

## SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SNH074
<b>DA Number</b>	DA0508/18
<b>LGA</b>	Ku-ring-gai
<b>Proposed Development</b>	Demolition of existing structures and construction of a new administration and classroom building (including canteen), a new amenities building, tree removal and associated works - St Ives North Public School - Integrated Development (NSW Rural Fire Service under the RFS Act 1997)
<b>Street Address</b>	87 Memorial Avenue ST IVES NSW 2075 Lot 24 DP 30558
<b>Applicant/Owner</b>	Department of Education
<b>Lodgement Date</b>	8 November 2018
<b>Number of Submissions</b>	2
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011 )</b>	School (public infrastructure) that has a capital investment value of more than \$5 million (\$19,820,000).  Crown Development.
<b>List of all relevant s4.15 matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act, 1979</li> <li>• Rural Fires Act 1997</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas;</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River;</li> <li>• Draft State Environmental Planning Policy (Remediation of Land);</li> <li>• Draft Environment State Environmental Planning Policy ;</li> <li>• Ku-ring-gai Local Environmental Plan 2015 (LEP);</li> <li>• Ku-ring-gai Development Control Plan (DCP);</li> <li>• Ku-ring-gai S94A Contributions Plan 2015;</li> <li>• Regulations 93 and 94.</li> </ul>
<b>List all documents submitted with this report for the Panel's</b>	Annexure A – Zoning map extract Annexure B – Locality/Submitters map Annexure C – Architectural plans Annexure D – Landscape plans

<b>consideration</b>	Annexure E – Stormwater management plans Annexure F – Traffic report Annexure G – Contamination investigation report Annexure H – Acoustic assessment report Annexure I – Arborist report Annexure J – Bushfire risk assessment report Annexure K – Schedule of finishes Annexure L – Geotechnical investigation report Annexure M – Planning Circular Annexure N – SINSW Acceptance of conditions by email
<b>Report prepared by</b>	Josh Daniel
<b>Report date</b>	29 August 2019

#### **Summary of s4.15 matters**

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

#### **Legislative clauses requiring consent authority satisfaction**

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

#### **Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

#### **Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

## PURPOSE OF REPORT

To determine Development Application No DA0508/18 for demolition of existing structures and construction of a new administration and classroom building (including canteen), a new amenities building, tree removal and associated works on land at 87 Memorial Avenue St Ives, being for the purposes of St Ives North Public School - Integrated Development (NSW Rural Fire Service under the RFS Act 1997).

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 (\$19,820,000) 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

<b>Issues:</b>	Nil.
<b>Submissions:</b>	2.
<b>Land and Environment Court:</b>	N/A.
<b>Recommendation:</b>	Approval.

## HISTORY

### Site history:

The subject site has an ongoing use as an educational establishment catering for years K-6 at 87 Memorial Avenue, St Ives (St Ives North Public School). The school was established in 1961 and the facilities have been altered and extended over time in response to population growth and changes to educational requirements.

Prior to establishment of the school, records from 1943-55 indicate that the site appeared to be largely vacant and grassed, suggesting it was likely used for agricultural purposes akin to surrounding land uses to the north, west and south. The site was later cleared and buildings were evident in 1961, including existing 'Building F' in preparation for the school.

### Previous applications history:

A Pre-DA consultation meeting (PRE0066/18) was undertaken with Council prior to the lodgement of this Development Application on 26 June 2018. The subject proposal in principal reflects the works detailed for the pre-DA. Issues discussed at the pre-DA meeting included:

- design quality principles, building height/scale
- streetscape and residential amenity
- bushfire protection requirements (Integrated development - Rural Fire Service)
- tree/landscaping and ecological impacts
- traffic and parking

Notably, the southern end of Block F was reduced in height from three storeys to two storeys since the pre-DA scheme. This was in response to concerns raised regarding potential impacts of building height on neighbouring properties and the streetscape.

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

Application	Description	Decision	Date
2580/90	School hall	Approved	15/03/1991
3654/93	Develop existing sports field to accommodate athletics track and upgrade amenities	Approved	23/03/1994
884/06/DQ	Metal shade cover	Approved	10/11/2006

### Current application history:

Date	Action
8 November 2018	Application lodged.
21 November 2018	The application was notified to neighbouring property owners for a period of 30 days. Two unique submissions were received.
22 November 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.
17 December 2018	A memo was sent to the applicant recommending amendment of the plans to show the retention of a number of trees (T74 – 78 & T80) for biodiversity protection.
19 December 2018	General Terms of Approval were received from the NSW Rural Fire Service which form <b>Condition 75</b> .
20 December 2018	The application was referred to Roads and Maritime Services NSW for comment in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
24 January 2019	Amended plans were received indicating retention of trees as recommended for biodiversity protection.
31 January 2019	A copy of the NSW Rural Fire Service General Terms of Approval

	(conditions) and public submissions were forwarded with the applicant.
7 February 2019	Comments were received from Roads and Maritime Services NSW in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
3 April 2019	On-site briefing was held with the SNPP.
11 April 2019	An assessment letter was sent to the applicant requesting further information and amended plans in relation to: <ul style="list-style-type: none"> <li>• overshadowing</li> <li>• water management</li> <li>• traffic and parking management, including construction traffic</li> <li>• tree protection and construction details</li> <li>• landscape plan details and consistency with stormwater works and bushfire protection requirements</li> <li>• fencing</li> </ul>
10 May 2019	Further information and amended plans were received in response to Council's assessment letter.
10 July 2019	Council's internal assessment referrals were completed in response to the amended application.
19 July 2019	A memo was sent to the applicant advising of the application status and review of a matter relating to impacts to biodiversity mapped land.
29 July 2019	A further assessment letter was sent to the applicant requesting amended plans to resolve the biodiversity issue and request additional parking provision on-site.
12 August 2019	Amended plans (formal hardcopies) were received in response to Council's assessment letter request.

#### **Land and Environment Court appeal history:**

N/A

#### **THE SITE**

##### **Aerial photograph**



Figure 1: Aerial photograph of the subject site (shaded in red) and surrounding area.

### Site description:

The site is legally described as Lot 24 in DP 30558 and is known as 87 Memorial Avenue, St Ives. The site is generally rectangular in shape and comprises a total area of approximately 23,200m<sup>2</sup>. The site is developed and used for the purposes of a school for years K-6 (St Ives North Public School), which has operated since 1961.

Existing buildings are generally located on the western half of the site and consist of one and two storey school buildings (referred to as Blocks A-K), arranged around two quadrangles. The eastern half of the site includes sports fields and associated multi-purpose playing courts.

The site has a primary street frontage to Memorial Avenue (western boundary) and a secondary frontage to Toolang Road (northern boundary). Each street frontage has separate vehicular access with the main driveway off Memorial Avenue adjacent to the site's southern boundary, which accesses a hardstand carpark. The southern boundary adjoins low density residential properties.

Scattered areas of bushland exist adjacent to the site, predominantly along the northern, eastern and southern boundaries. The vegetation on-site includes significant native trees with a native shrub mid-storey, some of which is mapped as comprising biodiversity-significant land.

The area in the southern half of the site has a relatively level topography, with the area in the north having a gradual north-easterly fall, which becomes steep in the site's north-western corner, which is predominately covered by bushland. The total cross-fall from the site's south-western corner to the north-eastern corner is approximately 21m.

A summary of the potential site constraints according to Council's records is provided below.

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 – No impact.
Natural Resources Riparian	No
Within 25m of Urban Bushland	Yes
Contaminated land	No

### **Surrounding development:**

The site is within an area characterised by low density residential development which consists of single dwelling houses which are generally one and two storeys in height, on large allotments within landscaped settings. The eastern boundary of the site adjoins environmental conservation zoned land which is characterised by a densely vegetated bushland corridor known as Ku-ring-gai Creek Reserve.

## **THE PROPOSAL**

The proposed development includes the following works:

- Construction of a new 2-3 storey building in the south-western area of the site consisting of:
  - ground floor: classrooms, amenities, staff rooms, offices, lobby, canteen
  - first floor: classrooms, amenities
- Construction of a new single storey amenities building within the northern area of the site (to the rear of Block D)
- Associated demolition of existing buildings to accommodate new works, including Blocks A, E, I, F and G
- Tree removal
- Associated site works and landscaping, including new fencing
- Extension of the existing carpark to provide 26 spaces (including 9 new spaces)

The proposed development is intended to accommodate a school population increase of 101 students from 899 to 1,000, and an increase of 5 staff members from 60 to 65.

The proposal is 'integrated development' requiring the concurrence from the Rural Fire Service (RFS) given the site is mapped as bushfire prone land and it is development for a 'special fire protection purpose' under Section 100B of the Rural Fires Act 1997.

### **Amended plans**

The amended plans proposed the following changes:

- retention of six additional trees, identified as T74, T75, T76, T77, T78 & T80
- provision of two underground rainwater tanks
- landscape plan detail changes to minimise tree disturbances, including relocation of services (an amended arboricultural impact assessment provided)

- location of front fence amended
- updated bushfire certification
- additional car parking provision within existing hardstand area

## **CONSULTATION**

### **Community**

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

1. *N & N Bajenov, 1 Raleigh Cres, St Ives*
2. *R Ronai, 83 Memorial Ave, St Ives*

The submissions raised the following issues:

#### ***Traffic impacts and associated road safety issues***

The application has been assessed by Council's Development Engineer, Strategic Traffic Engineer and the Roads and Maritime Services (RMS) with respect to potential traffic related impacts. The assessment concluded the impacts were acceptable. The following comments are provided by Council's Development engineer with respect to traffic generation:

*The proposal has been estimated to generate up to 35 inbound and 35 outbound vehicle movements during peak operational periods of the school. This represents approximately one additional inbound vehicle trip and one additional outbound vehicle trip per each two minutes during peak periods.*

*The traffic survey provided confirms that the projected additional traffic flows can be accommodated on the adjacent road network and will not have any unacceptable traffic implications in terms of road network capacity.*

Detailed comments in relation to traffic are provided below within the referrals comments.

#### ***Parking issues/inadequacies***

In accordance with the Ku-ring-gai DCP, the proposal requires an additional 5 car parking spaces as a result of increased staff numbers. The proposed development is satisfactory in this regard as it provides an additional 9 car parking spaces by augmentation of the existing hardstand parking area to the eastern side/rear of Block H. For detailed comments refer to the Development Engineer's referral comments below.

#### ***Tree removal and related impacts***

The proposed new buildings are sited effectively over the existing building footprints of the buildings to be demolished, which minimises impacts upon the site, trees and adjoining bushland interface to the east. The majority of trees located on the site will be retained and the proposed removal of trees (T29 & T47) will not result in a



significant landscape amenity or biodiversity impact. Notably, T47 (Black Poplar), is exempt from requiring approval for removal under the DCP. The planting and maintenance of proposed canopy replenishment trees is recommended by **Condition 53** as discussed below by Council's Landscape Assessment Officer.

### ***Building form concerns, including bulk and scale and aesthetic issues***

The proposed design presents an acceptable building form having regard to bulk, scale and aesthetics which is reflective of the type of structures associated with an educational establishment. The proposed buildings and landscape design contribute to the streetscape and mitigate impacts on neighbouring properties, in particular, the design response (following pre-DA consultation) to reduce the scale of Block F from three storeys to two storeys at the southern end. This reduced impacts of building height on neighbouring properties particularly to 83 Memorial Avenue and more broadly the streetscape.

As a result of the above and for those reasons discussed in the main body of the report, it is considered that the development satisfies the relevant design quality principles in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

### ***Overshadowing***

Shadow diagrams provided demonstrate that no undue shadow will be cast by the proposed development on neighbouring properties. The diagrams indicate some additional overshadowing to the closest neighbouring dwelling at No. 83 Memorial Avenue as compared with the existing situation in the early morning (9am) and mid-afternoon (3pm). Notwithstanding, this neighbouring property will maintain acceptable solar access overall between the hours of 9am – 3pm in mid-winter, in part due to the proposed recessed upper level.

### ***Privacy/overlooking (overlooking to house & rear yard)***

The proposed development will not significantly impact neighbouring properties with respect to acoustic and visual privacy given the proposed building setbacks/separation, floor use configurations, window placement/orientation, and screening provided by vegetation and boundary fencing. Notably, the new classroom building in the south-western corner of the site, being the closest to any neighbouring residential properties, is set back 7.37m from the boundary, which is consistent with that of the existing buildings in this location (Blocks A & F). Additionally, the subject boundary adjoins the access handle servicing the property at No. 85 Memorial Avenue, such that the nearest dwelling at No. 83 Memorial Avenue is located beyond this access handle, which has a width of approximately 4.5m, therefore a total building separation of approximately 12m. Accordingly, the proposal will not likely result in any direct or unreasonable overlooking to neighbouring properties.

### ***Asbestos risks***

Any potential asbestos encountered on site will be appropriately managed via **Condition 3**, which requires works to be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

### ***Amended plans***

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

proposal.

## **Internal Referrals**

### **Engineering**

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

#### ***Water management***

*The site has a general fall towards the bushland area in the north-eastern corner, where stormwater ultimately discharges into Ku-Ring-Gai Creek Reserve.*

*An investigation of the site has been undertaken from the consulting engineer that indicates that the piped stormwater drainage network generally follows the natural topography and is directed to the north-eastern corner of the site. The existing car park in the south-western corner of the site discharges immediately to the west to the Memorial Avenue kerb. From inspection, it can be seen that the school has adequate stormwater inlet pits which drain towards an outlet within the Ku-ring-gai Creek directly downslope from the site.*

*An updated stormwater design has been provided that shows a new pipe drainage system conveying stormwater to the north-eastern corner of the site and connecting into the existing system. A below-ground OSD tank with 16.6m<sup>3</sup> volume has been provided which has been offset by 50% on-site retention thus providing 2 x 8,000L of rainwater tanks for irrigation of the gardens and oval only. It is understood that the applicant does not agree to the reuse of water to serve toilets, due to apparent on-going maintenance issues. Irrespective of this view, the re-use being connected for irrigation only will not have sufficient draw-down on the collected stormwater and the tanks will frequently overflow. Consequently, it is recommended, by **Condition 16**, that re-use be plumbed to toilet use as well as garden / oval irrigation to satisfy Council's water conservation objectives.*

*The capacity of existing downstream network has been reviewed and found to have sufficient capacity to cater for the proposed development.*

*The design has provided a proprietary product 'Stormfilter Cartridge' – Stormwater 360 within the detention tank as well as having an enviropod to treat stormwater prior to connection into Council's reserve. The results of the MUSIC Modelling confirm that the stormwater treatment standards / targets outlined in Part 24C.6 of the DCP are satisfied.*

*The Stormwater Management Drawings Project No. 17011064 DA01/A, DA02/C, DA03/3 – DA09/3, DA10/B and DA11/A and ESM1 & ESM2 issues '1' prepared by Jones Nicholson Consulting Engineers Pty Ltd and Stormwater Management Report Ref: CRPT-17011064.02A dated 28 September 2018 prepared by Jones Nicholson Consulting Engineers Pty Ltd can be stamped for approval.*

#### ***Vehicle access / parking considerations***

*The proposal involves the retention of the existing vehicle access arrangements to the site from Memorial Avenue and Toolang Road.*

*The primary on-street drop-off and pick-up area is along Memorial Avenue by way of 'No Parking' restrictions. No on-site parent vehicle parking is provided for student set-down / pick-up activity.*

*A 'Bus Zone' is provided on the eastern side of Memorial Avenue to the south of Oxford Place, which applies during school start and finish periods. The bus zone is capable of accommodating up to three buses at any one time.*

*The school is serviced by an existing hardstand staff parking area located within the southern portion of the site accommodating up to 17 parked vehicles which is accessed from Memorial Avenue. Upon site inspection it is apparent that staff are also parking in an informal arrangement within the north-western portion of the site, accessed from Toolang Road.*

*The proposed car parking, as amended, accommodates 26 vehicles in the following arrangement:*

- *4 stacked spaces adjacent to the Memorial Avenue driveway entrance*
- *4 parallel spaces along the southern side of Block H*
- *18 spaces in the existing carpark to the rear/east of Block H, which includes provision of an additional 9 new parking spaces as a result of demountable relocation in this area.*

*The proposed additional 9 new parking spaces exceeds the minimum required 5 staff parking spaces generated by the proposed development (as detailed further below) which will improve the existing parking availability on-site.*

*On-street parking is available within the immediate vicinity of the school along both sides of Memorial Avenue, northern side of Oxford Place (assisted by 'No Parking' restrictions) as well as unrestricted parking available along both sides of Raleigh Crescent to the north of Toolang Rd.*

### **Parking provisions**

*The parking requirement for schools in Part 22R.1 of the DCP is 1 space per equivalent full time employee and 1 space per 8 Year 12 students. The proposal does not generate student parking given that the school caters for students between Kindergarten and Year 6 only.*

*The existing school currently accommodates a population of 899 students in conjunction with 60 staff (maximum on-site at any one time).*

*The proposal increases the total population of students to 1,000, an increase of 101 and staff to 65, an increase of 5. According to the DCP parking provision, there is an existing shortfall of parking spaces on the site, however the proposal provides 9 additional parking spaces, which is in excess of the minimum required 5 staff parking spaces generated by the proposed development.*

*The proposal is acceptable with respect to parking provisions having regard to the following factors:*

- a) *the proposed additional 9 spaces exceed the required number of staff spaces generated by the proposal which will improve the existing parking availability on-site*
- b) *to mitigate the current street parking arrangement, the School is to adopt a Green Travel Plan for staff that will encourage staff to travel by public transport, car-pooling / car sharing, cycling, walking and being dropped off as alternatives to driving (**Condition 57**)*

*A mid-week traffic survey was undertaken between 7:30am – 9:30am as well as 2:30pm – 4:30pm on the 23rd of May 2018, in order to capture peak student set-down / pick-up activity in the immediate vicinity of the site. According to the survey, the following was observed:*

- *parking demand along the eastern side of Memorial Avenue between the school and Mudies Avenue was observed to be at or near capacity,*
- *parking demand along both sides of Memorial Avenue to the south of Mudies Road was reasonably low, with the exception of between 2:45pm and 3:15pm,*
- *parking demand along the northern side of Oxford Place was observed to be at or near capacity,*
- *parking demand within Raleigh Crescent was reasonably low, with the exception of between 2:45pm and 3:15pm.*

*In summary, the finding of the survey indicated that drop-off and pick-up within these formalised areas during morning and afternoon peak hours, was in the order of up to 171 and 64 vehicles, respectively. The projected increase in student drop-off / pick-up demand would result in 190 and 71 vehicles for the morning and afternoon peak hour, respectively (representing an increase of 11%). The proposed development would generate increased traffic volumes however it would have a relatively minor impact on the local road network.*

### ***Traffic generation***

*A SIDRA computer intersection analysis program was carried out in order to objectively assess the operation of the nearby public road network. The results of the analysis indicate that the immediately surrounding public road intersections provide a level of service of A during peak commuter periods, representing good operation with spare capacity.*

*The proposal has been estimated to generate up to 35 inbound and 35 outbound vehicle movements during peak operational periods of the school. This represents approximately one additional inbound vehicle trip and one additional outbound vehicle trip per each two minutes during peak periods.*

*The survey confirms that the projected additional traffic flows can be accommodated on the adjacent road network and will not have any unacceptable traffic implications in terms of road network capacity.*

*The application has been referred to Roads and Maritime Services (RMS) under Part 7 of the SEPP (Educational Establishments and Child Care Facilities) 2017 for review and comment given the proposal involves an increase more than 50 students. RMS' comments are provided below within the 'External referrals' section of the report.*

### **Council's Strategic Traffic Engineer's Comments**

Council recently made changes to the parking restrictions in Oxford Place which are different to what is proposed in the Traffic Report. It is recommended that Oxford Place not be used as a pick up/ drop off area as it only has parking for a small number of vehicles, and issues have occurred with queuing back into Memorial Avenue. Any changes to parking in Toolang Road would need to be approved through the Traffic Committee as indicated by **Condition 7**.

### **Construction & traffic management**

An indicative construction traffic management plan (CTMP) has been submitted as part of the traffic report which is acceptable for DA purposes. The plan suggests construction vehicles are unlikely to be accommodated on-site and that a Work Zone will be implemented along the eastern kerb alignment of Memorial Avenue in place of the existing 'No Parking' area opposite Oxford Place. A condition is recommended to that effect, including the need for approval by Council's Traffic Committee **Condition 7**.

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan (CTMP) must be submitted for review by Council Engineers prior to the commencement of any works on site. Plan to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing. It is conditioned that NO construction vehicles movements are to occur during the school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm) on school days (**Condition 6**).

### **Geotechnical investigation**

The submitted geotechnical report details that a preliminary investigation was undertaken based on 3 boreholes to depths between 5.7m and 6.0m near the vicinity of the proposed works. The boreholes identified fill of 0.5m of ironstone and igneous gravel over residual soils and weathered bedrock ranging from 0.2m to 2.6m. Weathered shale was encountered to refusal depth of 5.6m with layers of very low to low and medium strengths.

The report states that a detailed geotechnical investigation is to be carried out to confirm the preliminary assessment. This has been conditioned as well as all other recommendations during the construction phase as specified within the report including dilapidation reports of nearby structures (**Condition 37**).

**Conclusion:** The proposal is acceptable on engineering grounds, subject to conditions.

### **Landscaping**

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

#### **Tree impact**

An amended arboricultural impact assessment report has been submitted and the following assessment comments are made:

#### **T29 Eucalyptus pilularis (Blackbutt)**

- The development will result in the removal of T29 as it spatially conflicts with the development proposal.
- The tree is in moderate condition with a reduced canopy and epicormic growth.
- The tree while providing on site amenity does not have broader landscape visual significance beyond the site.
- The tree's removal is acceptable in order to accommodate the development.
- Planting and maintenance of proposed canopy replenishment trees is required by **Condition 53**.

#### **T28 *Eucalyptus tereticornis* (Forest Red Gum)**

The assessment of the applicant's consulting arborist is accepted regarding tree impacts and construction impact minimisation. The arborist's recommendations are adopted in conditions.

#### **T25 *Eucalyptus saligna* (Sydney Blue Gum)**

- The tree is outwardly in good health and condition and is significant within the broader landscape setting.
- The tree is mapped as having biodiversity significance.
- Development is proposed within the tree's SRZ/TPZ.
- The tree has grown in association with an existing path located within the SRZ.
- The tree will require canopy reduction to accommodate development works. This is at an acceptable threshold.
- The assessment of the project arborist is accepted regarding tree impact and recommendations.
- To minimise tree impact, it is recommended by **Condition 17** that the proposed entry fence and gates be reconfigured to be in alignment with the remainder of the front fence, thereby preventing excavation within the SRZ.

#### **T61 *Eucalyptus saligna* (Sydney Blue Gum)**

- The assessing landscape officer concurs with the project arborist.
- The project arborist's recommendations are adopted in conditions.

#### **T71 *Eucalyptus saligna* (Sydney Blue Gum)**

- The tree is outwardly in good health and condition, and has high significance and amenity value.
- The project arborist's assessment of impact and recommendations to minimise development impacts are appropriate.
- The arborist's recommendations regarding protective measures are included in **Conditions 10, 11, 45, 47 and 49**.

#### **T80 *Eucalyptus piperita* (Sydney Peppermint)**

- The tree has previously been recommended for 'immediate removal' by the project arborist due to its advanced state of decline.
- The site inspection has revealed the tree has been reduced to the trunk and branch stubs, thereby reducing potential hazard associated

*with falling limbs (also noting that the location of the tree is removed from recreation areas being within a steep bushland area adjacent to the site's northern boundary).*

- The tree is mapped as having biodiversity significance and is located within an identified biodiversity zone.*
- The amended arborist's report recommends the tree be retained and deadwood removed following Council's advice regarding potential biodiversity significance associated with the tree.*
- The tree is not impacted by development works and is being retained for biodiversity protection, albeit reduced to the trunk and branch stubs.*

#### **T47 Populus nigra (Black Poplar)**

- The tree has previously been recommended for 'immediate removal' by the project arborist due to internal decay at the base, extent of deadwood and fair health and condition. The tree's decline in health can be attributed to its TPZ being utilised as car parking which has compacted the soil profile and root zone, adversely impacting its growing environment.*
- The species is exempt from requiring approval for its removal under the DCP.*
- The tree does not have broader landscape value or significance.*
- The tree is not adversely impacted by development works.*
- To minimise ongoing hazard and improve safety it is recommended T47 be removed.*
- The removal of T47 is required by **Condition 49**.*

#### **Landscape Plan**

*The following assessment comments are made:*

- The landscape plan has been certified by the applicant's bush fire consultant with a further recommendation for the use of non-combustible mulch. This is required by **Condition 9**.*
- The landscape plan is acceptable.*

#### **Stormwater**

*The amended stormwater works are accepted.*

#### **Fire**

*The site is identified as bush fire prone land. A detailed Bush Fire Assessment Report has been submitted with the application. The fire report recommends that all grounds within the site continue to be maintained as an APZ in accordance with an IPA and a Fuel Management Plan be established to ensure ongoing management of the APZ. Further detail and certification of the amended landscape plans has been submitted in response to Council's request. The fire consultant has required new mulch to be non-flammable material to enable compliance with the fire safety recommendations. This is agreed and the mulching requirements has been conditioned (**Condition 9**).*

#### **Other comment**

#### **Front fence**

*A new 2.0m high security fence is proposed along the Memorial Avenue site frontage. The fence location has been amended in response to concerns and results in a better landscape/streetscape outcome.*

*The location of the entry fence and new entry gates immediately adjacent to T25 is inconsistent with the Project Arborist's recommendation for posts to be installed as far as possible from the tree trunk. Given other major encroachments within the TPZ, it is recommended that tree impacts shall be minimised wherever possible. To minimise tree impact it is conditioned for the proposed fence and posts to be relocated outside of the SRZ with a minimum setback of 3.6m. This can be achieved by maintaining the main pedestrian gate adjacent to the site frontage in alignment with the remainder of the security fence, rather than inset. This is required by **Condition 17**.*

### **Conclusion**

*The application is acceptable on landscape grounds, subject to conditions.*

### **Health Services**

Council's Environmental Health Services Officer raised no objections to the application, subject to **Conditions 13, 14, 15, 23, 25, 36, 59, 65, 67, 68, 69 and 73**.

### **Building Services**

Council's Building Surveyor raised no objections to the application, subject to **Conditions 22, 30, 66 and 74**.

### **External referrals**

#### **Rural Fire Service**

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 provided the following comments in response:

*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 (**Condition 75**).*

#### **Roads and Maritime Services**

The application is a traffic generating development as listed in Part 7 of the SEPP (Educational Establishments and Child Care Facilities) 2017 and was referred to Roads and Maritime Services (RMS) for comment.

The RMS provided the following comments in response:

*Roads and Maritime has reviewed the submitted information and noted that the proposal is to demolish existing 7-teaching spaces, 13-demountable buildings and construction of a part 2 and part 3 storey school building,*



*upgrade core facility and new amenities for St Ives North Public School in Memorial Avenue, St Ives. Proposed development is intended to facilitate a school population increase of 101 students with an additional 5 staff. The school currently have 899 students and 60 staff and 41 on-site parking spaces.*

*From the submitted information it was noted that Ku-ring-gai Council with association of School has undertaken a comprehensive parking survey and provided a number of additional drop-off and pick-up area surrounding the school. In addition, as part of this development the School will remove an existing storage container situated within the southern paved parking area to provide additional on-site parking for the staff and to satisfy Council's requirements. From the traffic report and SIDRA model supporting this development demonstrates that the surrounding intersections currently have LoS (Level of Service) A with a Degree of Saturation (DoS) range between 0.09 and 0.55 during AM & PM school peak hours.*

*Based on the above, Roads and Maritime raises no objection to the proposed St Ives North Public School re-development.*

## **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:

*The contamination assessment included a desktop site history assessment and fill/soil sampling from a total of eight boreholes. The background assessment identified various potential sources of contamination/AEC, including fill, historical agricultural land use and hazardous building materials (i.e. from former demolition). The site inspection did not identify any obvious sources of potential contamination.*

*Elevated concentrations of contaminants above the SAC were not identified during the investigation. On this basis, EIS are of the opinion that potential risks associated with contamination (i.e. the CoPC) within the investigation areas are low.*

*Due to the presence of uncontrolled fill, the likelihood of asbestos being present is possible, however the data collected during the investigation suggests that significant and widespread asbestos issues are unlikely to be encountered.*

*Further investigation and/or remediation is not considered to be required. Potential risks associated with unidentified occurrence of asbestos or other sources of contamination can be addressed via the implementation of an unexpected finds protocol and, if required, appropriate management during the development works. An unexpected finds protocol is included in Section 10.3 of this report.*

*Overall, EIS are of the opinion that the investigation area(s) can be made suitable for the proposed development outlined in Section 1.1, subject to the implementation of the unexpected finds protocol outlined in Section 10.3.*

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 33**).

### **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 discussed above, an environmental site assessment has been undertaken and has found that the site is suitable for the proposed use. A condition of consent is recommended to address any unexpected contaminants via an unexpected finds protocol (**Condition 33**).

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

The SEPP commenced on 25 August 2017. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The provisions of the SEPP generally apply to the issuing of permits for clearing of vegetation and are not relevant to the assessment of development applications which include tree removal.

The merits of the proposed tree removal have been considered in the assessment of the application by Council's Landscape and Tree Assessment Officer (see commentary under the heading 'Internal Referrals'). In particular, the majority of trees located on the site will be retained and the proposed removal of 2 trees (T29 & T47) will not result in significant amenity or biodiversity impacts within the area. In addition, the planting and maintenance of proposed replenishment planting is required by **Condition 53**.

### **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 site. 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 (**Conditions 8, 44 and 55**), it is considered that the bushland area will be protected and preserved consistent with the provisions contained in the SEPP.

## 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 SP2 Infrastructure - Educational Establishment.

- (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 out 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 in association with the existing establishment.

- (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 application is subject to the provisions of Clause 57 of the SEPP as “Traffic-generating development” on the basis that the proposal involves an increase of 50 or more students.

The application is considered to be acceptable having regard to the above SEPP considerations. Detailed comments in this respect are provided in the referrals above, including Council’s Development Engineer, Strategic Traffic Engineer and the RMS.

#### *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 development is located within an established school in a suburban setting which has a bushland interface. The new buildings are sited essentially within the existing building footprints that are to be demolished, which minimises impacts upon the site and adjoining bushland interface to the east. The proposed buildings and landscape design contribute to the streetscape and mitigate impacts on neighbouring properties, in particular noting the design response (following pre-DA consultation) to reduce the scale of Block F from three storeys to two storeys at the southern end, thereby reducing potential impacts of building height on neighbouring properties and the streetscape. Overall, the proposed design presents an acceptable built form and scale as expected in association with an educational establishment, consequently the proposal is 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 proposal represents good design when considered against Principle 2 insofar that it has been actively designed to be sustainable, efficient and durable having regard to the following factors in particular:

- north-eastern orientation to maximise natural light and minimise reliance on artificial lighting
- vertical shading fins fixed to the western façade for heat durability and to minimise reliance on air conditioning
- roof mounted solar panels
- landscape design cognisant of water conservation
- steep roof pitch design to minimise potential water damage

In addition, **Condition 16** requires a rainwater retention and re-use system and **Condition 28** requires 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 proposed development integrates with the existing layout and arrangement of the school with respect to access and wayfinding, having a well-established pathway network. The proposed new administration building is considered to provide a welcoming environment and clearly identifies the entry way for users and visitors to the site. The proposal incorporates upgraded access (including accessible toilets on all levels) and a passive design that is able to accommodate a range of users for school based and extra-curricular activities. The proposal has been supported by an access report which details functional and

technical compliance of the proposed building and its surrounds with respect to accessibility provisions as they relate to proposed pathways, entrances, circulation spaces and sanitary facilities.

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 proposal is considered to enhance the health and safety for the school having regard to improved passive surveillance opportunities with clear visibility and connection to outdoor recreation areas, generous circulation areas, covered areas for weather protection, and bushfire protection measures. Consideration has been given to the Crime Prevention Through Environmental Design (CPTED) principles in this respect.

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 development will provide a high level of amenity for the users of the school and will not significantly impact the local neighbourhood. The new administrative and classroom buildings include a number of passive design features that allow efficient and flexible use of floor space. The design achieves good natural ventilation and internal amenity with minimal impacts on adjoining properties, including with respect to acoustic amenity and solar access.

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 development is considered to represent a whole of life, flexible and adaptive design. This is through design aspects including the connection of collaborative learning spaces to larger shared spaces to enable different learning activities and combined class activities, and the use of operable walls to provide flexible working arrangement and possible future adaptation. The building provides flexible options for the size and layout of the classrooms to assist with reconfiguring spaces to adapt to changing and developing teaching styles. In addition, **Condition 28** requires an equivalent 4 star green star rating to ensure appropriate environmental performance.

### 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 development responds positively to the site and surrounding neighbourhood, having regard to the aesthetics of its architectural quality, built form and landscape setting. The design attributes and use of materials in the buildings are considered to enhance the existing school and its presence within the streetscape and consequently the neighbourhood.

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

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposed development is considered to achieve the relevant aims under this policy on the basis of the general consolidation of the development within the existing building footprint in the western area of the site and consequential preservation of the bushland interface areas at the site's north-eastern corner and eastern perimeter, which adjoin the broader bushland corridor (Ku-ring-gai Creek Reserve) draining to Ku-ring-gai Creek. As discussed above, 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 (**Conditions 8, 44 and 55**).

### **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.



## **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 seek the following:

- *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 – Educational 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 education in this case.

## **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 excavation greater than 5 metres in depth 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 includes land mapped as 'Biodiversity' by the Terrestrial Biodiversity Map. The locations of the proposed building footprints are within those existing buildings that are to be demolished which are outside the biodiversity-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. Notably, development is confined within existing disturbed areas of the site, avoiding the bushland interface to the east. It is further noted that no additional tree removal is required for fire safety/Asset Protection Zone (APZ) requirements.

### 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 (**Conditions 16 and 60**).

## Policy Provisions

### Ku-ring-gai Development Control Plan

#### 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.

Development Control	Proposed	Complies
<b>Part 21 General Site Design</b>		
<b>21.1 – Earthworks and slope</b>		
Development consider site topography, drainage, soil landscapes, flora, fauna and bushfire hazard by: <ul style="list-style-type: none"><li>Stepping buildings down the site</li><li>Locate finished ground level as close to the natural ground level as practicable</li><li>Level changes to occur primarily within building footprint</li><li>Minimum 0.6 metres width between retaining walls</li><li>Maintain existing ground level within 2m from any boundary</li><li>Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation)</li><li>No fill and excavation within sensitive environments</li><li>Minimise altered groundwater flows</li></ul>	YES	YES

<b>21.2 – Landscape Design</b>		
Appropriate and sensitive site planning and design	YES	YES
Existing appropriate screen planting is retained		
<b>Part 22 - General access and parking</b>		
<b>22.1 – Equitable Access</b>		
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
<b>22.2 – General vehicle access</b>		
<ul style="list-style-type: none"> <li>Minimise width and number of vehicle access points</li> <li>Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances</li> <li>Vehicle and pedestrian access to buildings clearly distinguished and separated</li> <li>Vehicle crossing width is acceptable for intensity of use proposed</li> <li>Vehicles must exit in a forward direction</li> <li>Vehicle entries are integrated into the external façade and are finished in a high quality material</li> <li>Retaining walls associated with driveways maximum height of 1.2m</li> <li>No driveways are longer than 30m unless a passing bay is provided</li> </ul>	Existing vehicle access arrangements are to remain with the provision of 9 additional car parking spaces by augmentation of existing hardstand parking area (rear of Block H). The proposal is considered satisfactory.	YES
<b>Part 23 – Building Design and Sustainability</b>		
<b>23.1 – Social Impact</b>		
Social Impact Statement required/lodged	Not required for existing, operating school	YES
<b>23.2 – Green Buildings</b>		
For all non-residential development: <ul style="list-style-type: none"> <li>&gt;2000m<sup>2</sup> (but &lt;5000m<sup>2</sup>) GFA must achieve a four star rating or equivalent if GBCA rating tool is not available</li> </ul>	Proposal incorporates ESD requirements and will comply with 4 star green rating by <b>Condition 28.</b>	YES
<b>23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes</b>		
External walls constructed of high quality and durable materials	YES	YES

Use of materials and colours creates well-proportioned facades and minimises visual bulk	YES	<b>YES</b>
<b>23.6 – Building Services</b>		
Services and related structures are appropriately located to minimise streetscape impact	YES	<b>YES</b>
Air-conditioning units are well screened and do not create adverse noise impacts	YES subject to condition. <b>(Condition 23, 59, 72, 73)</b>	<b>YES</b>
<b>23.7 – Waste Management</b>		
Efficient, effective and sustainable waste management practices	Existing arrangement to remain.	<b>YES</b>
<b>23.8 – Acoustic Privacy</b>		
Design minimises impact of internal and external noise sources	YES	<b>YES</b>
<b>23.9 – Visual Privacy</b>		
Visual privacy maintained for occupants and for neighbouring dwellings	YES – having regard to building setbacks/separations, window placement, sight lines and screening	<b>YES</b>
<b>23.10 – Construction, Demolition and Disposal</b>		
Satisfactory Environmental Site Management Plan	YES	<b>YES</b>

### Part 23.2 Green Buildings

The DCP requires new non-residential buildings with a gross floor area above 2,000m<sup>2</sup> but below 5,000m<sup>2</sup> 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 ecologically sustainable development (ESD) report has not been submitted in this respect to demonstrate compliance, however, the statement of environmental effects confirms that the proposal has been designed in consideration of ESD principles in addition to compliance with the energy efficiency provisions of the BCA as required. In this regard, it is understood that the building could be benchmarked to achieve the equivalent of a four-star Green Rating, which is required by **Condition 28**.

Notably, the proposal is considered to satisfy Principle 2 of the Education SEPP Design Quality Principles, as discussed above, with particular regard to Principle 2 ('sustainable, efficient and durability') on the basis of a number of design features, including:

- north-eastern orientation to maximise natural light and minimise reliance on artificial lighting

- vertical shading fins fixed to the western façade for heat durability and to minimise reliance on air conditioning
- roof mounted solar panels
- landscape design cognisant of water conservation
- steep roof pitch design to minimise potential water damage

In addition, **Condition 16** requires a rainwater retention and re-use system.

#### 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 (**Conditions 16, 60, 61, 62 and 63**).

#### Part 25 – Notification

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

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

The development attracts a section 7.12 contribution of \$198,200.00, based on a CIV of \$19,820,000.00, pursuant to section 7.12 (94A) of Council's 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 does not apply in this instance and no contribution is payable.

### **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 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 29 August 2019 by way of an email (**Annexure N**) from a representative of School Infrastructure NSW (SINSW), following a series of negotiated amendments. This shall provide SINSW with 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, grants development consent to DA0508/18 for the demolition of existing structures and construction of a new administration and classroom building (including canteen), a new amenities building, tree removal and associated works at St Ives North Public School, 87 Memorial Avenue, St Ives, subject to the below 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 two (2) years of the date of the Notice of Determination.

**The conditions of consent are as follows:**

#### CONDITIONS THAT IDENTIFY APPROVED PLANS:

##### 1. Approved architectural plans and documentation (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>		
DA01 – Rev.05	JDH Architects	07/08/2019
DA02 – Rev.05	JDH Architects	07/08/2019
DA03 – Rev.04	JDH Architects	07/08/2019
DA04 – Rev.06	JDH Architects	07/08/2019
DA05 – Rev.03	JDH Architects	09/10/2018
DA11 – Rev.03	JDH Architects	09/10/2018
DA12 – Rev.03	JDH Architects	09/10/2018
DA13 – Rev.03	JDH Architects	09/10/2018
DA14 – Rev.03	JDH Architects	09/10/2018
DA21 – Rev.03	JDH Architects	09/10/2018
DA22 – Rev.03	JDH Architects	09/10/2018



DA23 – Rev.03	JDH Architects	09/10/2018
DA24 – Rev.03	JDH Architects	09/10/2018
DA25 – Rev.03	JDH Architects	09/10/2018
DA26 – Rev.03	JDH Architects	09/10/2018
DA27 – Rev.03	JDH Architects	09/10/2018
DA28 – Rev.03	JDH Architects	09/10/2018
DA29 – Rev.03	JDH Architects	09/10/2018
DA30 – Rev.03	JDH Architects	09/10/2018
DA41 – Rev.03	JDH Architects	09/10/2018
DA42 – Rev.03	JDH Architects	09/10/2018
DA43 – Rev.03	JDH Architects	09/10/2018
DA51 – Rev.03	JDH Architects	09/10/2018
DA52 – Rev.03	JDH Architects	09/10/2018
DA53 – Rev.03	JDH Architects	09/10/2018
DA81 – Rev.02	JDH Architects	09/10/2018
DA82 – Rev.02	JDH Architects	09/10/2018
DA83 – Rev.02	JDH Architects	09/10/2018
DA109 – Rev.01	JDH Architects	01/05/2019
DA110 – Rev.01	JDH Architects	01/05/2019
<i>Landscape Plans</i>		
L-01 – Rev.F	Space Landscape Designs	08/08/2019
L-02 – Rev.E	Space Landscape Designs	08/08/2019
<i>Stormwater Management Plans</i>		
17011064 – DA01(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA02(C)	Jones Nicholson Consulting Engineers	01/05/2019
17011064 – DA03(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA04(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA05(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA06(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA07(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA08(3)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA09(1)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – DA10(B)	Jones Nicholson Consulting Engineers	29/04/2019
17011064 – DA11(A)	Jones Nicholson Consulting Engineers	29/04/2019
17011064 – ESM1(1)	Jones Nicholson Consulting Engineers	28/09/2018
17011064 – ESM2(1)	Jones Nicholson Consulting Engineers	28/09/2018

<b>Document(s)</b>	<b>Dated</b>
Accessibility Report prepared by Morris Goding Access Consulting	17 September 2018
Acoustic Report prepared by Cundall Johnston & Partners Ref: 101880-RPT-AS001 (Revision C)	4 October 2018
Arborist Report prepared by Arboreport	3 May 2019
Building Code of Australia Assessment Report prepared by Blackett Maguire + Goldsmith Ref: 170404	28 September 2018
Bush fire Assessment Report & Landscape Comment prepared by Building Code & Bushfire Hazard Solutions Pty Limited Ref: 180474	5 October 2018 & 2 May 2019
Colours and finishes schedule prepared by JDH Architects Ref: Drawing DA81 – Rev.02	9 October 2018
Flora and Fauna Report prepared by SLR Consulting Australia Ref: 630.12292-R02 (v4.0)	9 January 2019
Geotechnical Report prepared by JK Geotechnics Ref: 31387Srpt	8 May 2018

Stormwater Management Report prepared by Jones Nicholson Consulting Engineers Ref: CRPT-17011064.02A	28 September 2018
Traffic and Car Parking Assessment prepared by Stanbury Traffic Planning Ref: 18-024-2	September 2018
Waste Management Plan prepared by JDH Architects	4 October 2018

**Reason:** To ensure that the development is in accordance with this 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 this 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 in Memorial Avenue during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.***

When a satisfactory 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. Work zone**

Prior to the commencement of any works, if a works zone is to be provided along the eastern kerb alignment of Memorial Avenue in place of the existing 'No Parking' area opposite Oxford Place, then the approval of the Ku-ring-gai Local Traffic Committee is required.

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

In the event the work zone is required for a period beyond that initially approved by the Ku-ring-gai Local Traffic Committee, the Applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and

charges for work zones prior to the extended period commencing.

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

## **8. 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.

## **9. 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.

Any new mulch is to be non-flammable material in accordance with the recommendations of the bushfire report referenced in **Condition 1**.

**Reason:** To protect existing trees.

## **10. 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.

## **11. 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.

## **12. Tree protection plan**

Prior to the commencement of any works, tree protection works shall be carried out in accordance with the following approved tree protection plan(s), listed below and

endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

Plan no.	Drawn by	Dated
T-02 Rev E dated 21/12/2018 T-03 Rev E dated 21/12/2018 Tree Protection Notes and Details	Arboreport within Arboricultural Impact Assessment Report	03/05/2019

**Reason:** To protect existing trees.

### 13. 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.

### 14. 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.

#### **15. 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

#### **16. Stormwater retention requirements**

A rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The prescribed re-use of water shall be plumbed to toilet use as well as garden / oval irrigation to satisfy the water conservation objectives of Ku-ring-gai DCP Part 24.

**Reason:** To ensure sustainable use of the water resource.

#### **17. Amendments to pedestrian entry gates and fence**

The location of the proposed pedestrian entry gate and associated fencing is to be amended to be outside of a 3.5m radius (structural root zone) of Tree 25 *Eucalyptus saligna* (Sydney Blue Gum), which is located within the Memorial Ave site frontage. The Principal Certifier or Crown equivalent shall be satisfied that all relevant plans have been amended to show these structures being set back 3.5m from this tree.

**Reason:** To protect Tree 25 *Eucalyptus saligna* (Sydney Blue Gum).

#### **18. 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.

#### **19. 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.

#### **20. 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.

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

## **21. 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.

## **22. Access for people with disabilities**

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.

## **23. 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, kitchen and toilet exhausts 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 of the nearest potentially affected residential occupancies.

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

## **24. 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.

## **25. 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 prior 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
- 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.

## **26. 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.

## **27. Bush fire protection**

Prior to the commencement of works, the construction plans must be in accordance with the bush fire protection/Rural Fire Service conditions listed elsewhere in this consent.

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

## **28. 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:**

### **29. 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.

### **30. 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.

### **31. 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](mailto:kmc@kmc.nsw.gov.au). The email is to be marked to the attention of the Team Leader – Regulation and the Manager Compliance and Regulation. This email is to clearly advise the date on which the Saturday excavation works are to occur.

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

**Note:** Failure to obtain a permit to work outside of the approved hours will result in

on the spot fines being issued.

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

### **32. 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 work, 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.

### **33. Unexpected finds protocol**

Work is to be carried out in accordance with the recommendations of the contamination assessment report, prepared by Environmental Investigation Services (REF: E31387Krpt), dated 18 June 2018, including adoption of the unexpected finds protocol as detailed within that report.

**Reason:** Environmental safety.

### **34. 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.

### **35. 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.

### **36. 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.

### **37. 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 Investigation Report prepared by JK Geotechnics (Ref: 31387Srpt), dated 8 May 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.

### **38. 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.

### **39. 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.

### **40. 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.

### **41. 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 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

### **42. 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.

#### **43. 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.

#### **44. 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.

#### **45. 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.

The Certifier or Crown equivalent must be provided with reports by the project arborist within 7 days of the inspection detailing date, tree no, location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification or and mitigation works prescribed and or undertaken.

Regular inspections and documentation from the arborist to the Certifier or Crown equivalent are required in accordance with the Arboricultural Impact Assessment Report by Arboreport dated 03/05/2019, Section 6 and 6.4 Tree Management.

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.

#### **46. Landscape works near trees**

To avoid tree impacts, all landscape works such as soil preparation, soil spreading, mulching and planting shall be carried out by hand within the tree protection zone/TPZ of retained trees.

**Reason:** To protect existing trees.

#### 47. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of a horticulture certificate or tree surgery certificate, under the direct supervision of the AQF5 Project Arborist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Tree/location	Tree works
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Memorial Ave site frontage adjacent to pedestrian entry	Crown/canopy pruning of spatially conflicting limbs only as depicted in Figure 1 & 2 within the Arboricultural Impact Assessment Report by Arboreport dated 03/05/2019
T28 <i>Eucalyptus tereticornis</i> (Forest Red Gum) Centrally located on site	Crown reduction of spatially conflicting limbs only

**Reason:** To protect existing trees.

#### 48. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the tree protection zone of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period in accordance with the Arboricultural Impact Assessment Report by Arboreport dated 03/05/2019, Section 5: Recommendations and Section 6: Tree Management: and Section 14 General Tree Protection Notes. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.

**Reason:** To protect 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
T29 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located on site	Removal of tree
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Memorial Ave site frontage adjacent to main pedestrian entry	Removal of spatially conflicting limbs only
T28 <i>Eucalyptus tereticornis</i> (Forest Red Gum) Centrally located on site	Removal of spatially conflicting limbs only
T47 <i>Populus nigra</i> (Black Poplar) Located in north-western corner of site	Removal of tree

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. Hand excavation**

All excavation within the specified radius of the trunk/s of retained trees shall be carried out in accordance with the Arboricultural Impact Assessment Report by Arboreport dated 03/05/2019, Section 5: Recommendations and Section 6: Tree Management: and Section 14 General Tree Protection Notes:

**Reason:** To protect existing trees.

#### **51. 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.

#### **52. 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.

#### **53. 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.

#### **54. 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.

#### **55. Maintenance of site**



All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- all vehicles entering or leaving the site must have their loads covered, and
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

**Reason:** To ensure the site is appropriately maintained.

## **56. 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:**

### **57. Staff transport management – green travel plan**

Prior to issue of an Occupation Certificate or Crown equivalent, St Ives North Public School is to prepare and implement a green travel plan for staff that will encourage staff to travel by public transport, car pooling / car sharing, cycling,

walking and being dropped off as alternatives to driving and parking on-site. Such a plan is to include the following considerations and commitments

- Objectives (what the plan is trying to achieve);
- Outcomes (the initiatives that will be implemented);
- Performance Measurement (identify indicators to evaluate the success of the plan);
- Benchmarking/Targets (measurable and achievable, with a focus towards active transport);
- Monitoring and Review (set intervals for monitoring and review, for continuous improvement, with regular updates/feedback to Council).

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

**Reason:** Environmental sustainability and transport / parking demand management.

#### **58. 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 this development consent.

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

#### **59. 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.

#### **60. 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.

#### **61. Certification of drainage works**

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.

#### **62. Works as executed plans for stormwater management and disposal**

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.

### **63. 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.

### **64. 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.

### **65. Mechanical ventilation**

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

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

### **66. 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.

### **67. 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.

#### **68. Construction of mechanical ventilation**

Prior to the completion of works, the construction of the mechanical ventilation is to be in accordance with the Australian Standard 1668 parts one and two -The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings.

**Reason:** To ensure compliance with standards for mechanical ventilation.

#### **69. Trade waste permit/consent - food premises**

Prior to the completion of works, a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be obtained. Where a permit or consent may not be required from Sydney Water, certification shall be obtained verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

**Reason:** To ensure compliance with environmental and health standards for food premises.

### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

#### **70. Deliveries and waste collections**

All deliveries and waste collection services for the premises are to be carried out between 6.00am and 10.00pm only.

**Reason:** To protect the amenity of the surrounding area.

#### **71. Bush fire protection**

All ongoing bush fire protection requirements must be complied with at all times in accordance with the Rural Fire Service conditions listed elsewhere in this consent.

**Reason:** Bush fire safety.

#### **72. Screening of air conditioning condenser units**

Any air conditioning condenser units are to be adequately screened in order to appropriately minimise visual impacts to neighbouring properties.

**Reason:** To ensure air conditioning condenser units are screened as appropriate.

#### **73. 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.

## **74. 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:**

## **75. 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 entire property shall be managed as an Inner Protection Area (IPA) 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'.

### **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. Arrangements for emergency and evacuation are to comply and or be updated with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.

### **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. The proposed Administration Buildings 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'.

5. The proposed Amenities Building shall be constructed with non-combustible materials.

### **Landscaping**

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

**Reason:** Statutory requirement.

**Josh Daniel**  
**Executive Assessment Officer**

**Jonathan Goodwill**  
**Acting Team Leader Development**  
**Assessment**

**Shaun Garland**  
**Acting Manager Development Assessment**  
**Services**

**Michael Miocic**  
**Director Development & Regulation**

Annexure A – Zoning map extract: 2019/252401  
Annexure B – Locality/Submitters map: 2019/252490  
Annexure C – Architectural plans: 2019/258158  
Annexure D – Landscape plans: 2019/258160  
Annexure E – Stormwater management plans: 2019/258164  
Annexure F – Traffic report: 2018/340060  
Annexure G – Contamination investigation report: 2018/340068  
Annexure H – Acoustic assessment report: 2018/340052  
Annexure I – Arborist report: 2019/252518  
Annexure J – Bushfire risk assessment report: 2018/340024  
Annexure K – Schedule of finishes: 2018/340165  
Annexure L – Geotechnical investigation report: 2018/340114  
Annexure M – Planning Circular: 2019/153608  
Annexure N – SINSW Acceptance of conditions by email: 2019/259399