

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	2018SNH073
DA Number	DA0590/18
LGA	Ku-ring-gai
Proposed Development	Demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works - St Ives High School - Integrated Development (NSW Rural Fire Service under the RFS Act 1997) - Crown development
Street Address	60-70 Horace Street ST IVES NSW 2075 Lot 4 DP 1209 Lot 1 DP 122431 Lot 1 DP 122432 Lot 1 DP 376563 Lot 5 DP 1209
Applicant/Owner	Department of Education
Number of Submissions	1 (One)
Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011)	School (public infrastructure) that has a capital investment value of more than \$5 million. Crown Development.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55; • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; • Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental planning Policy 19 Bushland in Urban Areas; • Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River; • Draft State Environmental Planning Policy (Remediation of Land); • Draft State Environmental Planning Policy Environment; • Ku-ring-gai Local Environmental Plan 2015 (LEP); • Ku-ring-gai Development Control Plan (DCP); • Ku-ring-gai S94A Contributions Plan 2015; • Regulations 93 and 94.

Is a Clause 4.6 variation request required?	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Have draft conditions been provided to the applicant for comment?	Yes
Have any comments been considered by council in the assessment report?	Yes
List all documents submitted with this report for the Panel's consideration	Annexure A - Zoning map extract Annexure B - Locality/Submitters map Annexure C - Architectural Plans Annexure D - Landscape plans Annexure E - Stormwater management plans Annexure F - Traffic report Annexure G - Additional Contamination report Annexure H - Acoustic Assessment Annexure I - Arborist report Annexure J - Bushfire Risk Assessment Annexure K - Schedule of Finishes Annexure L - Geotechnical report Annexure M - Planning Circular
Recommendation	Approval
Report prepared by	Grant Walsh
Report date	July 2019

PURPOSE OF REPORT

To determine Development Application No DA0590/18 for the demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works.

This matter is reported to the Sydney North Planning Panel (SNPP) for determination as the application relates to a school (public infrastructure) that has a capital investment value of more than \$5 million (\$16,306,900.00) and constitutes Crown Development. Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the SNPP is the consent authority.

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:	Resident concerns
Submissions:	1 (One).
Land and Environment Court:	N/A
Recommendation:	Approval.

HISTORY

Site history:

The subject site has an ongoing use as an educational establishment catering for Years 7 - 12 at No. 60-70 Horace Street, St Ives (St Ives High School). The school was established in 1963 and the facilities have been altered and extended over time in response to population growth and changes to educational requirements.

Prior to 1943 the site was used for agricultural (Orchard) purposes with the inclusion of a residential dwelling. The site was later cleared and potentially filled (between 1961 and 1965) in preparation for the High School.

Previous applications history:

A Pre-DA consultation meeting (PRE0144/18) was undertaken with Council prior to the lodgement of this Development Application on 5 November 2018. The subject proposal reflects the works detailed for the pre DA. Issues raised at the pre DA meeting included potential streetscape impacts, tree impacts and engineering design.

Council's records show a history of applications relating to the site as follows:

Type	Application	Description	Decision	Date
BA	82/01404	Demountable class rooms	Approved	28/10/1982
DA	2610/90	Games court (S)	Approved	20/12/1990
BA	91/00930	Lighting of tennis court	Cancelled	27/05/1991
DA	2798/91	Lighting of 2 tennis courts at St Ives South School	Approved	25/07/1991
DA	3351/92	Wet Weather Shelter shed	Approved	27/10/1992
DA	5159/96	Refurbishment to ground floor administration and the art block	Approved	26/03/1997
DA	1681/03/	Fire restoration building work	Approved	23/03/2004
DA	1681/03/	Section 96 deleting references to construction certificate	Approved	19/06/2004
DA	DA1291/06	School - Install two yurts	Approved	23/03/2007
DA	DA0608/09	Rainwater tanks at St Ives High School	Approved	06/11/2009
DA	DA0565/10	Construction of a training facility and refurbishment of an existing training area	Approved	03/11/2010
CC	CCPCA0030/11	CC for DA0565/10 - private certifier - Construction of a training facility and refurbishment of an existing training area	Issued	01/02/2011
DA	DA0468/17	Installation of two demountable classrooms - Integrated Development (NSW Rural Fire Service under the RFS Act 1997) - St Ives Public School	Approved	28/02/2018

Current application history:

Date	Action
10 December 2018	Application lodged.
20 December 2018	The application was notified to neighbouring property owners for a period of 30 Days. One (1) submission was received.
20 December 2018	The application was referred to the NSW Rural Fire Service as "Integrated Development" under the Rural Fires Act seeking any General Terms of Approval.
6 February 2019	General Terms of Approval were received from the NSW Rural Fire Service which forms Condition 69 .

6 February 2019	A copy of the resident submission was forwarded with the applicant.
3 April 2019	Council conducted an on-site briefing to the SNPP.
13 May 2019	Council advised the applicant that assessment of the proposal was largely completed however there were some concerns with the extent of cut and fill and with the appearance of the proposal in terms of visual impacts upon the Horace Street streetscape. Council invited the applicant to respond to these concerns.
28 May 2019	The applicant provided written justifications for the design in response to the concerns raised by Council.

Land and Environment Court appeal history:

N/A

THE SITE

Aerial photograph

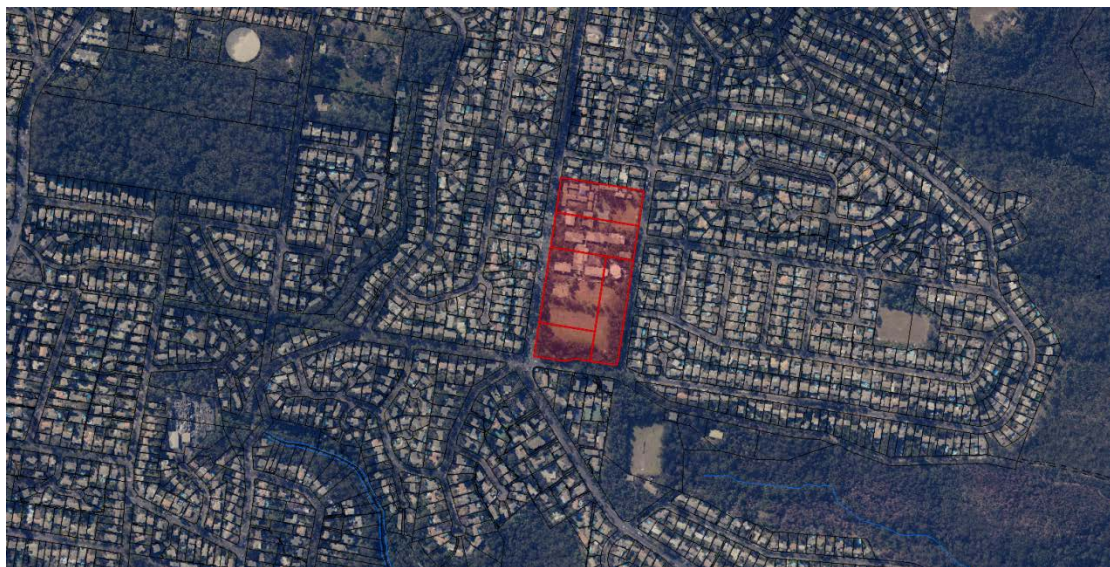


Figure 1: Subject site highlighted in red colouring.

Site description:

The site is legally described as Lot 4 in DP 1209, Lot 1 in DP 122431, Lot 1 in DP 122432, Lot 1 in DP 376563 and Lot 5 in DP 1209, otherwise known as 60-70 Horace Street, St Ives. The site is generally rectangular in shape, as can be seen in Figure 1 and has a total area of approximately 9953.00m². The site is developed and used as a secondary school (St Ives High School) which has been in operation since 1963. The school includes one and two storey school buildings of 8 Blocks (A-H) and arranged around two quadrangles toward the northern end of the site. The school includes sports fields and associated multi- purpose playing courts.

The site has three road frontages being Horace Street to the west, Yurrabung Road to the east, and Hunter Avenue to the south. The northern boundary of the site adjoins residential properties. Vehicular access into the site is provided from four access points being two from Horace Street and two from Yurrabung Road respectively. The school provides 103 off street car parking spaces.

The site contains a significant amount of vegetation, the majority of which is native trees with a native shrub mid-storey and exotic lawn groundcovers.

The northern half of the site generally slopes in an east/west direction with a fall of approximately 12 metres from Horace Street down to Yurabung Road whilst the southern half of the site slopes more in a north/south direction with a fall of approximately 18 metres from the centre of the site down to Hunter Avenue. The site is also benched/tiered into three sections essentially broken into thirds from north to south.

Constraint:	Application:
Visual character study category	1945-1968.
Easements/rights of way	No
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	No
Bush fire prone land	Yes
Natural Resources Biodiversity	Yes
Natural Resources Greenweb	Yes
Natural Resources Riparian	No
Within 25m of Urban Bushland	N
Contaminated land	No

Surrounding development:

The site is in an area characterised by low density residential development which consists of single dwelling houses which are generally one and two storeys in height, set on large allotments.

THE PROPOSAL

The proposed development comprises:

- demolition of existing gym and canteen (Block B), pathways and existing sport courts,
- tree removal (24),
- site excavation,
- construction of a new two storey sports complex comprising two sports courts, canteen, change rooms and amenities on the ground floor and two classrooms and fitness lab on the first floor, and
- associated landscaping including a hardscape piazza and soft landscaping to replace Block B.

CONSULTATION

Community

In accordance with the notification controls of the Ku-ring-gai Development Control Plan, owners of surrounding properties were given notice of the application. In response, one submission was received from the following residents:

1. *Andrew and Sarah McPherson, 25 Alvona Avenue, St Ives*

The submission raised the following issues:

The traffic report does not consider the “combined traffic” from St Ives Public and High Schools upon the local road network.

The traffic assessment undertook vehicle traffic counts within the local road network which takes account of all vehicles.

The existing operational performance of the surrounding road network is congested and dangerous, especially in Amesbury Avenue and on Horace Street near the Amesbury Avenue intersection

The proposed development does not seek to alter the existing traffic/ car parking arrangement at the site. The proposal will not result in an intensification of parking or traffic congestion as it does not seek to increase the student or staff numbers. The complex will accommodate school activities during school periods there are no proposed external users of the facility. As a result of these factors, any condition or amendment to the school's operation would not reasonably relate to the development and is therefore unable to be imposed.

It is noted that Council's Traffic and Operations staff undertake regular audits of school traffic congestion/parking, liaise with the relevant schools and undertake mitigation measures when and where required through appropriate signage and traffic calming devices.

Safety concerns with existing drop off and pick up arrangements around the school

The application does not seek to alter the existing parking/drop-off/pickup arrangements.

Lack of off street car-parking provided for the students

Off street car parking provision requirements for schools is based on the number of staff and year 12 students. Based on the current student/staff numbers, the school requires 104 spaces. It is noted that the school currently provides 103 spaces. The proposal does not seek to increase the number of staff or student numbers at the school consequently it will maintain the existing arrangements, which is reasonable in this circumstance.

The school does not provide a dedicated drop off/pick up location which would improve the existing traffic/parking concerns

As the proposal does not involve changes to the existing parking or drop-off/pick arrangements or create an additional demand in this respect, any requirement to this effect would not reasonably relate to the subject application and therefore cannot be imposed.

Additional car parking/traffic congestion resulting from the use of the proposed indoor sports facility. The school should provide parent, student and spectator parking

The applicant states that the facility is to accommodate school activities during school periods and that no external use of the facility is proposed. As noted previously, car parking rates for schools are based on the number of staff and year 12 students, which remains unaffected by the proposal.

Uncertain hours of operation with “School period only” nominated

The facility will primarily be used during normal school hours. Certain school activities may occur after hours or potentially on weekends which is not uncommon with schools across the state. As advised by the applicant, where its use is outside normal class time, it will not generally align with the morning and afternoon peak drop-off/pickup times for the school. As a result, the proposal is acceptable in this regard.

Internal Referrals

Landscaping

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

Tree impacts

The development proposal will result in the removal of numerous trees located on the subject site. The following assessment comments are made:

- *A total of twenty four (24) trees are proposed for removal. The nominated tree removal is supported.*
- *All the trees are planted specimens with some exotic ornamental species.*
- *The majority of the trees are native species that are not endemic.*
- *All the trees to be removed are located within the proposed development footprint.*
- *The majority of trees to be removed are in good health and condition and do provide on-site amenity.*
- *The trees to be removed do not have broader landscape significance beyond the site.*
- *No trees identified as having biodiversity significance or value are proposed for removal and are not otherwise impacted upon.*
- *The site contains many trees which are not impacted by the proposal.*
- *Construction access is proposed via Yarrabung Road over the existing internal road network and should not result in additional adverse tree impact.*

- No additional tree removal is required for fire safety/APZ requirements.

The project arborist's recommendations are noted and supported. The Arborist's recommendations are contained in Council's recommended conditions (Conditions 8, 9, 10, 11, 48)

Landscape Plan

The submitted landscape plan is supported. Supplementary low planting within a terraced garden area is proposed adjacent to the northern side of the development. Proposed species are appropriate for an educational facility (hardy, non-toxic).

Tree replenishment planting is recommended by the project arborist. To replenish lost tree canopy, it is recommended supplementary tree planting be provided in proximity to the proposed building for amenity and visual softening of the new structure. It is recommended a minimum of five endemic tree species eg Syncarpia glomulifera (Turpentine) be planted within the battered slope to the south of the building. This is conditioned (Conditions 13, 18, 52).

Stormwater

Proposed drainage works are acceptable on landscape grounds.

Recommendation

The application is supported on landscape grounds subject to conditions (Conditions 8, 9, 10, 11, 12, 13, 14, 18, 48, 49, 50, 52, 55).

Engineering

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

Water Management

St Ives High School is an existing school facility located on Yarrabung Road, St Ives. The school consists of several permanent classroom buildings, Covered Outdoor Learning Areas (COLA), staff rooms, hardstand assembly/sports courts and sports fields. The site generally falls from the north-western corner to the southern boundary, towards Hunter Avenue and ultimately discharges into Rocky Creek, the change in RL across the site is approximately from 152.5m AHD to 129.0m AHD. Site observations and review of available drawings indicate that the piped stormwater drainage network generally follows the natural topography and is directed to southern and eastern boundaries of the site.

The general intent is to follow the existing site topography, with a new pit and pipe drainage system conveying stormwater to the south-western corner of the works area and connecting into the existing Council system. As an underground rainwater tank and an OSD tank is being provided, the new piped network has been sized to convey the 1% AEP.

The capacity of existing downstream network has been checked and found to have sufficient capacity to cater for the proposed new building.

The stormwater plans show that stormwater will be collected from the roof of the proposed building to 50,000 litre rainwater retention and reuse tank to the north of the proposed building. This stored water is proposed to be reused for toilet flushing in the new building and irrigation of the existing sports field. An OSD tank has also been proposed to the south of the building. It is unclear what size this tank is proposed to be however the submitted design sheet refers to a volume of 46m³.

*No detail has been provided of where this OSD tank drains to, and therefore the existing and proposed stormwater disposal for the site is unknown. Details shall be provided to show the disposal of the existing stormwater in an approved manner via a deferred commencement condition (**Schedule A Condition 1**).*

The lot is a "Location A" and the stormwater drains to Councils drainage network in Horace or Hunter Avenue.

The proposed site treatment will consist of the entire multipurpose hall building directed to a stormfilter chamber which houses 6 x 690 mm PSorb cartridges, with the perimeter paving runoff pre-treated by a drop Enviropod. This satisfies the pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP.

Vehicle access and accommodation arrangements

No alterations to the existing student / staff populations are proposed. Furthermore, whilst minor alterations to the existing heavy vehicle servicing arrangements are proposed as a result of the new building, no alterations to the existing site access, passenger vehicle circulation and parking arrangements are proposed.

The new enclosed gymnasium is proposed to accommodate school activities during school periods only. No external use of the gymnasium is proposed.

The school is currently serviced by formal and informal off-street parking areas, collectively capable of accommodating up to 103 passenger vehicles, specifically allocated for staff use. No on-site parking is provided for students or parents associated with student set-down or pick-up.

Ku-ring-gai Council relies on Ku-ring-gai DCP for locally sensitive parking requirements for the subject site. Ku-ring-gai DCP provides the following parking requirements for educational establishments relating to the subject proposal:

*1 space per employee, plus
1 space per 8 year 12 students*

Application of Ku-ring-gai DCP parking requirements to the existing school population of 85 employees and 147 Year 12 students results in the following calculation:

$$(85 \times 1) + (147 / 8) = 104 \text{ spaces}$$

The existing school, providing an on-site parking capacity of 103 vehicles, is therefore comparable to the parking requirements specified within Ku-ring-gai DCP.

The subject proposal does not involve alterations to the existing school student or staff population, nor the existing operational characteristics. It is accordingly not expected that the proposal will result in any increased on-site parking demand.

No further traffic information is required.

Waste Collection

On-going management of waste on-site will be in accordance with the existing arrangement. It is managed on behalf of the school by the Department of Education.

Construction Management

A preliminary construction traffic management (CTMP) has been provided.

Construction vehicles up to 8.8m long Medium Rigid Vehicles (MRVs) are to access and egress the site via the existing southern-most access driveway connecting with Yarrabung Road, approximately central to the site frontage, which currently services delivery and refuse collection vehicles of a similar size.

The notable scale of the portion of the site accommodating the construction and demolition activities is such that all required construction vehicle manoeuvring and loading activities will occur on-site, therefore it is assumed that a works zone is not required. In this regard, it is expected that all construction vehicle access / egress between the site and Yarrabung Road will be undertaken in a forward direction. All site access / egress movements are to be strictly controlled by appropriately qualified traffic controllers.

A crane situated to the south of Block C will assist in the movement of construction materials between the construction vehicles within the on-site area of work. Construction vehicles are to access and vacate the subject site utilising Mona Vale Road as the main approach / departure route. It is recommended that construction vehicle movements to and from the site be eliminated where possible during road peak school operational periods (7:30am – 9:30am and 2:30pm – 4:30pm).

*It will be conditioned that a detailed CTMP will need to be submitted prior to the issue to the commencement of works showing the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing **(Condition 6)**.*

Impacts on Council Infrastructure

Stormwater may be connected to Council's existing network of pits and pipes.

No new driveway crossover and/or footpaths are to be provided.

Geotechnical Investigation

The geotechnical investigation comprised the auger drilling of 5 boreholes (BH1 to BH5) using a track mounted JK205 drilling rig to refusal depths ranging from 3.6m to 5.6m below the existing ground surface. Minor earthworks of generally less than 1m will be required.

Given the expected shallow depth of excavations, it is likely they will encounter fill and residual soils, which should be achievable using conventional excavation equipment, such as the buckets of hydraulic excavators. Groundwater seepage is not expected within any such shallow excavations, but if seepage does occur it should be able to be controlled using gravity drainage given the slope of the site.

Recommendations

Stormwater

- *The stormwater management plans shall be updated to indicate the size of the proposed On-Site Detention tank, the submitted design sheet refers to a volume of 46m³.*
- *No detail has been provided of where this OSD tank drains to, and therefore the existing and proposed stormwater disposal for the site is unknown. Details shall be provided to show the disposal of the existing stormwater in an approved manner.*

These remaining issues are addressed via condition **(Schedule A Deferred Commencement Condition 1, Schedule B Standard Conditions of Consent 19 and 47)**.

Health Services

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

*I have reviewed the information provided with the application and have recommended conditions that should be included in any approval **(Conditions 15, 17, 25, 27, 56, 63, 67)**.*

An additional condition should be included if it is intended that the indoor sports complex is to be used in the evening (after 6pm). This condition should require that the doors to the indoor sports complex be kept closed when in use.

Planners comment:

The applicant has not nominated specific times that the indoor sports complex is to be utilised. The application refers to the use of the facility within "School Periods." There is the potential for the facility to be used after 6pm on certain occasions and imposition of a condition, as referred to above, is considered reasonable in this circumstance **(Condition 64)**.

Building Services

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

This application proposes the construction a part 1 and 2 storey indoor sports complex for St Ives High School. The proposed new building would attract a BCA Classification of Class 9b. It is noted from the Council DA file that the following reports have been provided, including –

1. *BCA Report;
Blackett Maguire Goldsmith, dated 20/11/18, Report#170404-R1*
2. *Access Report:
Morris Goding Assess Consultants, dated 13/12/18*

No objections are raised to this proposal, subject to the inclusion of the prescribed conditions and the following standard conditions:

- *Access (commercial)*
- *Fire Safety Certificate*
- *Annual Fire Safety Certificate*

Conditions 24, 62, and 68 have been recommended to reflect the above.

External Referrals

Rural Fire Services

In accordance with the provisions of section 4.14 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 69**).

I refer to your correspondence dated 20 December 2018 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following 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, the area around the proposed works shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' up to the site boundaries as an Inner Protection Area (IPA).*

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. *The provision of water, electricity and gas shall comply with section 4.1.3 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 and or updated to 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. *Construction 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'.*

General Advice – consent authority to note

- *Council is advised that the highest BAL 12.5 (range 29 to 100m) determination was derived from an assessment of FDI of 100, predominant vegetation classification of Forest, downgraded to Remnant and equivalent to Rainforest (mainly towards the east, south east and south), separation distance of 90m (east) and a downward slope located beneath the unmanaged bush fire vegetation of between 0 to 5 degrees.*

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 applicant has submitted an Environmental Site Assessment prepared by EIS (Environmental Investigation Services) which has made the following conclusions/recommendations:

10 CONCLUSIONS AND RECOMMENDATIONS

An intrusive soil sampling and groundwater assessment was undertaken for this investigation. A review of the EIS Preliminary Stage 1/2 ESA report was undertaken and the data was also incorporated within this assessment.

Based on the scope of work undertaken for this assessment and the data obtained from the EIS Preliminary Stage 1/2 ESA report, EIS identified the following potential contamination sources/AEC:

- *Fill material;*
- *Historical agricultural use (orchards);*
- *Use of pesticides; and*
- *Hazardous building materials present on site.*

The site was potentially used for agricultural (orchards) purposes prior to 1943 and a building was present in the south-eastern section. Potential filling of the site may have occurred and the high school was progressively built from circa 1961 onwards. The former site structures were also demolished around this time.

The intrusive soil investigation undertaken during this assessment did not encounter concentrations of contaminants above the SAC (Site Assessment Criteria). The groundwater samples encountered concentrations of nickel and zinc above the ecological SAC. However this was attributed to commonly encountered heavy metals in urban groundwater and was not considered to be a significant risk at the site.

EIS consider that the report objectives outlined in Section 1.2 have been addressed. Based on the findings of the assessment, EIS are of the opinion that the site is suitable for the proposed development described in Section 1.1. There is considered to be a relatively low potential for contamination-related unexpected finds to occur at the site during the proposed development works. Unexpected finds would typically be able to be identified by visual or olfactory indicators and could include:

- *Waste materials in fill, including building and demolition waste;*
- *Fibre cement fragments (e.g. ACM);*
- *Stained fill/soil;*
- *Odorous soils (e.g. hydrocarbon odours); and/or*
- *Ash, slag and/or coal wash.*

The following should be implemented in the event of an unexpected find:

- *All work in the immediate vicinity should cease and temporary barricades should be erected to isolate the area;*
- *A suitably qualified contaminated land consultant should be engaged to inspect the find and provide advice on the appropriate course of action; and*
- *Any actions should be implemented and validated to demonstrate that there are no unacceptable risks to the receptors.*

At this stage, EIS consider that there is no requirement to notify the NSW EPA Guidelines on the Duty to Report Contamination under Section 60 of the CLM Act 1997 (2015)20.

The proposal has satisfactorily addressed the provisions of SEPP 55 and the site is considered suitable for the proposed use. The recommendations made by EIS have formed a condition of consent (**Condition 35**).

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*

As noted above, an assessment has been undertaken on the site and it has been found that the site is suitable for the proposed use. Conditions of consent are recommended should unexpected contaminants be encountered during construction (**Conditions 35**).

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

The SEPP commenced on 25 August 2017 and replaced clause 5.9 of Ku-ring-gai Local Environmental Plan 2015, which aimed to preserve 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.

The proposal seeks the removal of 24 trees which are all either planted or exotic ornamental specimens. None of the trees to be removed have biodiversity significance or value. The proposed tree removal will not result in significant amenity impacts within the area as the site will maintain the majority of trees located on the site. In addition, replenishment planting is recommended by the applicant's Arborist, as noted earlier under Council's Landscape Assessment Officer's comments.

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not subject to the provisions that apply to the assessment of development applications as the site is not located in the Foreshores and Waterways Area.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is subject to the provisions of Clauses 101 and 102 of the SEPP as Horace Street is a "Classified Road". The relevant clauses and considerations are provided below:

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.

The proposal does not seek to increase the number of students enrolled at the school nor does it alter the existing parking arrangements or vehicular access into the school. The proposed development has been designed to satisfactorily mitigate intrusive noise resulting from Horace Street as discussed below.

102 Impact of road noise or vibration on non-road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway

or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

(a) residential accommodation,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

In response to this requirement, the applicant has submitted a detailed acoustic assessment which details that the intrusive noise impacts upon the development can be mitigated to satisfactory levels subject to the recommendations made within the report. It is recommended that the requirements of the acoustic assessment form conditions of consent (**Conditions 25**).

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. Compliance with the aims is determined through the detailed application of the requirements of the SEPP which, in this case, are for an 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 Infrastructure - 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 carried without 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 indoor sporting complex and its use 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 is considered to represent a building of high design quality as assessed against the criteria established in Schedule 4 below.

Although not proposed as part of this application, the building could be used for other community based uses.

- (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 Ku-ring-gai DCP 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 student or staff numbers.

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 facility is located within an established school in a suburban setting. The building is located essentially over the existing outdoor basketball courts on a disturbed part of the site which minimises its impacts upon the site.

As noted within the background section of this report, Council sought additional justifications from the applicant in relation to concerns of potential visual impacts of bulk and scale of the proposal when viewed from Horace Street. The applicant provided the following comments:

SINSW (EFSG architectural team), has spent considerable time during the concept design and schematic design phase, to determine the best position to place the hall, including floor level and streetscape elevation. Please consider the following in your determination:

- 1. The proposed floor level of the hall matches the existing ground levels of the synthetic sports court*
- 2. The proposed floor level of the hall balances out the cut/fill on the site*
- 3. Due to the fall in levels in this area, accessibility from the entire school is already an issue. Lowering the hall further will increase the length of the ramps and stairs around the building.*
- 4. The existing floor level of Block C (adjacent building) is already 4,210mm above the proposed floor level of the hall building. The level change/stepped landscape already deals with a level change of 4m in this area. SINSW (EFSG architectural team) already raised concerns of supervision to the north-west corner of the building, hence why there is a stepped landscape not a 4m high retaining wall. Lowering the hall further would increase the concerns of passive surveillance and supervision.*
- 5. In relation to the streetscape elevation, whilst it is around 4m higher than the road at the southern end, the northern end is buried 4m below this road level, the middle section of the hall is level with the road.*

6. *Architecturally, the eave height of the northern end of the hall is slightly lower than the adjacent building's eave height. The roof faces north to maximise orientation for solar panels and the Educational Facilities Standards and Guidelines insist on a minimum roof pitch of 4 degrees.*
7. *The minimum height required for competition netball is 8.3m, thus driving the overall height of the building. We have articulated the western façade and the roof with horizontal layers to bring down the apparent height of the building, introducing a mix of materials.*
8. *The view from Horace Street is already partially obscured by the trees, with the building setback approx. 20m from the road.*

The justifications put forward by the applicant in this respect are accepted and the proposal is therefore considered to be consistent with Principle 1.

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 applicant has indicated that the following measures have been adopted to address Principle 2:

- *Rainwater tanks incorporated into building design to be reticulated to amenities and to provide irrigation for the sports fields and landscaping*
- *East and west facades designed with fixed vertical shading fins to obstruct afternoon and morning sun and minimise reliance on mechanical ventilation*
- *Material selection considerate of durability and context*
- *Roof pitch to mitigate any foreseeable water damages*
- *Landscape design to soften the built form and provide outdoor areas for student use*

The proposal is considered to represent good design when considered against Principle 2 insofar that it has been actively designed to minimise the use of energy, water and natural resources. **Condition 30** has been imposed to require an equivalent 4 star green star rating.

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: The proposal has been supported by a detailed access report 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 St Ives High School for the reasons given throughout this report.

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. A detailed acoustic assessment has been submitted with the application which has demonstrated that the proposal can achieve noise mitigation from Horace Street subject to recommendation within the acoustic report which has formed a condition of consent (**Condition 25**). 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. The proposal provides for multi-purpose sporting courts, canteen facilities, staff rooms, storage areas, classrooms/fitness labs and bathroom amenities.

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 sporting complex represents a building of high architectural quality that complements its setting. It contributes positively to the streetscape and enhances the character and facilities of the school. This is supported by replenishment planting as recommended by the Applicant's Arborist and existing vegetation that will assist with screening of the development from the street.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

Consideration has been given to Clause 9 of the SEPP, Land adjoining land zoned or reserved for public open space. The proposed development will not result in the loss of any significant bushland on the land. Conditions are recommended to ensure minimal impact to the adjoining bushland and in particular to protect against erosion and siltation of soils into streams and waterways. The works are unlikely to result in the spreading of weeds and exotic plants into the bushland area.

As a result of the above and subject to conditions **(Condition 7 and 46)**, it is considered that the bushland area will be protected and preserved consistent with the provisions contained in the SEPP.

Draft State Environmental Planning Policy - Environment

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.

Local Content

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 and 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 proposed development is infrastructure specifically designed to facilitate the educational establishment's use now and into the future, consequently the development meets the zone objectives.

Development standards:

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

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item, is not 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.

Part 6 Additional local provisions

Clause 6.1 – Acid sulphate soils

The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 lands. Further, the works will not involve earthworks works below 5 metres and are unlikely to lower the water table. Therefore, an Acid Sulfate Soils Management Plan is not required under the provisions of Clause 6.1 as the development is unlikely to be impacted in this regard.

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 location of the indoor sports complex however, is well away from the mapped parts of the site.

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, subject to conditions relating to tree protection and replenishment. It is noted that none of the 24 trees to be removed are considered to have biodiversity significant or value as they are either planted or exotic ornamental specimens. It is further noted that no additional tree removal is required for fire safety/Asset

Protection Zone (APZ) requirements, Refer to landscape comments for further details in this regard.)

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 control discharge volumes and frequency, subject to conditions **(Schedule A Deferred Commencement Condition 1 and Schedule B Standard Conditions 19, 47, 57, 58, 59, 60, 61)**.

Policy Provisions (DCPs, Council policies, strategies and management plans)

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.

Ku-ring-gai Development Control Plan

Section B

Part 13 - Tree and Vegetation Preservation

Council's Landscape Assessment Officer has reviewed the proposal against the provisions of the DCP and considers it to be acceptable subject to conditions **(Conditions 8, 9, 10, 11, 12, 13, 14, 18, 48, 49, 50, 52, 55)**.

Part 15 – Land Contamination

The application has been accompanied by an Environmental Site Assessment Report which has concluded that the site is suitable for the proposed use in respect of Land Contamination. Conditions of consent are recommended to be imposed relating to recommendations contained within the EIS report should unexpected contaminants be encountered on the site during construction **(Conditions 35)**.

Part 16 – Bushfire Risk

The site is mapped as bush fire prone land.

In accordance with the provisions of section 4.14 of the *Environmental Planning and Assessment Act 1979*, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service were reproduced earlier within this

report. The conditions of consent have been included within the recommended conditions **(Conditions 69)**.

Part 18 – Biodiversity

The site is mapped as land comprising biodiversity significance, although the works are located some distance away from this area. Council's Ecological Assessment Officer determined at lodgement that a referral was not necessary as the nominated trees to be removed or impacted upon do not have any biodiversity significance / value.

The proposed development will therefore 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. This issue is discussed in more detail within the comments provided by Council's Landscape Assessment Officer.

Part 19 – Heritage and Conservation Areas

The subject site does not contain a heritage item, is not located within close proximity to an Item nor is it within a heritage conservation area. The proposed works do not affect any archaeological or Aboriginal objects or Aboriginal places of heritage significance.

Part 20 – Development near Road or Rail noise

The development site is in vicinity of a busy road being Horace Street. As detailed earlier within this report, the Applicant has undertaken and submitted an acoustic assessment of the potential intrusive road noises upon the proposed development. The report makes recommendations to achieve a compliant outcome in terms of SEPP Infrastructure and Part 20 of the DCP. The recommendations contained within the acoustic report have been included in conditions of consent **(Condition 25)**.

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: <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) 	YES	YES

<ul style="list-style-type: none"> No fill and excavation within sensitive environments Minimise altered groundwater flows 		
21.2 – Landscape Design		
Appropriate and sensitive site planning and design	YES	YES
Existing appropriate screen planting is retained		
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	A detailed access report submitted detailing compliance.	YES
22.2 – General vehicle access		
<ul style="list-style-type: none"> Minimise width and number of vehicle access points Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances Vehicle and pedestrian access to buildings clearly distinguished and separated Vehicle crossing width is acceptable for intensity of use proposed Vehicles must exit in a forward direction Vehicle entries are integrated into the external façade and are finished in a high quality material Retaining walls associated with driveways maximum height of 1.2m No driveways are longer than 30m unless a passing bay is provided 	Existing vehicle access arrangements are to remain with the exception of minor adjustments to the service vehicle arrangements. The proposal is considered satisfactory.	YES
Part 23 – Building Design and Sustainability		
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	YES	YES
Use of materials and colours creates well-	YES	YES

proportioned facades and minimises visual bulk		
23.6 – Building Services		
Services and related structures are appropriately located to minimise streetscape impact	YES	YES
Air-conditioning units are well screened and do not create adverse noise impacts	Satisfied subject to condition. Condition 66)	YES
23.7 – Waste Management		
Efficient, effective and sustainable waste management practices	Existing arrangement to remain.	YES
23.8 – Acoustic Privacy		
Design minimises impact of internal and external noise sources	YES	YES
23.9 – Visual Privacy		
Visual privacy maintained for occupants and for neighbouring dwellings	YES – nearest residential property approximately 40 metres from proposal.	YES
23.10 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	A preliminary waste/ construction traffic management plan has been submitted and is accepted subject to further condition. (Condition 6)	YES

Part 23.2 Green Buildings

The DCP requires , 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. A specific ESD report has not been submitted in this respect to demonstrate compliance, however, the statement of environmental effects indicates that School Infrastructure NSW design guidelines stipulate that ESD principals must be incorporated into the design of all new school buildings so that the building could be benchmarked to achieve the equivalent of a four-star Green Rating.

Condition 30 has been imposed to satisfy this control.

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 (**Schedule A Deferred Commencement Condition 1 and Schedule B Conditions 19, 47, 57, 58, 59, 60, 61**).

Part 25 – Notification

The application has been notified in accordance with the requirements of the DCP. One (1) submission was received and has been addressed above.

Section 7.12 Plan - Ku-ring-gai Contributions Plan 2015

The development attracts a section 7.12 contribution of \$178, 803.90, based on a CIV of \$17, 880, 390.00, 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 M**) 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 contribution plan does not have road or drainage works planned directly in front of the subject site, consequently the contribution policy therefore does not apply in this instance.

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.

SUITABILITY OF THE SITE

The site is suitable for the proposed development for the reasons discussed throughout this report.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and policies, 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 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 EP&A 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 10 July 2019 by way of an email from a representative of School Infrastructure NSW. . This shall provide School Infrastructure a desired construction and delivery program that is efficient but also and importantly protects the public's interest and ensures that 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, as this outcome has been agreed to by the applicant on behalf of the Minister.

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 deferred development consent to DA0590/18 for demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works - St Ives High School - subject to conditions.

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.

DEFERRED COMMENCEMENT TERMS:

Evidence required to satisfy the following conditions must be submitted to Council within the timeframe specified in this consent. This consent will lapse if all deferred commencement conditions are not satisfied within this timeframe.

SCHEDULE A: Deferred Commencement – Terms to be satisfied prior to the consent becoming operable

The following deferred commencement terms must be complied with to the satisfaction of Council within 24 months of the date of issue of this deferred commencement development consent:

1. Stormwater disposal from the site

Full engineering plans showing the connection point of the sites drainage to Councils stormwater network shall be provided. As the existing and proposed stormwater disposal for the site is unknown, detail shall be provided to Council of where the site stormwater drains to. Details shall be provided to show the disposal of the existing stormwater in an approved manner.

Reason: Satisfactory disposal of stormwater from the site

Once the consent becomes operable, the conditions in Schedule B will apply. Upon written receipt from the Council that the deferred commencement terms in Schedule A have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

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
<i>Architectural Plans</i>		
DA-00 Rev F DA-01 Rev H DA-02 Rev D DA-03 Rev H DA-04 Rev A DA-05 Rev B DA-06 Rev B DA-07 Rev B DA-08 Rev B DA-09 Rev H DA-10 Rev H DA-11 Rev E DA-12 Rev F DA-13 Rev G DA-17 Rev C	JDH Architects	18/11/30
<i>Landscape Plans</i>		
L-01 REV C L-02 REV C	Space Landscape Designs	22/18/18
<i>Stormwater Management Plans</i>		
C001 Rev 2 C010 Rev 2 C050 Rev 2 C051 Rev 2 C200 Rev 2	Jones Nicholson Consulting Engineers	27/11/18

Document(s)	Dated
Accessibility Report prepared by Morris Goding Access Consulting	15 November 2018
Acoustic Report prepared by Cundall Ref: 1019962-RPT-AS001	16 November 2018
Arborist Report prepared by Arboreport	27/11/18
Building Code of Australia Assessment Report prepared by Blackett Maguire Goldsmith Ref: 170404	20 November 2018
Bush fire Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Limited Ref: 180473	16 November 2018
Flora and Fauna Report prepared by SLR Ref:630.12292-R03	November 2018
Geotechnical Report prepared by JK Geotechnics Ref: 31754BCrpt	28 November 2018

Traffic and Car Parking Assessment prepared by Stanbury Traffic Planning Ref: 18-051	November 2018
Waste Management Plan prepared by JDH Architects	16/11/2018
Additional Environmental Site Assessment prepared by EIS (Environmental Investigation Services) Ref: E31754KTrpt2	15 November 2018
Environmental Management Plan prepared by TSA Management Pty Ltd	undated
Stormwater Management Report, prepared by Jones Nicholson Consulting Engineers Ref: CRPT - 17011065.01B	30 November 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. Notification of builder's details

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

Reason: Statutory requirement.

6. 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.

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.

7. Sediment controls

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

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition

until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

8. 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
Existing trees and vegetation within biodiversity zone Southern side of vehicular access road	From Yarrabung Rd boundary to administration block and south to top sports field
<i>Eucalyptus sp</i> (Eucalypt) Northeast corner of 'C' Block	Edge of existing paving/retaining wall, 5.0m elsewhere during 'B' Block demolition works
<i>Eucalyptus maculata</i> (Spotted Gum) x numerous Landscape area west of 'B' Block within a 10.0m setback from 'B' Block	Edge of existing paving areas during 'B' Block demolition works
<i>Quercus palustris</i> (Pin Oak) East of 'B' Block, south of external 'netball court'	Southern edge of external netball court, eastern side of existing access path 5.0m elsewhere, during 'B' Block demolition works.
<i>Ulmus parvifolia</i> (Chinese Elm) Northwest corner of external 'netball court'	Edge of existing concrete, 5.0m elsewhere during 'B' Block demolition works.

Reason: To protect existing trees.

9. 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.

10. 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.

11. 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.

12. 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.

13. Tree replenishment

The site shall support an additional five canopy trees capable of attaining 13.0 metres in height. The five trees to be planted shall be *Syncarpia glomulifera* (Turpentine) and evenly planted at equidistant setbacks within the battered embankment to the south of the proposed indoor sports complex.

Note: An amended plan, complying with this condition and prepared by a landscape architect or qualified landscape designer, shall be submitted to the Certifier or Crown equivalent for approval.

Reason: To preserve the tree canopy and ensure adequate landscaping of the site.

14. 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.

15. 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.

16. 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.

17. 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

18. Amendments to approved landscape plan

The approved landscape plan(s), listed below and endorsed with Council's stamp, are to be amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
L-01 Rev C Landscape Master Plan L-02 Rev C Landscape Plan	Space	22/11/2018

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

- ☐ An additional five trees, *Syncarpia glomulifera* (Turpentine) shall be planted within the southern embankment to the south of the proposed Sports Complex. The planting shall be located a minimum 10.0m from the southern face of the building and planted at equal spacing for the length of the southern elevation.

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

Reason: To ensure adequate landscaping of the site.

19. Amendments to approved engineering plans

The approved engineering plan(s), listed below and endorsed with Council's stamp, are to be amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
Stormwater plan C001 - C200	Jones Nicholson	27.11.18

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

- The stormwater management plans shall be updated to indicate the size of the proposed On-Site Detention tank, the submitted design sheet refers to a volume of 46m³.

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

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

20. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

21. Long service levy

Crown Building Work Certification shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

22. Outdoor lighting

All outdoor lighting will 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.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

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

23. Certification of external materials, colours and finishes - major development

The external materials, colours and finishes specified for the approved building are to be consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

Reason: To ensure that the works are carried out in accordance with the Development Consent.

24. Access for people with disabilities (commercial)

Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

25. Acoustic design report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier or Crown equivalent. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners and bathroom/toilet proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background (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, balcony or external living area of the nearest potentially affected residential occupancies.

The report shall additionally provide acoustic design detailing of the acoustic treatments and solutions to achieve compliance with the project noise criteria as recommended within the approved Acoustic Report, prepared by Cundall Ref 1019962-RPT-AS001, dated 16 November 2018.

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

26. Utility provider requirements

Prior to works commencing, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier or Crown equivalent, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

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

27. Design and construction of food premises

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

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- garbage and recycling storage areas
- grease trap area
- all 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.

28. 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 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.

29. Bush fire risk certification

Bush fire protection measures shall be carried out in accordance with the following bush fire risk assessment, report and certificate, listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

Document title	Prepared by	Dated
Bushfire Assessment Report	Building Code and Bushfire Hazard Solutions Pty Limited	16 November 2018

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

30. Green star certification

Prior to the commencement of works:

1. The construction plans must demonstrate ESD measures proposed for the achievement of an equivalent 4 Star Green Star - Design & As Built certification;
2. The plans for the development must achieve 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.

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

31. 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.

32. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 (11) 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.

33. 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.

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.

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.

34. 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) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: Statutory requirement to ensure the safety of occupants.

35. Unexpected Contaminants

Should unexpected contaminants be encountered on site during the demolition of construction phases of the project, the recommendations of the approved Additional Environmental Site Assessment report, prepared by Environmental Investigation Services (EIS), dated 15 November 2018 are to be adhered to.

Reason: Safety.

36. Approved plans to be on site

A copy of all approved and certified 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.

37. 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.

38. 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.

39. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by JK Geotechnics dated 28 November 2018.

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below adjoining property/(ies).

Reason: To ensure the safety and protection of property.

40. 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.

41. 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.

42. 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.

43. Construction signage

All construction signs must comply with the following requirements:

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

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

44. 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.

45. 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.

46. 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.

47. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Part 24B.1 and Part 2B.2 of Ku-ring-gai Development Control Plan Part 24 - Water Management.

Reason: To protect the environment.

48. 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.

Regular inspections and documentation from the arborist are required but not limited to the following times or phases of work:

Tree/location	Time of inspection
<i>Eucalyptus sp</i> (Eucalypt) Northeast corner of 'C' Block	*Inspection and certification of tree fencing in accordance with consent requirements prior to any Block 'B' demolition works *Completion of demolition works *Following removal of tree protection measures *At completion of all works and prior to issue of Occupation Certificate
<i>Eucalyptus maculata</i> (Spotted Gum) x numerous Landscape area west of 'B' Block within a 10.0m setback from 'B' Block	*Inspection and certification of tree fencing in accordance with consent requirements prior to any Block 'B' demolition works *Completion of demolition works *Following removal of tree protection measures *At completion of all works and prior to issue of Occupation Certificate
<i>Quercus palustris</i> (Pin Oak) East of 'B' Block, south of external 'netball court'	*Inspection and certification of tree fencing in accordance with consent requirements prior to any Block 'B' demolition works *Completion of demolition works *Following removal of tree protection measures *At completion of all works and prior to issue of Occupation Certificate
<i>Ulmus parvifolia</i> (Chinese Elm) Northwest corner of external 'netball court'	*Inspection and certification of tree fencing in accordance with consent requirements prior to any Block 'B' demolition works *Completion of demolition works *Following removal of tree protection measures *At completion of all works and prior to issue of Occupation Certificate

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

Reason: To ensure protection of existing trees.

49. Approved tree works

Prior to the commencement of any works, the following is to be undertaken to the specified trees:

Tree/location	Approved tree works
T3 <i>Syncarpia glomulifera</i> (Turpentine) Within development footprint	Removal
T4 <i>Angophora costata</i> (Sydney Red Gum) Within development footprint	Removal
T5 <i>Allocasurina litoralis</i> (She oak) Within development footprint	Removal
T6 <i>Syncarpia glomulifera</i> (Turpentine) Within development footprint	Removal
T7 <i>Callistemon viminalis</i> (Bottlebrush) Within development footprint	Removal
T8 <i>Eucalyptus camaldulensis</i> (River Red Gum) Within development footprint	Removal
T9 <i>Syncarpia glomulifera</i> (Turpentine) Within developmet footprint	Removal
T10 <i>Syncarpia glomulifera</i> (Turpentine) Within development footprint	Removal
T11 <i>Callistemon salignus</i> (Bottlebrush) Within development footprint	Removal
T12 <i>Pyrus calleryana</i> (Callery Pear) Within development footprint	Removal
T13 <i>Faxinus sp.</i> (Ash) Within development footprint	Removal
T14 <i>Carya illinoensis</i> (Pecan) Within development footprint	Removal
T15 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T16 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T17 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T18 <i>Eucalyptus leucoxylon</i> (Yellow Gum) Within development footprint	Removal
T19 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T20 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T21 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal
T22 <i>Eucalyptus leucoxylon</i> (Yellow Gum) Within development footprint	Removal
T23 <i>Eucalyptus leucoxylon</i> (Yellow Gum) Within development footprint	Removal
T24 <i>Eucalyptus paniculata</i> (Grey Ironbark) Within development footprint	Removal

T24a <i>Syncarpia glomulifera</i> (Turpentine) Within development footprint	Removal
T25 <i>Eucalyptus robusta</i> (Swamp Mahogany) Within development footprint	Removal

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s .
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 - Pruning of Amenity Trees.

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

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

50. 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.

51. 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.

52. 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.

53. 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
- ☐ this information is to be made available at the request of an authorised Council officer.

Reason: To protect the environment.

54. 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.

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

55. 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, are to 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.

56. Mechanical noise control

Prior to the completion of works testing of the mechanical ventilation systems and other plant, including but not limited to air conditioners and bathroom/toilet exhaust when in operation either as an individual piece of equipment or in combination with other equipment is to occur to ensure that it 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. Written confirmation from an acoustic engineer is to be provided detailing that the development achieves the above requirements.

Reason: To protect the amenity of the occupants and neighbouring residents.

57. Retention and re-use system maintenance

Prior to the completion of works, the Principal Certifier or Crown equivalent shall be satisfied that a maintenance regime has been prepared for the retention and re-use system.

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

Reason: To ensure appropriate stormwater management.

Reason: To ensure appropriate storm-water management.

58. 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 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 or Crown equivalent.

Reason: To ensure appropriate stormwater management.

59. 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 prior to commencement of works. 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.

60. On-site detention system maintenance

Prior to the completion of works, the Principal Certifier or Crown equivalent shall be satisfied that a maintenance regime has been prepared for the on-site detention system.

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

Reason: To ensure appropriate stormwater management.

61. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the completion of works.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

62. 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 is to be completed and submitted to Council.

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

63. Construction of food premises

Prior to the completion of works, the construction of the food premises and all food storage areas is to be in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National

Construction Code.

The final inspection of the food premises fit out shall be carried out by a suitably qualified person.

Note: Council's Environmental Health Officer may be engaged to carry out the required inspection of the food premises. An inspection fee shall be charged in accordance with Council's current Schedule of Fees and Charges if this inspection is required. This fee must be paid prior to inspection being carried out.

Reason: To ensure compliance with standards for food premises.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

64. Use of indoor sporting complex after 6:00pm.

Should the indoor sporting complex be in use after 6:00pm the external doors are to remain closed to mitigate potential noise transmission to adjoining residential properties.

Reason: To protect the amenity of adjoining residents.

65. Compliance with bush fire assessment report and certificate

All ongoing recommendations listed in the bush fire risk assessment and report below, must be complied with at all times.

Document title	Prepared by	Dated
Bush Fire Assessment Report	Building Code and Bushfire Hazard Solutions Pty Limited	16 November 2018

Reason: Bush fire safety.

66. Screening of air conditioning condenser units

Air conditioning condenser units are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

Reason: To ensure the air conditioning condenser units are screened.

67. 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.

68. 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:

69. 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, the area around the proposed works shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' up to the site boundaries as an Inner Protection Area (IPA).

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. The provision of water, electricity and gas shall comply with section 4.1.3 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 and or updated to 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. Construction 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.

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