

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH072
DA Number	DA0586/18
LGA	Ku-ring-gai
Proposed Development	Construction of a new multi-purpose hall including visual arts and drama classrooms and covered outdoor learning area (COLA)
Street Address	403 Bobbin Head Road, North Turramurra
Applicant/Owner	Department of Education
Date of DA lodgement	7 December 2018
Number of Submissions	2 submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown Development CIV >\$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Sydney Regional Environmental Plan No. 20 (Hawkesbury Nepean River Catchment) 1997 • Draft Environment SEPP • Draft State Environmental Planning Policy (Infrastructure) 2007 • Draft Remediation of Land State Environmental Planning Policy • Ku-ring-gai Local Environmental Plan 2015 (LEP) • Ku-ring-gai Development Control Plan 2016 (DCP) • Regulations 93 and 94
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Annexure A – Locality Map • Annexure B – Submitters Map • Annexure C- Architectural Plans • Annexure D – Landscape Plans • Annexure E – Stormwater Plans • Annexure F- Acoustic Report • Annexure G – Planning Circular
Report prepared by	Adam Richardson
Report date	4 July 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

Clause 4.6 Exceptions to development standards

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

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE:	DA0586/18 – Construction of a new multi-purpose hall including visual arts and drama classrooms, covered outdoor learning area (COLA) and associated works at Ku-ring-gai High School - Integrated Development (NSW Rural Fire Service under the RF Act 1997) - Crown development
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APPLICATION NO:	DA0586/18
PROPERTY DETAILS:	403 Bobbin Head Road NORTH TURRAMURRA NSW 2074 Lot 3 DP 213060 Lot 4 DP 221541 Lot 5 DP 221541 Lot 6 DP 221541 Lot A DP 398605 Lot B DP 398605 101968.00 sqm SP2 Infrastructure - Educational Establishment
WARD:	WAHROONGA
PROPOSAL/PURPOSE:	Construction of a new multi-purpose hall including visual arts and drama classrooms, covered outdoor learning area (COLA) and associated works at Ku-ring-gai High School - Integrated Development (NSW Rural Fire Service under the RF Act 1997) - Crown development
TYPE OF DEVELOPMENT:	Integrated (S.100B Rural Fires Act 1997)
APPLICANT:	School Infrastructure New South Wales
OWNER:	Department Of Education
DATE LODGED:	7 December 2018
RECOMMENDATION:	Approval

PURPOSE OF REPORT

To determine Development Application No 0586/18 for the construction of a new multi-purpose hall including visual arts and drama classrooms, covered outdoor learning area (COLA) and associated works at Ku-ring-gai High School - Integrated Development (NSW Rural Fire Service under the RF Act 1997) - Crown development

This application is reported to the Sydney North Planning Panel as it proposes development that is 'public infrastructure' with a CIV of more than \$5 million.

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

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

EXECUTIVE SUMMARY

Issues:	Nil
Submissions:	2 submissions
Land and Environment Court:	N/A
Recommendation:	Approval

HISTORY

Site history:

The site has a history of use as a State High School.

Previous applications history:

A Pre-DA consultation was not undertaken with Council prior to the lodgement of this Development Application.

Current DA

Date	Action
7 December 2018	Application lodged.
19 December 2018	The application was notified to neighbouring property owners for a period of 30 Days. 2 submissions were received.
28 February 2019	A letter was sent to the applicant seeking additional information.

6 March 2019	SNPP was briefed on the proposal and site inspection undertaken.
18 April 2019	Amended plans submitted.
31 May 2019	Draft conditions of consent provided to applicant for their review and acceptance.
25 June 2019	Enquiry made of applicant for a response to draft conditions.
27 June 2019	Response provided by applicant to draft conditions.
28 June 2019	Council provides updated draft conditions to applicant for their acceptance.
2 July 2019	The applicant responds to Council's updated draft conditions, seeking further amendments.
3 July 2019	Council provides further updated draft conditions which respond to the comments from the applicant of 2 July.
4 July 2019	Applicant (School Infrastructure NSW) accepts Council's recommended conditions.

Aerial photograph



Figure 1 – aerial photograph of the site

Site description:

The subject site is known as Ku-ring-gai High School. The site since 1965 has operated as a State High School. The site contains a number of buildings that have been designed and adapted for scholastic purposes. In addition to the school buildings, the site contains a number of playing fields and open space areas. The site contains a number of mature trees, with a strand of significant vegetation that is remnant vegetation located in the northern portion of the site.

The site is of a generous size, representing a land area of 10.6 hectares. The site is divided into 6 separate parcels being Lots 3, 4, 5, 6 in DP 221541 and Lots A & B in DP 398605.

The site is on the eastern side of Bobbin Head Road and adjoining at its northern and eastern boundaries is the Ku-ring-gai Chase National Park.

Constraint:	Application:
Visual character study category	Not categorised on map.
Easements/rights of way	N/A
Heritage Item – Local	No
Heritage Item – State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes
Bush fire prone land	Yes
Natural Resources Biodiversity	Yes
Natural Resources Greenweb	Yes
Natural Resources Riparian	Yes
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development:

To the North and East of the site is the Ku-ring-gai Chase National Park, to the west is the Lady Davidson Hospital and retirement village and to the South are the low density residential dwellings of North Turramurra.

THE PROPOSAL

The application proposes the construction of a new multi-purpose school hall which comprises:

- demolition of existing concrete paths and planter box.
- removal of part of the existing sites existing security fencing.
- construction of a new multi-purpose hall including visual arts and drama classrooms, toilet and change room facilities, staff rooms and associated storage.
- a new covered outdoor learning area (COLA).
- construction of a new driveway.
- construction of a new security fence and access gate.
- associated soft and hard landscaping works around the new building, and
- associated stormwater works.

Amended plans dated 18 April 2019

The amended plans proposed the following changes to the application:

- provide further information in relation to Green Star Rating.
- update architectural documentation to address plan inconsistencies.
- update acoustic report to address deficiencies and acoustic impacts on

- adjoining properties, and
- further stormwater information to address stormwater issues.

CONSULTATION

Community

In accordance with the notification controls of the Development Control Plan, owners of surrounding properties were given notice of the application. In response, 2 submissions from the following were received.

1. NSW Office of Environment & Heritage – National Parks and Wildlife Service – PO Box 3009 Lindfield West
2. A.H. Cousens – 3 Leura Crescent, North Turramurra.

The submissions raised the following issues:

The proposed development should not directly or indirectly affect on the adjoining National Park to the rear.

Council's Ecological Assessment Officer is satisfied that the proposed development will not have any negative direct or indirect impacts on the adjoining National Park.

All works associated with the development including bushfire management works should occur within the boundaries of the subject site.

All bushfire management works and safety requirements can occur within the boundaries of the site and do not need to rely or utilise land managed by National Parks and Wildlife Services.

Consideration is to be given on the effect of the proposed development on the threatened species *Epacris purpurancens* that has been recorded within the boundaries of the high school.

Council's Ecological Assessment Officer is satisfied that the proposed development will not impact (or for that matter be in the vicinity of) the known *Epacris purpurancens*.

The proposal should not give rise to an increase in the presence of weeds in the National Park.

The proposed development is well removed from the National Park (at the front of the site along Bobbin Head Road) and is not considered to facilitate an environment where there will be an increase in the presence of weeds.

The site currently has a lack of available car parking. The proposed hall will generate an additional demand for car parking which will impact adjoining residents.

The proposed hall and associated components do not in themselves generate car parking as there is no increase in student and staff numbers. Where the hall is utilised for after-hours functions or similar, it is considered that more than adequate on street parking is available in Bobbin Head Road, to accommodate any demand that arises. It is noted that such after-hours functions would be infrequent rather than recurrent events.

Amended plans dated 18 April 2019

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

Heritage

Council's Heritage Officer commented on the amended proposal as follows:

Heritage status

<i>Local Heritage Item</i>	No
<i>Heritage Conservation Area</i>	No
<i>Immediate vicinity of a heritage item</i>	Yes <ul style="list-style-type: none">- 434 Bobbin Head Road – “Flowton” originally a house but now an administration block of Lady Davidson Hospital- 397 Bobbin Head Road – “Lynestra” a dwelling house

Comments

The application is required to be considered against Clause 5.10 of the Ku-ring-gai Local Environmental Plan 2015 and Ku-ring-gai Development Control Plan in Part 19F which has objectives and controls for development in the vicinity of heritage items. The following relevant controls apply.

19F DEVELOPMENT IN THE VICINITY of HERITAGE ITEMS & HCAs		
Controls	Comment	Acceptable
19F.1 Local character and streetscape	<p><i>The proposed new building is located on the opposite side of the road from “Flowton” and is visually disconnected from “Flowton”, not only by distance, but also by other hospital buildings and a carpark. The hospital (buildings, landscaping, carparks) is the primary setting for “Flowton”. However “Flowton”, while set well back, does address the street. It is therefore important that the green and leafy character of the streetscape be retained. I note that the landscape plan proposes additional plants along the street boundary. This is supported.</i></p> <p><i>“Lynestra” is set well back from the street in a mature garden. It is screened from the school by a row of mature trees along the shared boundary. The proposal will introduce a new building into the streetscape setting of “Lynestra” however this building is consistent with the nature of the school site. Nevertheless, given the scale of the proposed development and its location close to the street, the</i></p>	Yes

	<p><i>proposed landscaping will help to mitigate any adverse heritage impact.</i></p> <p><i>The built form of the proposal is consistent with the character of the existing school in that it is a school building of its time. The proposed new building will have some landscape screening along the front boundary. The proposal is therefore acceptable with regard to its built form impacts.</i></p>	
19F.3 <i>Gardens and landscaping</i>	<i>Refer to comments above</i>	Yes

Conclusion

The proposed work is acceptable with regard to its heritage impacts on the setting of the heritage items within the vicinity of the subject site.

The proposal satisfies the objectives of clause 5.10 of Ku-ring-gai Local Environmental Plan 2015 and the relevant heritage provisions of Ku-ring-gai Development Control Plan.

Furthermore, the proposal from a heritage perspective is acceptable when considered against the design principles for Schools prescribed, under the SEPP (Educational Establishments and Child Care Centres) 2017.

Landscaping

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

SEPP (Vegetation in Non-Rural Areas) 2017		
Part 3 Aims	Proposed	Satisfies
<i>To protect the biodiversity value of trees and other vegetation and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.</i>	<p><i>Trees to be removed</i> <i>No trees are to be removed.</i></p> <p><i>Trees to be retained</i> <i>The recommendations within the arborist report prepared by Bradshaw Tree Services dated 12/10/18 has been submitted with the application are supported.</i></p>	YES

SEPP (Educational Establishments and Childcare Facilities) 2017		
Schedule 4 Principle 1 Design Quality Principles	Proposed	Satisfies
<i>To ensure the development responds to and enhances the positive qualities of their setting, landscape and heritage.</i>	<i>The proposal satisfies the landscape quality principles to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</i>	YES

KDCP COMPLIANCE TABLE		
Part 16 Bushfire Risk		
16.1 Bushfire Risk Management	<i>The bushfire report states that no tree removal or vegetation modification is required to maintain the APZ.</i>	YES
Part 21 General Site Design		
21.1 Earthworks and Slope <i>Landscape cut or fill should not be more than 600mm above or below natural ground line.</i> <i>A minimum 0.6m width is required between retaining walls.</i> <i>Existing ground level is to be maintained for a distance of 2m from any boundary.</i>	<i>Cut and fill is in accordance with Council Policy</i>	YES
21.2 Landscape Design <i>To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.</i>	<i>Landscape Plan is considered satisfactory</i>	YES

Engineering

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

Water Management

The submitted documentation appears to show stormwater from the site being piped and discharged to the National Park. There is no evidence to suggest that this system has not been operating satisfactorily in this time. Therefore, it is acceptable to connect the proposed stormwater into this system.

A 60, 000 litres rainwater retention and reuse system has been proposed. This tank is to be connected to the 11 toilets proposed within the new hall. This arrangement will ensure there is no increase in runoff to the existing stormwater network.

Recommendations

There is no engineering objection to this proposal.

Environmental Health

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

The most recent DA Acoustic Report, Ref ID:11279 R02V1 dated 16 April 2019 prepared by PKA Acoustic Consulting has been prepared to strictly assess the acoustic breakout impacts on adjoining properties and does not include the internal partition sound insulation treatment which forms part of the acoustic planning report (ref PKA11279 R03).

This most recent report (PKA11279 R02V1) has not assessed any activity after 6pm, as the premises was not proposed to be used outside 7am and 6pm. All acoustic assessments have been conducted only for this period. If the hall is proposed to be used in the future outside these times, then a further acoustic survey will have to be conducted to establish the acoustic criteria for those periods.

*It is therefore recommended that a condition be included limiting the use of the hall to between the hours of 7am and 6pm only (**Condition 57**).*

Ecology

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

Biodiversity significance

The vegetation within the northern and north-eastern portion of the subject property has been mapped as an area of "biodiversity significance" KLEP 2015.

DCP controls

Native vegetation is mapped under KDCP 2015 Part 18.5 as Support for Core Biodiversity Lands and Category 4 Biodiversity Corridors and Buffers.

The native vegetation within the site frontage comprised of clumps of native trees which are considered to meet the structure classification as Duffys Forest which is listed under the Biodiversity Conservation Act 2016.

Impacts of the proposal

The proposed development is consistent with clause 6.3 of KLEP 2015 in that it avoids direct impacts upon the area of "biodiversity significance".

The Rural Fire Service require a 100m asset protection zone (APZ) around the proposed hall. The APZ is existing as such no management is proposed or required within bushland/biodiversity significant lands to satisfy bush fire protection requirements.

Conclusion

The proposal is supported on ecological grounds without conditions.

External Referrals

Rural Fire Services

In accordance with the provisions of section 4.17 of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service (RFS), seeking the RFS's general terms of approval for the proposed development, pursuant of Section 100B of the Rural Fires Act 1997.

The RFS under Division 4.8 of the Environmental Planning and Assessment Act 1979, issued a bushfire safety authority, subject to the following conditions, to be included as part of any consent granted to the proposed development (**Condition 62**).

Asset protection zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, a minimum 100 metre APZ shall be maintained around the new building within the school grounds and maintained as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and emergency management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the school or the existing Plan shall be updated to include the new buildings. The Plan shall be consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. As proposed, the new construction works shall comply with Sections 3 and 5(BAL 12.5) Australian Standard AS3959-2009 'Construction of Buildings in Bush Fire-Prone Areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of an educational establishment use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case

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. New provisions will be added in the SEPP to:

- *require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant*
- *categorise remediation work based on the scale, risk and complexity of the work*
- *require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council*

The site is unlikely to contain any 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.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

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 proposed development is considered to achieve the relevant aims under this policy.

State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to a 'classified road', being Bobbin Head Road, which necessitates consideration of the development against Clause 101 of SEPP (Infrastructure) 2007. Clause 101 of the SEPP provides:

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Vehicular access associated with the proposed development is by way of existing arrangements associated with the School. The safety, efficiency and ongoing operation of Bobbin Head Road will not be affected by the operation or function of the multi-purpose school hall, which is ancillary to the operation of the existing Ku-ring-gal High School. The development has been supported by a detailed acoustic report which amongst other matters demonstrates that the operation of the hall will not be affected by traffic noise. The site being an established school provides that the development is not sensitive to noise or emissions from vehicles.

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

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. For Educational Establishment (or works associated with an existing Educational

Establishment) the following controls are of relevance to the assessment of the application:

Clause 35 Schools—development permitted with consent

- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*

The site is within a 'prescribed zone' as it is zoned SP 2 Educational Establishments.

- (2) *Development for a purpose specified in clause 39 (1) or 40 (2) (e) may be carried out by any person with development consent on land within the boundaries of an existing school.*

Clause 39 of the SEPP relates to complying development. Complying development is not proposed or sought as part of this application.

- (3) *Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.*

N/A. The school is within a prescribed zone.

- (4) *Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.*

N/A. The development cannot by virtue of the note included within Clause 39(2) of the SEPP be undertaken without a development consent.

- (5) *A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.*

Consent is not sought for any use other than the construction of the multi-purpose hall to be used for school based activities.

- (6) *Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), 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.*

The development, as described below, is considered to represent a building of high design quality as assessed against the criteria detailed in Schedule 4.

The building can be used for other community based uses, however such use outside of the school's use is not proposed in this application.

- (7) *Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in*

design as a prerequisite to the granting of development consent for development of that kind.

N/A.

- (8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.*

N/A.

- (9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

N/A. The KDCP 2016 does not have any controls that specifically contradict subclauses (1), (2) or (3).

- (10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.*

N/A.

- (11) Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.*

N/A.

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).*

- (3) The consent authority must take into consideration:*

- (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
- (b) the accessibility of the site concerned, including:*

- (i) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (ii) *the potential to minimise the need for travel by car, and*
- (c) *any potential traffic safety, road congestion or parking implications of the development.*

(4) *The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.*

The proposed development is not of a type or scope that is traffic generating development under Clause 57 of the SEPP, as it does not seek an increase in 50 or more students.

Schedule 4 Schools—design quality principles

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Comment: The proposed multi-purpose hall building is to be located within an established school in a suburban setting. The building is located on a disturbed part of the site which minimises its impact on the surrounding bushland areas of the Kuring-gai Chase National Park. The building contributes in a positive way to the streetscape and represents a consistent built form and scale of buildings that are associated with the school.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Comment: The proposed multi-purpose hall building is considered to represent good design when considered against Principle 2 insofar that it has been designed to minimise the use of energy, water and natural resources. Subject to **Condition 19**.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space. Schools

should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment: A detailed access report has been provided, which confirms that the building and its surrounds are accessible and that its passive design can accommodate a range of users for school based and extra-circular activities.

The location of the multi-purpose hall integrates into the existing School's well established pathway network, maintaining a high level of wayfinding around the school.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Comment: The proposed school hall is considered to complement and maintain the high level of health and safety observed by Ku-ring-gai High School.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Comment: The proposed school hall represents a high level of amenity for both students and ancillary users of the school. The new building includes a number of passive design features that allows the efficient use of floor space in the building which has minimal and acceptable impacts on adjoining properties.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Comment: The proposed school hall is considered to represent good design that facilitates and maximises a range of uses and functions over its life cycle. It has a feasible and adaptable use not only for the school, but, if in the future the school allows other uses.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Comment: The proposed school hall is considered to represent a building of high architectural quality that complements its setting. It contributes positively to the streetscape and enhances the character and purpose of the established school.

An example of this is passive heating and cooling of the building through an innovative roof design which achieves consistency with the established built character of the School.

Draft Environment State Environmental Planning Policy

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating a number of SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is not inconsistent with the provisions of the draft SEPP.

Draft State Environmental Planning Policy (Infrastructure) 2007

N/A. The proposed works are not affected by the draft changes to the SEPP.

Ku-ring-gai Local Environmental Plan 2015

Zoning and permissibility:

The site is zoned SP2 Infrastructure - Educational Establishment. The proposed development is defined as an educational establishment. The use and development of the land for the purposes of an educational establishment is permissible in the zone.

Zone objectives:

The objectives of this zone which seek to:

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

The development:

- Is a building which relates to, operates with and supports the function and ongoing use of the site as a high school, which is compatible and adaptive for future uses.

The proposed development therefore upholds the zone objectives.

Development standards

The site and development are not subject to any development standards.

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item, is located within 100m of an Item and is not within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance. The application has been considered by Council's Heritage Advisor. The Officer is satisfied the proposed development has an acceptable impact on the heritage item within the vicinity of the subject site. Refer to Council's heritage officer's comments earlier for more details in this regard.

Part 6 Additional local provisions

Clause 6.1 – Acid sulphate soils

The site subject of the proposed works is mapped as containing Class 5 acid sulphate soils, being land within 500m of actual acid sulphate soils. The extent of works is such that it is not considered to come into contact with or affect the profile of any area containing actual acid sulphate soils.

Clause 6.2 - Earthworks

The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics. Additionally, the fill to be removed will be disposed of appropriately.

Clause 6.3 - Biodiversity protection

The site is mapped as land comprising biodiversity significance.

The proposed development has been designed to minimise impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the LEP, as discussed within the comments of Council's Ecological Assessment Officer contained elsewhere in this report.

Clause 6.5 - Stormwater and water sensitive urban design

Council's Development Engineer has given consideration to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The stormwater design adequately manages water quality and the capture and discharge of stormwater, connecting into the existing School's stormwater system.

Ku-ring-gai Development Control Plan

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.

Part 2: Site analysis

A site analysis which identifies the existing characteristics of the site and the surrounding area has been provided as part of the development application. The site analysis is considered to satisfy the objectives of this part of the DCP.

Section B

Part 15 – Land Contamination

The site is not mapped as being contaminated and has a history of a school use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Part 16 – Bushfire Risk

The site is mapped as bush fire prone land.

As detailed earlier in this report, the development is 'integrated development' requiring a bushfire safety authority to be issued for the development pursuant of Section 100B of the Rural Fires Act 1997.

Subject to recommended conditions (**Condition 62**) the development is acceptable with respect to the RFS requirements for bushfire mitigation and subsequently acceptable with the bushfire considerations of the DCP.

Part 18 – Biodiversity

The site is mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer is satisfied that the proposed development will not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat. Refer to Council's Ecological Assessment Officer's comments earlier in the report for further details in this regard.

Part 19 – Heritage and Conservation Areas

The site is within 100m of other heritage items at 397 and 434 Bobbin Head Road, North Turramurra but is not listed as a heritage item or within a heritage conservation area.

Council's Heritage Advisor has not raised any concerns with the application, as discussed earlier within this report.

Ku-ring-gai Development Control Plan

Section C

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
Development consider site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by:	Earthworks associated with proposal are satisfactory	YES

<ul style="list-style-type: none"> Stepping buildings down the site Locate finished ground level as close to the natural ground level as practicable Level changes to occur primarily within building footprint Minimum 0.6 metres width between retaining walls Maintain existing ground level within 2m from any boundary Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation) No fill and excavation within sensitive environments Minimise altered groundwater flows 		
21.2 – Landscape Design		
Appropriate and sensitive site planning and design Existing appropriate screen planting is retained	Satisfactory, meeting APZ requirements from RFS	YES
Bushland Protection – buffer zone adjacent to bushland	N/A	N/A
Planting within 100m of bushland <ul style="list-style-type: none"> 70% local native species 30% local native understorey species 	Satisfactory, meeting APZ requirements from RFS. Replacement canopy planting is also conditioned (Condition 44).	YES
Planting between 100m – 300m from bushland <ul style="list-style-type: none"> 50% of trees and shrubs local native species 	Satisfactory, meeting APZ requirements from RFS. Replacement canopy planting is also conditioned (Condition 44).	YES
Planting more than 300m from bushland <ul style="list-style-type: none"> 25% of trees and shrubs local native species 	Satisfactory, meeting APZ requirements from RFS. Replacement canopy planting is also conditioned (Condition 44).	YES
Part 22 - General access and parking		
22.1 – Equitable Access		
Compliance with DDA demonstrated Entry access ramps located within the site and does not dominate the front façade Access ways for pedestrians and for vehicles are separated	Satisfactory. The proposed access arrangements have been supported by a detailed access report	YES

22.2 – General vehicle access																						
<ul style="list-style-type: none">Minimise width and number of vehicle access pointsAccess driveways set back at least 10m from street intersections and 3m from pedestrian entrancesVehicle and pedestrian access to buildings clearly distinguished and separated at lVehicle crossing width is acceptable for intensity of use proposedVehicles must exit in a forward directionVehicle entries are integrated into the external façade and are finished in a high quality materialRetaining walls associated with driveways maximum height of 1.2mNo driveways are longer than 30m unless a passing bay is provided	New vehicular access arrangements satisfactory	YES																				
22.5 – Parking for people with a disability																						
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift	Satisfactory, existing arrangements meet requirements	YES																				
Non-residential development provides accessible parking as follows: <table><tr><td>Type of facility</td><td>Rate of provision</td></tr><tr><td>Retail/commercial</td><td>1-2%</td></tr><tr><td>Civic/community centres</td><td>2-3</td></tr><tr><td>Recreational facilities</td><td>2-3%</td></tr><tr><td>Schools</td><td>2-3%</td></tr><tr><td>Tertiary Education</td><td>2%</td></tr><tr><td>Entertainment</td><td>3-4%</td></tr><tr><td>Hospitals</td><td>3-4%</td></tr><tr><td>Medical centres</td><td>3%</td></tr><tr><td>Other uses</td><td>At least 1%</td></tr></table>	Type of facility	Rate of provision	Retail/commercial	1-2%	Civic/community centres	2-3	Recreational facilities	2-3%	Schools	2-3%	Tertiary Education	2%	Entertainment	3-4%	Hospitals	3-4%	Medical centres	3%	Other uses	At least 1%	Satisfactory existing arrangements meet requirements	YES
Type of facility	Rate of provision																					
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Tertiary Education	2%																					
Entertainment	3-4%																					
Hospitals	3-4%																					
Medical centres	3%																					
Other uses	At least 1%																					
22.6 – Pedestrian Movement within Car Parks																						
Pathways designed in accordance with AS1428.1	Satisfactory	YES																				
Marked pedestrian pathways have clear sightlines, appropriate lighting, are visible, conveniently located and constructed of non-slip material	Satisfactory	YES																				

Part 23 – Building Design and Sustainability		
23.1 – Social Impact		
Social Impact Statement required/lodged	Not required for existing, operating school	YES
23.2 – Green Buildings		
For all non-residential development: <ul style="list-style-type: none"> <2000m² GFA must achieve a four star rating or equivalent if GBCA rating tool is not available 	Proposal incorporates ESD requirements – see discussion below	NO
23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes		
External walls constructed of high quality and durable materials	Satisfactory	YES
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Satisfactory	YES
23.6 – Building Services		
Services and related structures are appropriately located to minimise streetscape impact	Satisfactory	YES
Air-conditioning units are well screened and do not create adverse noise impacts	Satisfactory	YES
23.7 – Waste Management		
Efficient, effective and sustainable waste management practices	Satisfactory	YES
23.8 – Acoustic Privacy		
Design minimises impact of internal and external noise sources	Satisfactory. See the comments of Council's Environmental Health Officer contained earlier within this report	YES
23.9 – Visual Privacy		
Visual privacy maintained for occupants and for neighbouring dwellings	Satisfactory	YES
23.10 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	Provided	YES

Part 23.2 – Green buildings

As noted in the table above, new, non-residential buildings with a gross floor area

<2,000m² are to be constructed to achieve 4 Star Green Star ('best practice') design rating under the GBCA *Green Star – Design & As Built* rating tool. The DCP requires that applications for buildings are to be supported by an ESD report prepared by a suitably qualified professional demonstrating how the proposed development will meet the required green star level and a statement that the requirements of the ESD report will be incorporated and delivered during the construction phase of the building. The application as submitted was accompanied by a brief written report (statement) from the architect explaining how the design incorporates ESD features.

The application, despite a request to the applicant made in Council's letter of 28 February 2019, has not been supported by a report which demonstrates how the building would achieve a 4 star green rating by a recognised professional relevant to its use.

Rather, it has been argued by the applicant (School Infrastructure NSW) that these requirements are superfluous as the Education Facilities & Standards Guideline (referred to in the Education SEPP) are the most appropriate measures and tools for implementing ESD within school buildings.

The Educational Facilities & Standards Guideline includes the following ESD principles:

- *Responsible use of energy, water, and resources in the construction, operation, refurbishment, maintenance, management and their ultimate disposal.*

School Infrastructure NSW given this, considers that the objective for an ESD report set by the DCP has been achieved and that the building is capable of achieving a 4 star rating that it is both reasonable and acceptable and that the development be subject of conditions in that regard. This is consistent with the approach of the DCP and in essence the development is satisfying the requirements of the DCP, despite a lack of a comprehensive ESD report that is prepared by an accredited Green Star Building professional being submitted.

The DCP for buildings <2000m² requires that conditions be imposed requiring at the construction certificate stage, detailed information and drawings be prepared and certified which demonstrates that the development as built satisfies and meets the commitments of the ESD report. As no detailed ESD report exists there is no ability to do that, however, being Crown development, the construction will not be subject of a Construction Certificate in any event.

Accordingly, it is reasonable that the offer of the applicant to achieve a 4 star rating (or similar in consultation with the Green Building Council of Australia) be required via condition, with certification of this be provided to Council before construction commences (**Condition 19**).

Subject to **Condition 19** and the discussions above, the proposal is assessed as being acceptable with Part 23.2 of the DCP.

Part 24 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater as per the requirements of the DCP, subject to **Conditions 38, 51 and 52**.

Part 25 – Notification

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

Ku-ring-gai Contributions Plan 2015

The development attracts a section 7.12 contribution of \$125,574.01, based on a CIV of \$12, 557,401.00, pursuant of Council section 7.12 (94A) contributions plan.

However Planning Circular D6 issued by the 'Department of Urban Affairs and Planning' in September 1995 (**Annexure G**) restricts the imposition of a condition requiring the payment of a contribution for Crown Developments for educational establishments to contributions which amount to an improvement or enhancement of drainage works or road upgrades (where they are directly in front of the subject educational establishment).

Council's 2015 Section 7.12 (94A) plan does not apportion or collect any levies for the purposes of any drainage improvement or embellishment. It does apportion levies for road upgrades and improvement, however this is not within the vicinity or in front of the site. In that regard as there is no nexus for the contribution under the plan having regard to the criteria of the D6 circular, no levy is conditioned or required under this consent.

REGULATIONS

The development is assessed as being satisfactory with the applicable consideration of the Environmental Planning and Assessment Regulation 2000.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be acceptable, subject to recommended conditions attached to this report, which have been agreed to by the applicant.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and relevant policies and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

CROWN DEVELOPMENT

Being a State Secondary School on land that is owned and operated by the Department of Education, the proposal is 'Crown Development' as set out in the Act. Accordingly, the following matters of consideration are applicable:

4.32 Definitions

(cf previous s 88)

(1) In this Division:

applicable regional panel for development means the Sydney district or regional planning panel for the part of the State in which the development is to be carried out.

Crown development application means a development application made by or on behalf of the Crown.

(2) A reference in this Division to the Crown:

(a) includes a reference to a person who is prescribed by the regulations to be the Crown for the purposes of this Division, and

(b) does not include a reference to:

(i) a capacity of the Crown that is prescribed by the regulations not to be the Crown for the purposes of this Division, or

(ii) a person who is prescribed by the regulations not to be the Crown for the purposes of this Division.

4.33 Determination of Crown development applications

(cf previous s 89)

(1) A consent authority (other than the Minister) must not:

(a) refuse its consent to a Crown development application, except with the approval of the Minister, or

(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

(2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application:

(a) to the Minister, if the consent authority is not a council, or

(b) to the applicable regional panel, if the consent authority is a council.

(2A) A Crown development application for which the consent authority is a council must not be referred to the Minister unless it is first referred to the applicable regional panel.

(3) An applicable regional panel to which a Crown development application is referred may exercise the functions of the council as a consent authority (subject to subsection (1)) with respect to the application.

(4) A decision by a regional panel in determining a Crown development application is taken for all purposes to be the decision of the council.

(5) If an applicable regional panel fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the panel may refer the application to the Minister.

(6) The party that refers an application under this section must notify the other party in writing that the application has been referred.

(7) When an application is referred under this section to an applicable regional panel or the Minister, the consent authority must, as soon as practicable, submit to the panel or the Minister:

- (a) a copy of the development application, and*
- (b) details of its proposed determination of the development application, and*
- (c) the reasons for the proposed determination, and*
- (d) any relevant reports of another public authority.*

(8) An application may be referred by a consent authority or applicable regional panel before the end of a relevant period referred to in subsection (2) or (5).

4.34 Directions by Minister

(cf previous s 89A)

(1) On a referral being made by a consent authority or an applicable regional panel, or an applicant, to the Minister under this Division, the Minister may direct the relevant consent authority, within the time specified in the direction:

- (a) to approve the Crown development application, with or without specified conditions, or*
- (b) to refuse the Crown development application.*

(2) A consent authority must comply with a direction by the Minister.

(3) If the consent authority fails to comply, the consent authority is taken, on the last date for compliance specified in the direction, to have determined the Crown development application in accordance with the Minister's direction.

(4) Despite subsection (2), a consent authority may vary a condition specified by the Minister with the approval of the applicant.

The statutory obligations for Crown Development have been met with the applicant accepting the draft conditions on 4 July 2019 by way of an email from a representative of School Infrastructure NSW. This follows a series of negotiated amendments, which provides School Infrastructure a desired construction and delivery program that is efficient, but also and importantly protects the public's interest and ensures that the development does not unreasonably impact any adjoining or surrounding property or resident. Therefore and with regard to the Crown development provisions of the Act, the application can be determined by way of approval, subject to the recommended conditions attached to this report.

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.

RECOMMENDATION

PURSUANT TO SECTION 4.16(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 DA0586/18 for the construction of a new multi-purpose hall including visual arts and drama classrooms, covered outdoor learning area (COLA) and associated works at Ku-ring-gai High School, 403 Bobbin Head Road, North

Turrumurra subject to the recommended conditions below. Pursuant to Section 4.53(2) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five (5) years of the date of the Notice of Determination.

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
Existing Site Plan Drawing No. 1741/DA02 Revision B	Butler & Co Architects	21 March 2019
Site Plan Drawing No. 1741/DA03 Revision B	Butler & Co Architects	21 March 2019
Ground Floor Plan Drawing No. 1741/DA04 Revision A	Butler & Co Architects	9 October 2019
Roof Plan Drawing No. 1741/DA05 Revision A	Butler & Co Architects	18 September 2019
Elevations 1 Drawing No. 1741/DA06 Revision R1	Butler & Co Architects	21 March 2019
Elevations 2 Drawing No. 1741/DA07 Revision R1	Butler & Co Architects	21 March 2019
Sections Drawing No. 1741/DA08 Revision R1	Butler & Co Architects	21 March 2019
Environmental Site Management Plan Drawing No.1741/DA12 Revision B	Butler & Co Architects	21 March 2019
Landscape Plan Drawing No. 88.19(18)/346'B' Revision B	iScape Landscape Architects	March 2019
Detail & Levels Drawing No. 125032 Revision 2 Sheet 1 of 2	JBW Surveyors	19 December 2017
Detail & Levels Drawing No. 125032 Revision 2 Sheet 2 of 2	JBW Surveyors	19 December 2017
Erosion & Sediment Control Plan and Details Job No. 171518.4 Drawing No. C10 Revision P1	TTW Engineering	27 September 2018
Site Works Plan Job No. 171518.4 Drawing No. C20 Revision P1	TTW Engineering	27 September 2018
Details Sheet 1 Job No. 171518.4 Drawing No. C30 Revision P1	TTW Engineering	27 September 2018
Details Sheet 2 Job No. 171518.4 Drawing No. C40 Revision P1	TTW Engineering	27 September 2018
Details Sheet 3 Job No. 171518.4 Drawing No. C50 Revision P1	TTW Engineering	27 September 2018
Details Sheet 4 Job No. 171518.4 Drawing No. C60 Revision P1	TTW Engineering	27 September 2018

Document(s)	Dated
Acoustic Report ID: 11279 R02v1 prepared by PKA Acoustic Consulting	16 April 2019
Waste Management Plan	16 November 2018
Heritage Impact Assessment prepared by Andrew Starr and Associates Heritage Consultants	September 2018
Geotechnical Investigation Ref: 4864-R1 prepared by Asset Geo	7 May 2018
External Finishes Revision B prepared by Butler & Co Architects	22 August 2018
Ecological Sustainability Report prepared by Butler & Co Architects	11 October 2018
Construction Traffic Management Plan Ref: 18043 (B) prepared by TTPA	October 2018
Bushfire Assessment Report Ref: 180490 prepared by Building Code & Bushfire Hazard Solutions	21 September 2018
BCA Report Ref: P18056 prepared by BCA Vision	2 July 2018
Architectural Design Report Rev A prepared by Butler & Co Architects	13 November 2018
Arborist Report prepared by Bradshaw Tree Services	12 October 2018
Access Report prepared Ref: LP_18036 by Lindsay Perry Access	8 October 2018

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

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 Development Consent prevail.

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

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. Notice of commencement

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works shall be submitted to Council.

Reason: Statutory requirement.

5. Construction traffic management plan

A construction traffic management plan (CTMP) is to be submitted to Council and approved prior to the commencement of any works. If after 10 business days Council has not acknowledged or commented on the submitted CTMP, the CTMP is deemed as accepted.

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 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle.

The swept path analysis plans shall show the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent). These plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict and are consistent with the approved environmental site management plan.

The plan shall show locations for site offices and materials storage areas to be located outside the tree protection zones.

The traffic control plans are to be prepared by a RMS accredited consultant. One traffic control plan must be provided to Council 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 during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

When a satisfactory CTMP 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 CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

Reason: To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

6. Tree protection fencing

Prior to the commencement of any works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work.

Tree/Location	Radius in metres
Tree 2/ <i>Quercus robur</i> (English Oak)	5.6
Tree 3/ <i>Melaleuca saligna</i> (Paper Bark)	3.6
Tree 4/ <i>Melia azaderach</i> (White Cedar)	2.2
Tree 5/ <i>Acacia binervia</i> (Wattle)	4.7
Tree 6 <i>Acacia binervia</i> (Wattle)	4.2
Tree 7 <i>Acacia elata</i> (Cedar Wattle)	2.9
Tree 9/ <i>Eucalyptus globoidea</i> (White Stringy Bark)	3.6
Tree 10/ <i>Erythrina crista-galli</i> (Cockspur Coral Tree)	6.0

Reason: To protect existing trees.

7. Tree protection fencing excluding structure

Prior to the commencement of any works, the tree protection zone of the listed tree/s excluding that area of the approved (**detention tank, building works**) shall be fenced off for the specified radius from the trunk to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all works.

Tree/Location	Radius in metres
Tree 1/ <i>Angophora costata</i> (Sydney Red Gum)	7.2
Tree 8/ <i>Angophora costata</i> (Sydney Red Gum)	6.0

Reason: To protect existing trees.

8. Tree protective fencing type galvanised mesh

Prior to the commencement of any works, 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.

Reason: To protect existing trees.

9. Tree protection signage

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

The words:

- Tree protection zone/No access.
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground.

and the following information:

- The name, address, and telephone number of the developer/builder and project arborist

Reason: To protect existing trees.

10. Tree protection mulching

Prior to the commencement of any works, the tree protection zone is to be mulched to a depth of 100mm with composted organic material.

The mulch is to be replenished so as to be consistent with the above requirement throughout the duration of construction works.

Reason: To protect existing trees.

11. Inspection of tree protection measures

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist to verify that tree protection measures comply with all relevant conditions of this Development Consent.

Reason: To protect existing trees.

12. Project arborist

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years experience.

Reason: To protect of existing trees.

13. Construction waste management plan

Prior to the commencement of any works, a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with the waste management controls in the Ku-ring-gai Development Control Plan or Ku-ring-gai Local Centre 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.

Reason: To ensure appropriate management of construction waste.

14. 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. 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.

15. Vibration

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.

16. Control of construction noise (Australian Standard)

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

Reason: To protect the amenity of neighbouring properties

17. Acoustic Design Report

Prior to the commencement of works an acoustic design report shall be prepared by an appropriately qualified acoustic consultant identifying all potential acoustic impacts of the use of the multi-purpose hall on sensitive receivers.

The report shall provide acoustic design detailing of the acoustic treatments and solutions to achieve compliance with the project noise criteria specified in Section 4.2

Reason: To comply with best practice standards for residential acoustic amenity.

18. Outdoor lighting

Prior to the commencement of works, all outdoor lighting associated with the development shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

19. Green star certification

Prior to the commencement of works:

1. The construction plans include all the matters referred to in the ESD report prepared by Butler & Co Architects and any additional ESD measures proposed for the achievement of an equivalent 4 Star Green Star - Design & As Built certification;
2. The plans for the development have achieved an equivalent 4 star Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Design & As Built certification as evidenced by a letter from an independent GBCA Greenstar accredited professional certifying the design.

Reason: To ensure compliance with Part 23.2 Green Buildings of the Ku-ring-gai Development Control Plan.

20. Design and construction of mechanical ventilation

Prior to the commencement of works plans and specification complying with the requirements of the National Construction Code Volume 1 Part F4 and the Australian Standard 1668 parts 1 and 2- The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings.

Reason: To ensure compliance with standards for mechanical ventilation.

21. Design and construction of food premises - Kitchen

Plans and specifications complying with the requirements of the *Food Act 2003*, *Food Standards Code 3.2.3 Food Premises and Equipment*, AS 4674 2004 - *Design, construction and fit-out of food premises* and *National Construction Code* shall be satisfactory prior to the commencement of works. Plans and specifications shall address the following:

- floor plans, and sectional elevations showing the layout of the fixtures and fittings and equipment, and any food storage areas to the kitchen
- any proposed mechanical ventilation systems.

Note: The "Food Premises Design, Construction and Fit-out Guide" is available on Council's website.

Reason: To ensure compliance with standards for food premises.

22. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon notification of the completion of works, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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:

23. 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.

24. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (s4.17) 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.

25. 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, with the exception of excavation works which may occur on Saturdays until 3pm. No work and no deliveries are to take place on Sundays and public holidays.

Excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, and 8am to 3pm Saturdays with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Sundays or public holidays. Where excavation is to occur on Saturday(s), Council rangers are to be advised 5 business days prior via an email sent to kmc@kmc.nsw.gov.au. The email is to be marked to the attention of the Team Leader – Regulation and the Manager Regulation and Compliance. This email is to clearly advise the date on which the Saturday excavation works are to occur.

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.

26. 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 commencement of works, documentation must be obtained which demonstrates:

- (a) 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.

27. Approved plans to be on site

A copy of all approved plans, specifications and documents incorporating conditions of consent shall be kept on site at all times during the demolition, excavation and construction phases.

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

28. Control of construction noise (Noise and vibration management plan)

During any demolition, excavation or building works, 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.

29. 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 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 height of 1.6 metres above natural ground 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.

30. 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
- no advertising or signage is permitted to be attached to dust cloth material.

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

31. 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 footpath 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.

32. Toilet facilities

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.
2. Each toilet must:
 - a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

33. Recycling of building material (general)

During demolition and construction, 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.

34. Garbage receptacle

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

Reason: To ensure appropriate construction site waste management and to avoid injury to wildlife.

35. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

36. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

37. 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.

Reason: To protect the environment from erosion and sedimentation.

38. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the NCC (BCA). No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

39. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of AS4970 - Protection of trees on development sites during and after completion of development works to ensure their long term survival.

Tree/location	Time of inspection
Tree 1/ <i>Angophora costata</i> (Sydney Red Gum)	Excavation for underground detention tank and associated pipes
Tree 8/ <i>Angophora costata</i> (Sydney Red Gum)	Excavation for basement and building surrounds.

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.

40. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of a horticulture certificate or tree surgery certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Tree/location	Tree works
Tree 1/ <i>Angophora costata</i> (Sydney Red Gum)	Root pruning
Tree 8/ <i>Angophora costata</i> (Sydney Red Gum)	Root pruning

Reason: To protect existing trees.

41. Hand excavation

All excavation excluding for the basement or detention tank within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be supervised by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist /horticulturalist shall provide a report confirming compliance with this condition:

Tree/Location	Radius in metres
Tree 1/ <i>Angophora costata</i> (Sydney Red Gum)	7.2
Tree 2/ <i>Quercus robur</i> (English Oak)	5.6
Tree 3/ <i>Melaleuca saligna</i> (Paper Bark)	3.6
Tree 4/ <i>Melia azaderach</i> (White Cedar)	2.2
Tree 5/ <i>Acacia binervia</i> (Wattle)	4.7
Tree 6 <i>Acacia binervia</i> (Wattle)	4.2
Tree 7 <i>Acacia elata</i> (Cedar Wattle)	2.9
Tree 8/ <i>Angophora costata</i> (Sydney Red Gum)	6.0
Tree 9/ <i>Eucalyptus globoidea</i> (White Stringy Bark)	3.6
Tree 10/ <i>Erythrina crista-galli</i> (Cockspur Coral Tree)	6.0

Reason: To protect existing trees.

42. No storage of materials beneath trees

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

Reason: To protect existing trees.

43. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

44. 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 metres when they will be protected by Council's 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.

45. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing

Reason: To protect the environment.

46. Site fencing

The site must be secured and fenced prior to works commencing. 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.

If the work involved in the excavation, 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 (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

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

The site shall be secured/locked to prevent access at the end of each day.

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

Reason: To ensure public safety.

47. Acoustic Measures

Prior to the completion of works, the acoustic measures as recommended in Section 6 of DA Acoustic Report ID:11279 R02V1 dated 16 April 2019 prepared by PKA Acoustic Consulting have been implemented. Written advice from an acoustic engineer is to confirm that the acoustic measures achieve the project noise objectives specified in Section 4.2 of the acoustic assessment.

Reason: To protect the amenity surrounding residents

48. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems prior to the completion of works:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Reason: To protect the amenity of surrounding properties.

49. Completion of landscape works

Prior to the completion of works, all landscape works, including the removal of all environmental weed species as listed in Council's Weed Management Policy and/or species listed within Council's Development Control Plan, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

50. Mechanical noise control

Prior to the completion of works, mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will 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 the occupants and neighbouring residents.

51. Certification of drainage works (dual occupancies and above)

Prior to the completion of works, documentation is to be provided to Council that demonstrates:

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Ku-ring-gai DCP 2015 Part 24 'Water Management' have been achieved. Council's On-Site Detention And Retention Certification sheet shall be completed.

3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate stormwater management.

52. Works as executed plans for stormwater management and disposal (dual occupancy and above)

Prior to the completion of works, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. 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

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved. All relevant levels and details indicated must be marked in red on a copy of the approved stormwater plans.

Reason: To ensure appropriate stormwater management.

53. Rainwater Retention and Reuse system and Onsite Stormwater Detention marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the Rainwater Reuse Tank and the Onsite Stormwater Detention system prior to the completion of works.

Reason: To prevent unlawful alteration.

54. Infrastructure repair

Prior to the completion of works, any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

Reason: To protect public infrastructure.

55. Mechanical ventilation

Prior to the completion of works all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

56. Fire safety certificate

Prior to the completion of works, a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed.

Reason: To ensure suitable fire safety measures are in place

CONDITIONS TO BE SATISFIED AT ALL TIMES:

57. Use of Multi-purpose Hall

The doors of the multi-purpose hall facing west (towards Bobbin Head Road) must remain closed during any noise generating events or activities within the hall.

In accordance with the acoustic report PKA11279 - R02V1 the hall must not be used for any purpose between 6pm and 7am daily. All acoustic assessments have been conducted and are based on daytime use.

Separate approval from Council is required before the hall can be used between 6pm and 7am.

Reason: To protect the amenity of surrounding residents

58. Noise Impact control

Noise levels associated with the use of the multi-purpose hall shall not to exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day 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.

59. Outdoor lighting

All external lighting must:

1. Comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting*

and

2. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Reason: To protect the amenity of surrounding properties.

60. Noise control - plant and machinery

Noise levels associated with mechanical ventilation system/s 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.

61. Annual fire safety statement

Each 12 months after the installation of essential fire or other safety measures, the Owner of a building must provide the Council with 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 third copy must be displayed prominently in the building.

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

INTEGRATED REFERRAL CONDITIONS:

62. Rural Fire Service Conditions

Asset protection zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, a minimum 100 metre APZ shall be maintained around the new building within the school grounds and maintained as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and emergency management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the school or the existing Plan shall be updated to include the new buildings. The Plan shall be consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. As proposed, the new construction works shall comply with Sections 3 and 5(BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated)'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Reason: Statutory requirement

Adam Richardson
Executive Assessment Officer

Shaun Garland
A/Manager Development Assessment
Services

Annexure A – Locality Map – 2019/193620
Annexure B – Submitters Map – 2019/193617
Annexure C- Architectural Plans – 2019/115528
Annexure D – Landscape Plans – 2019/115530
Annexure E – Stormwater Plans – 2019/115534
Annexure F- Acoustic Report – 2019/115532
Annexure G – Planning Circular – 2019/153608