability and travel / parking demand management.

72. Acoustic Control Measures - Sound Barrier Wall

Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for the Eastern Boundary - Sound Barrier Wall as detailed in Day Design Pty Ltd in Environmental Noise Assessment Report Number 6332-1.2R Rev F dated 2 November 2018 has

been installed. Written confirmation from an acoustic engineer that the sound barrier wall has been installed and will achieve the project specific noise criteria is to be submitted to the Principal Certifier.

Reason: To protect the amenity of surrounding occupants.

73. Acoustic Control Measures - Mechanical Plant

- (a) Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.
- (b) Prior to the issue of the Occupation Certificate for Stage 2 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.
- (c) Prior to the issue of the Occupation Certificate for Stage 3 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.

Reason: To protect the amenity of surrounding occupants.

74. Mechanical ventilation – commercial premises

- (a) Prior to the issue of the Occupation Certificate for Stage 1, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

75. Completion of landscape works

- (a) Prior to the release of an Occupation Certificate for Stage 1 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 1 works, have been undertaken in accordance with the approved plan(s) and conditions of consent.
- (b) Prior to the release of an Occupation Certificate for Stage 2 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 2 works, have been undertaken in accordance with the approved plan(s) and conditions of consent.

- (c) Prior to the release of an Occupation Certificate for Stage 3 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 3 works, have been undertaken in accordance with the approved plan(s) and conditions of this Development Consent.

Reason: To ensure that the landscape works are consistent with the Development Consent.

76. Accessibility

Prior to the issue of an Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that:

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

Reason: Disabled access & services.

77. Retention and re-use positive covenant

- (a) Prior to issue of the Occupation Certificate for Stage 1 works, the Applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.
- (b) Prior to issue of the Occupation Certificate for Stage 2 works, the Applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

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

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

Reason: To protect the environment.

78. Certification of drainage works

(a) Prior to issue of an Occupation Certificate for Stage 1 works, the Principal Certifier is to be satisfied that:

- the stormwater drainage works associated with Stage 1 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- components of the new drainage system associated with Stage 1 works have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, associated with Stage 1 works are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

(b) Prior to issue of an Occupation Certificate for Stage 2 works, the Principal Certifier is to be satisfied that:

- the stormwater drainage works associated with Stage 2 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- components of the new drainage system associated with Stage 2 works have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels associated with Stage 2 works, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

Reason: To protect the environment.

79. WAE plans for stormwater management and disposal

(a) Prior to issue of an Occupation Certificate for Stage 1 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 1 works. The survey must be submitted to and approved by the Principal Certifier prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions

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

(b) Prior to issue of an Occupation Certificate for Stage 2 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 2 works. The survey must be submitted to and approved by the Principal Certifier prior to issue of the Occupation Certificate. The survey must indicate:

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

Note: The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works associated with Stage 1 and Stage 2 works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped construction certificate stormwater plans.

Reason: To protect the environment.

80. Basement pump-out maintenance

- (a) Prior to issue of the Occupation Certificate for stage 1 works, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.
- (b) Prior to issue of the Occupation Certificate for stage 2 works, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifier.

Reason: To protect the environment.

81. Sydney Water Section 73 Compliance Certificate

- (a) Prior to issue of an Occupation Certificate for Stage 1 works the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier
- (b) Prior to issue of an Occupation Certificate for Stage 3 works the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier

Reason: Statutory requirement.

82. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate for Stage 1 works, the Principal Certifier is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars

Note: Evidence from a suitably qualified and experienced traffic/civil

engineer indicating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas comply with the Development Consent.

83. Reinstatement of redundant crossings and completion of infrastructure works

(a) Prior to issue of the Occupation Certificate for Stage 1 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge to match existing

(b) Prior to issue of the Occupation Certificate for Stage 2 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge to match existing

(c) Prior to issue of the Occupation Certificate for Stage 3 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction

- full replacement of damaged sections of grass verge to match existing

These inspections may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

84. Construction of works in public road - approved plans

- (a) Prior to issue of the Occupation Certificate for Stage 1 works, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.
- (b) Prior to issue of the Occupation Certificate for Stage 2 works, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

85. Fire safety certificate

- (a) Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.
- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal

Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council for each occupation certificate.

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

86. Maximum student and staff numbers

This approval authorises a maximum of 240 students' and 104 full time equivalent staff. Students and staff numbers shall not rise to these maximums until a final occupation certificate for the Stage 3 works has been issued for the development.

Reason: To manage the site appropriately.

87. Plan of management

The plan of management as endorsed at Condition 1 for the operation of the school must be implemented during all stages of construction and at the completion of all works. A copy must be kept onsite in the main office.

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

88. Maintenance of signage

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

Reason: To protect the amenity of the surrounding properties.

89. Illumination of signage

The signage shall not in any way be illuminated.

Reason: To protect the amenity of the surrounding properties.

90. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

91. Noise control- plant and machinery

Noise levels associated with mechanical ventilation systems shall not exceed more than 5dB(A) above the background noise (LA90, 15 Min) level during the day and shall not exceed the background level at night (10.00pm-7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

92. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

93. Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

94. Annual Fire Safety Statement

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

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

S McInnes
Executive Assessment Officer

A Richardson
**Acting Team Leader Development
Assessment**

C Swanepoel
**Manager Development Assessment
Services**

M Miocic
**Director Development and
Regulation**

Attachments:

1. Location Sketch
2. Zoning Extract
3. Architectural Plans
4. Landscape Plan
5. Engineering Plan
6. DA0530/17 Notice of Determination- 10 Billyard Avenue, Wahroonga