

ST IVES NORTH PUBLIC SCHOOL – DA 0508/18 – KU-RING-GAI COUNCIL
 SYDNEY NORTH PLANNING PANEL REF. 2018SNH074 DA
 PANEL MEETING 11 SEPTEMBER 2019

COUNCIL RESPONSE TO PROPOSED CHANGES TO FINAL DRAFT CONDITIONS OF CONSENT

Condition No.	Current / SINSW Proposed Action or Wording	SINSW Reason	Council response
7	<p>Work Zone</p> <p>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 during school pick-up and drop-off times (being 8.00am to 9.30am and 2.30pm to 4.00pm on school days), then the approval of the Ku-ring-gai Local Traffic Committee is required.</p> <p>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.</p> <p>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.</p>	<p>Amendment is sought to ensure Ku-ring-gai Local Traffic Committee approval for a work zone is only applicable at those times when the highest level of traffic conflict is likely to arise at the school in the nominated location.</p> <p>The requested change to the condition effectively enables construction-related vehicles to remain parked during these times at this location. The current signage renders this location a No Parking zone at these times. Parking would be available at other times.</p> <p>It is not intended to erect sheds or other structures within the road reserve and the work zone would only apply to construction-related vehicles using this location for a short duration or temporarily.</p> <p>No other locations along Memorial Avenue are affected by this condition and other existing school drop-off and pick-up locations and bus zones along Memorial Avenue would continue to operate as sign-posted.</p>	<p>Condition recommended to be maintained.</p> <p>The Parking & Traffic Impact Assessment lodged stated that <i>"Construction vehicles are most likely not able to be wholly accommodated onsite and accordingly, construction vehicles servicing the site during the construction phases of the development will therefore need to be accommodated within the adjoining public road. It is accordingly expected that a Works Zone will be implemented along the eastern kerb alignment of Memorial Avenue in place of the existing 'No Parking' area opposite Oxford Place."</i> As a result, a work zone condition was imposed to that effect.</p> <p>As previously stated, a work zone would not be required if the construction traffic management plan (CTMP) to be submitted (as per Condition 6) satisfactorily demonstrates that all truck movements related to construction activities can occur within the site.</p> <p>The work zones are required for the set down and pick up of materials and not for concrete pouring, pump activities or having construction related vehicles to remain parked during the times of 8.00am-9.30am and 2.30pm-4.00pm on school days as stated. This would require a 'Permit to stand plant' to be approved by Council.</p> <p>Furthermore, The RMS that forms part of the Local Traffic Committee would not allow a Work Zone that is within a School Zone to be in operation during the</p>

			<p>school pick-up and drop-off times of 8.00-9.30am, and 2.30-4.00pm on school days. This is necessary for safety reasons, as there is a high degree of pedestrian activity during these times.</p> <p>Therefore the proposed changes to condition 7 would not be supported by Council.</p>
17	<p>Amendments to pedestrian entry gates and fence</p> <p>The location of the proposed pedestrian entry gate and associated fencing is to be amended to be outside of a Any fencing and access works within the 3.5m radius (structural root zone) of Tree 25 Eucalyptus saligna (Sydney Blue Gum), which is located within the Memorial Ave site frontage, shall be undertaken consistent with the detailed tree protection recommendations of the project arborist's report. 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. the works meet these detailed requirements.</p>	<p>Amendment to this condition is sought, as the proposed works to replace the existing security fence and access pathway will have only a minor impact upon Tree 25, and have been supported by comments made by the project's arborist in the Arborist Report to be approved by the Panel under Condition No.1.</p> <p>The project arborist has noted that the works within Tree 25's structural root zone (3.5m radius) are generally low impact and are sustainable by the tree if:</p> <ul style="list-style-type: none"> - The new footpath is placed over the existing sub-base of the previous footpath and no further excavation wider or deeper than the existing pavement profile is carried out; and - The perimeter fence's final location of single piers (anticipated to numbered one in this location), is determined by the arborist so that damage to the roots is avoided. <p>The project arborist has further set out conditions indicating excavation works at a range of trees (including Tree 25) should be carried out as follows to minimise impacts upon trees, particularly relocated to the new fence works.</p> <p>These include all excavation within the SRZ should be carried out by hand and under direct supervision of the project arborist.</p> <p>Additionally, the consequence of adherence to the proposed condition are:</p> <ul style="list-style-type: none"> - Redesign and relocation of works which themselves have the potential to affect other or 	<p>Condition recommended to be maintained.</p> <p>This condition only relates to the security fencing and pedestrian gate adjacent to tree 25.</p> <p>T25 is a mature Eucalyptus saligna (Sydney Blue Gum) and is mapped as part of the critically endangered Blue Gum High Forest (BGHF) plant community.</p> <p>The primary threat to the community is development impact. The requirement of the condition effectively moves the gate and fence back in alignment with the perimeter boundary fence outside of the 3.5m radii specified.</p> <p>The security fence requires digging of pier holes within the structural root zone which may impact structural roots. There is no consequential impact to other trees or the development footprint as the condition only relates to Tree 25 (this has been clarified within amended wording).</p>

		<p>additional trees, and potentially in a far more detrimental manner.</p> <ul style="list-style-type: none"> - Unobstructed visibility of the access point will be lost from the Administration block and reception area altering the site's CPTED and security credentials – noting the current and proposed access point into the school directly aligns with the existing pedestrian cross on Memorial Avenue; - Possible DDA non-compliances may arise through relocation of the access point, requiring further resolution. <p>The recommendations of the arborist's report for works in the vicinity of Tree 25 and other nearby trees will apply a suitably balanced approach to tree protection in the context of the development.</p>	
25	<p>Design and construction of food premises</p> <p>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:</p> <ul style="list-style-type: none"> • 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 	<p>Amendment is sought by deletion of the Australian Standard to ensure appropriate levels of flexibility via the Food Act and BCA commensurate with, in recognition of, the food premises as a canteen rather than a commercial kitchen.</p> <p>AS 4674 – 2004 provides design, construction and fit-out criteria for new food premises and for the renovation or alteration of existing food premises. The scope of the Standard is limited to permanent buildings used by the food service industry, by food retailers and by small-scale food manufacturers.</p> <p>It relates exclusively to commercial kitchens and detailed and strict specification that is not part of this project design or budget. The canteen will not operate as a commercial kitchen, rather a 'heat and serve canteen' – eg pie warmers, domestic microwave ovens and the like, and is serviced by volunteers.</p> <p>The specific design compliance requirements would be prohibitive in the context of this</p>	<p>Condition recommended to be maintained.</p> <p>It is appropriate to include reference to the <i>Australian Standard AS 4674-2004</i> in Conditions 25 and 67 of Development Application DA0508/18.</p> <p>Firstly, a school canteen, regardless of its scale of operation is classified as a food business under the <i>Food Act 2003</i> (the Act), and as such is required to comply with the provisions imposed upon it under the Act which includes compliance with <i>Food Standards Code 3.2.3</i>.</p> <p><i>Food Standards Code 3.2.3, Clause (3) states "A food business may only use equipment, fixtures and fittings in or on food premises and in or on food transport vehicles that comply with this Standard".</i></p> <p>An editorial note is provided directly below this which states "<i>Standards Australia has published AS 4674-2004 Design, Construction and Fit-out of Food Premises. (AS 4674) This Standard provides guidance on design, construction and fit-out criteria</i></p>

		<p>project and disproportionate to the nature and intent of the canteen's level of service. See also Condition 67.</p>	<p><i>for new food premises and for the renovation or alteration of existing food premises."</i></p> <p>AS 4674 was prepared specifically to provide the food industry, the construction industry and governments across Australia with uniform criteria for the hygienic design, construction and fit-out of food premises; to cooperatively ensure that buildings used by food businesses are in compliance with the requirements of the <i>Food Standards Code 3.2.3, Food Premises and Equipment</i>, to assist food businesses in the production of safe food. AS 4674 reflects long established and well regarded criteria for construction and fit-out of a food premises.</p> <p>Furthermore it should be stated that under the provisions of the <i>SEPP (Educational Establishments and Child Care Facilities) 2017</i>, any canteen/cafeteria constructed in any educational establishment is required to comply with the provisions imposed under AS 4674. It is therefore not in the interest of Council to impose conditions of consent which may be considered to be less onerous than what is required under this specific planning instrument.</p> <p>I am genuinely interested to understand exactly what aspects of the <i>"specific design compliance requirements"</i> that the applicant's planner determines the inclusion of AS 4674 in the consent condition 25 and 67 <i>"would be prohibitive in the context of this project and disproportionate to the nature and intent of the canteen's level of service"</i>. Whilst in their response they have tried gain differentiation in being a food premises as a canteen rather than a commercial kitchen, neither the Food Act 2003, nor the planning legislation provides any differentiation between the two. It should also be stated that obviously the construction and fit-out of the food premises only</p>
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31	<p>Hours of Work</p> <p>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 1:00pm Saturday. Construction work on a Saturday between 12 noon and 1:00pm shall not be audible outside the subject site. No work and no deliveries are to take place on Sundays and public holidays.</p> <p>Demolition and/or, with the exception of excavation works which may occur on Saturdays until 3:00pm reflecting the limited time scale of this phase of the project.</p> <p>Demolition/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 demolition/excavation using machinery is to occur on Sundays or public holidays. Where demolition/ excavation is to occur on Saturday(s), Council rangers are to be advised 5</p>	<p>Amendment sought to replicate that recently approved by the Panel for the St Ives High School DA for the same condition (Condition 33 of DA590/18)</p>	<p>Condition recommended to be maintained.</p> <p>The prescribed hours of work are set by resolution of council. Suggested amendments would need to be at the discretion of the SNPP.</p>

	<p>business days prior via an email sent to kmc@kmc.nsw.gov.au. The email is to be marked to the attention of the Team Leader – Regulation and the Manager Regulation and Compliance. This email is to clearly advise the date on which the Saturday demolition/excavation works are to occur.</p> <p>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.</p>		
57	<p>Staff transport management – Green Travel Plan</p> <p>Prior to issue of the 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 would include the following considerations and commitments</p> <ul style="list-style-type: none"> • Objectives (what the plan is trying to achieve); • Outcomes (the initiatives that will be implemented); 	<p>Amend to state to the satisfaction of the project's certifier, rather than Council's Traffic Engineer.</p> <p>The school has a long-standing and operational approach to staff transport management which would continue to apply and should reasonably be updated to the Certifier's satisfaction, in recognition of the scope of this development as additions and alterations to the school only.</p>	<p>The proposed changes would be accepted subject that the last paragraph be amended to read as follows:</p> <p>A green travel plan is to be developed in consultation with Council and in accordance with the principles identified by Transport for NSW and RMS and must be submitted to the satisfaction of the Principal Certifier or Crown equivalent, prior to the issue of an Occupation Certificate or Crown equivalent.</p>

	<ul style="list-style-type: none"> • 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). <p>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 or the Principal Certifier or Crown equivalent, prior to the issue of an Occupation Certificate or Crown equivalent.</p>		
67	<p>Construction of food premises</p> <p>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.</p> <p>The final inspection of the food premises fit out shall be carried out by a suitably qualified person.</p>	See commentary made on Condition 25.	Condition recommended to be maintained (as per Condition 25).