

## SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-241
<b>DA Number</b>	DA0288/21
<b>LGA</b>	Ku-ring-gai
<b>Proposed Development</b>	<p>Construction of a two (2) storey sports complex, landscaping and associated works – St Ives High School - Crown Development.</p> <p>The overall development comprising four (4) sports courts will be known as the 'St Ives Indoor Sports Centre' ('SIISC') and will be jointly operated and managed by Ku-ring-gai Council and the NSW Department of Education.</p> <p>The SIISC is the second stage of development on the site, to be built directly adjacent to the first stage building St Ives High School Hall (SIHS Hall).</p> <p>This will provide an integrated complex of four sports courts.</p> <p>The joint venture is to be managed by Heads of Agreement with NSW Education which were adopted by Council at its meeting of 16 February 2021.</p>
<b>Street Address</b>	<p>60-70 Horace Street, St Ives</p> <p>Lot 4 DP 1209</p> <p>Lot 1 DP 122431</p> <p>Lot 1 DP 122432</p> <p>Lot 1 DP 376563</p> <p>Lot 5 DP 1209</p>
<b>Applicant/Owner</b>	School Infrastructure NSW c/- DFP Planning Pty Ltd (Ms Amy Cropley)
<b>Number of Submissions</b>	<p>Fourteen submissions in response to the first notification period.</p> <p>Four submissions in response to the second notification period.</p>
<b>Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011 )</b>	<p>School (public infrastructure) that has a capital investment value of more than \$5 million specified by SEPP (State and Regional Development) 2011. The applicant has requested that the CIV remain confidential.</p> <p>Crown Development.</p>
<b>List of all relevant s 4.15 (1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Rural Fires Act, 1997 (Planning for Bushfire Protection 2019)</li> <li>• State Environmental Planning Policy No. 55;</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> </ul>

	<ul style="list-style-type: none"> <li>• Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy No. 19 Bushland in Urban Areas;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River;</li> <li>• Draft State Environmental Planning Policy (Remediation of Land);</li> <li>• Draft State Environmental Planning Policy Environment;</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 consideration</b>	<p>Annexure A - Zoning map extract  Annexure B - Locality/Submitters map  Annexure C - Architectural plans  Annexure D - Landscape plans  Annexure E - Stormwater management plans  Annexure F - Traffic report and update  Annexure G – Site Investigation report  Annexure H - Acoustic Assessment and update  Annexure I - Bushfire Risk Assessment/Certification and Update  Annexure J - Schedule of Finishes  Annexure K – Access Report and update  Annexure L – Green Rating  Annexure M – Arborist Report and update  Annexure N – Civil and Stormwater plans and report  Annexure O – Survey and update  Annexure P - Planning Circular, '<i>Crown Development and Conditions of Consent</i>'  Annexure Q – Bushfire Safety Authority (RFS)</p>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Traffic and parking concerns, traffic assessment, lack of public transport, safety of cyclists and pedestrian, management of bookings/congestion</li> <li>• Noise</li> <li>• Lighting/signage impacts</li> <li>• Visual impact/scale/privacy</li> <li>• Use and hours</li> </ul>
<b>Report prepared by</b>	Natalie Richter, Independent Planning Consultant
<b>Report date</b>	10 February 2022

#### **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?	<b>Not applicable</b>
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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>No</b>
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*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?	<b>Yes</b>
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*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## PURPOSE OF REPORT

To determine Development Application No DA0288/21 for the construction of a two storey sports complex, landscaping and associated works – St Ives High School – Integrated Development – Rural Fires Act 1997 – Crown Development.

The SIISC is the second stage of development on the site, to be built directly adjacent to the first stage of the building St Ives High School Hall (SIHS Hall).

The overall development, in connection with the recently approved School Hall will comprise four sports courts will be known as the 'St Ives Sports Centre' ('SIISC') and will be jointly operated and managed by Council and the NSW Department of Education. The proposed joint venture is to be managed by Heads of Agreement with NSW Education which were adopted by Council at its meeting of 16 February 2021.

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 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>	Resident concerns, traffic/parking/access
<b>Submissions:</b>	Fourteen to the first notification (including two from a single property) and four to the second notification of amended plans.
<b>Land and Environment Court:</b>	N/A
<b>Recommendation:</b>	Approval, subject to conditions.

## HISTORY

### Site history:

The subject site is used for the purposes of an educational establishment, known as

St Ives High School and Public School and is located at No. 60-70 Horace Street, St Ives.

The school caters for students in Years kindergarten – 12 and was established in 1963. The campus facilities have been altered and extended over time in response to population growth and changes to educational requirements.

Existing school buildings and paved areas are concentrated toward the north of the side of the rectangular shaped site.

The southern side of the site, which adjoins the corner of Horace Street and Hunter Avenue, and is bounded to the east by Yarrabung Road, currently contains sporting areas, open space and some native planting, stands of trees and bush regeneration (along the Yarrabung Road frontage).

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

#### **Previous applications history:**

A Pre-DA consultation meeting (PRE0064/20) was undertaken with Council prior to the lodgement of this Development Application on 5 November 2020.

The subject proposal reflects the works detailed for the Pre-DA. Issues raised at the pre-DA meeting included potential streetscape impacts (recommendation to resolve parking and ramp elements and reduce the building length), recommendation for tree replenishment and landscaping particularly along the Horace Street frontage, resolution of access, engineering, driveway design and traffic aspects.

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

Type	Application	Description	Decision	Date
BA	82/01404	Demountable class rooms	Approved	28/10/1982
DA	2610/90	Games court (S)	Approved	20/12/1990
BA	91/00930	Lighting of tennis court	Cancelled	27/05/1991
DA	2798/91	Lighting of 2 tennis courts at St Ives South School	Approved	25/07/1991
DA	3351/92	Wet Weather Shelter shed	Approved	27/10/1992
DA	5159/96	Refurbishment to ground floor administration and the art block	Approved	26/03/1997
DA	1681/03/	Fire restoration building work	Approved	23/03/2004
DA	1681/03/	Section 96 deleting references to construction certificate	Approved	19/06/2004
DA	DA1291/06	School - Install two yurts	Approved	23/03/2007
DA	DA0608/09	Rainwater tanks at St Ives High School	Approved	06/11/2009
DA	DA0565/10	Construction of a training facility and refurbishment of an existing training area	Approved	03/11/2010
CC	CCPCA0030/11	CC for DA0565/10 - private certifier - Construction of a training facility and refurbishment of an existing training area	Issued	01/02/2011
DA	DA0468/17	Installation of two demountable classrooms - Integrated Development (NSW Rural Fire Service under the RFS Act 1997) - St Ives Public School	Approved	28/02/2018
DA	DA0590/18	Demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works. The Hall.	Approved	24/07/2019

**Current application history:**

Date	Action
15 July 2021	The Development Application was lodged.
7 July 2021	The application was notified to neighbouring property owners for a period of 30 Days. Fourteen submissions were received.
7 July 2021	The application was referred to the NSW Rural Fire Service, as "Integrated Development" under the Rural Fires Act seeking any General Terms of Approval.

	Referrals also sent to Sydney Water, Transport for NSW ('TfNSW') and relevant internal Council assessment branches.
26 July 2021	Sydney Water comments provided. Water and wastewater servicing requirements suggested (included in recommended conditions).
3 August 2021	Comments received from Transport for NSW, additional information, clarification suggested. (TfNSW advice included in recommended consent conditions/advice).
24 August 2021	General Terms of Approval ('GTA's') were received from the NSW Rural Fire Service (included in recommended conditions).
September 2021	Site inspection undertaken (external grounds).
August and September 2021	Internal Council referrals returned with comments (engineering, ecology, landscaping, health).
8 September 2021	External traffic expert peer review returned by Transport and Traffic Planning Associates ('TTPA') commenting on the traffic aspects, traffic report and submissions relating to traffic aspects.
28 September 2021	Council advised the applicant that assessment of the proposal was largely completed in terms of planning review and referral comments. A Preliminary Assessment letter sent to the application conveying concerns in relation to (in brief summary): <ul style="list-style-type: none"> <li>• Stormwater (Size of OSD tank, inadequate rainwater tank details, inadequate water quality/MUSIC details).</li> <li>• Inadequate CTMP.</li> <li>• Traffic design and cycling/pedestrian aspects.</li> <li>• Acoustic impacts.</li> <li>• Suitability of operational hours.</li> <li>• Need for additional landscaping.</li> <li>• Scaling back signage and some minor scale changes.</li> <li>• Need for a POM- updates to address some issues.</li> <li>• Food standards requirements to be addressed.</li> <li>• Report to address submissions.</li> </ul>
November 2021	The applicant requested additional time on two occasions due to the type of information required, need for details and consultant list. This was granted on two occasions by the managing officer, to 9 November 2021 and 23 November 2021.
24 November 2021	On-line briefing to the SNPP conducted.
27 November 2021	Amended information received.
3 December 2021	Internal and external referrals re-sent.
3 December 2021	Commencement of 14 day notification for amended plans.
22 December 2021	TfNSW referral comments provided.
2 January 2022	NSW RFS comments on amended plans and Bushfire comment/certification received. Original GTAs maintained.
22 February 2022	All referrals returned including traffic staff and independent traffic assessment by Transport and Traffic Planning Associates. Referrals support the proposal subject to conditions included in the draft proposed condition set.
22 February 2022	Conditions referred to School Infrastructure NSW for review.

#### Land and Environment Court appeal history:

N/A

## THE SITE

### Aerial photograph

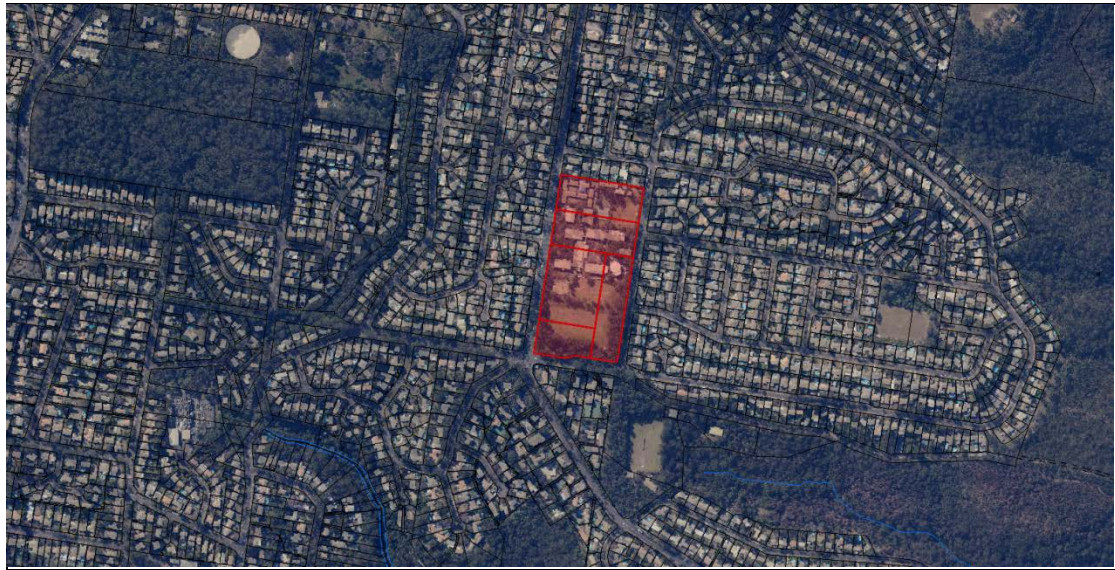


Figure 1: Subject site highlighted in red colouring.

### Site description:

The site is legally described as Lot 4 in DP 1209, Lot 1 in DP 122431, Lot 1 in DP 122432, Lot 1 in DP 376563 and Lot 5 in DP 1209, otherwise known as 60-70 Horace Street, St Ives.

The site is generally rectangular in shape, as can be seen in Figure 1 and has a total area of approximately 7.8 hectares (entire school site).

The site is developed and used as a secondary school (St Ives High School) which has been in operation since 1963. The school includes one and two storey school buildings of eight Blocks (A-H) and arranged around two quadrangles toward the northern end of the site. A new school hall has been constructed centrally on the site and to the south of the hall the grounds contain sports fields and associated multi-purpose playing courts and landscaped open space areas.

The recently completed School Hall has recently been constructed on the site and is to be connected with the proposed new building (as detailed in on the ground floor plans). Access to these new buildings is via Horace Street which is a regionally significant road.

The site has three road frontages being Horace Street to the west, Yurabung Road to the east, and Hunter Avenue to the south. The northern boundary of the site adjoins St Ives Primary School.

Vehicular access into the site is provided from four access points being two from Horace Street and two from Yurabung Road respectively.

According to the Statement of Environmental Effects, formal and informal parking is available providing around 103 off-street parking spaces for the school.



The proposal involves another 106 spaces within the basement.

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

The school site is bounded by Horace Street to the West, Hunter Avenue to the South, Yarrabung Road to the East and residential properties to the North.

The site generally falls from the north-western corner to the southern boundary, towards Hunter Avenue and ultimately discharges into Rocky Creek, the change in RL across the site is approximately from 152.5 m AHD to 129.0 m AHD.

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

The existing piped stormwater drainage network generally follows the natural topography and is directed to southern and eastern boundaries of the site.

<b>Constraint:</b>	<b>Application:</b>
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. The vegetation within the rear of the subject property is mapped as containing plant community type (PCT 1281) Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion. The proposal is not located within proximity of this vegetation.
Natural Resources Greenweb	Yes
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

### **Surrounding development:**

The site is in an area characterised by low density residential development which consists of single dwelling houses which are generally detached, low density form one and two storey dwellings, set within large allotments within landscaped setbacks.

A number of schools and community/religious establishments are located within walking distance. A childcare centre is located opposite the school site on Hunter Avenue.

St Ives shops are also located within walking distance and the site is supported by public transport/bus services in the direction of the City QVB to St Ives (194); to St Ives Shopping Centre (582); and City Clarence Street to North Turramurra (594). There is a bus service (158) which runs from St Ives Community Hall to Killara High

School and runs along Horace Street.

Roundabouts exist at the northern and southern end of the school on Horace Street.

## THE PROPOSAL

The proposed St Ives Indoor Sports Complex ('SIISC') is the second stage of development on the site, to be built directly adjacent to the first stage building (St Ives High School Hall ('SIHS Hall')). The proposed development is intended to provide an integrated complex of four sports courts in connection with the hall.

The overall development comprising four sports courts will be known as the St Ives Sports Centre (SISC) and will be jointly operated and managed by Council and the NSW Department of Education.

This DA seeks development consent for the following works:

- Removal of six trees (along with an additional five juvenile trees).
- Site excavation and demolition, including demolition of the existing external stairs, removal of existing cricket nets, and removal of the existing turf sports courts and removal of trees (as indicated on the Demolition Plan).
- Demolition of an existing awning and stormwater line along the existing walkway which is to be replaced by the proposed building.
- Existing soccer field and existing turf sports court to be maintained as landscaped open play space on the site for the use of the high school.
- Replacement of an existing electricity substation along Horace Street.
- Construction of a new 65.601m long x 43.009m wide, two storey sports complex comprising two indoor sports courts, one multi-purpose rooms (with storage), male and female amenities on the lower ground floor; and café with lounge area on the ground floor.
- The building is set back by 16.797m from Horace Street and is proposed to be attached to the newly constructed St Ives High School Hall.
- The proposed building is to be set back 67.792m from the Hunter Avenue frontage of the school which contains a corridor of natural vegetation/stand of trees.
- The proposed sports complex has a total gross floor area of 2,956.2m<sup>2</sup> including 2,688m<sup>2</sup> on the lower ground level and 268.2m<sup>2</sup> on the ground level. The maximum building height is approximately 12.7m above natural ground level.
- The proposed floor areas are 1480m<sup>2</sup> – courts, 255m<sup>2</sup> (100 person capacity) – multi-purpose area (143.6m<sup>2</sup>- 50 person capacity).
- Internal circulation lobby and amenities areas are proposed centrally to the development, where the building is to be connected with the existing hall and this includes accessible amenities.
- Storerooms are proposed at either end of the proposed courts, with larger storerooms proposed to the southern side of the courts.
- A laundry is proposed in connection with the central amenities.
- Reception and entry area.
- Raked spectator seating with store-rooms below
- Chair store.
- Control room.
- Office with kitchenette.
- First aid room.
- Circulation areas are provided around the proposed basketball courts.

- Fire stairs and exit points at three corners of the building, including at the Horace Street frontage.
- New vehicular access from Horace Street, with basement car parking is proposed for 106 cars (including three accessible spaces and some tandem staff parking spaces), 12 motorcycle spaces and 33 bicycle spaces and this requires some excavation. Parking is proposed to be used by staff during school hours, with secured gate access.
- A pick-up and drop-off area with the capacity for five vehicles is located along Horace Street adjacent to the pedestrian entry. This area is proposed to be available for the school pick-up and drop-off. An ambulance/emergency services bay is also proposed in this location.
- New pedestrian entry, with gates, including ramp and stairs from Horace Street.
- Associated landscaping, including new feature landscaping, retaining walls and pedestrian pathway at the entry.
- Planting of eight replacement trees and landscaping surrounding the building and outdoor areas.
- New pedestrian walkways and stairs around the building to connect the facility with the school campus and integrate it with landscaping around the periphery (proposed Landscape Plan).
- New entry and exit security gates to the new access points, designed to match the existing security fencing along the Horace Street school frontage.
- Proposed new digital building sign (2.8m high and 1.2m wide) with an illuminated digital display, the Council logo and the high school logo, with the lettering at the top 'St Ives Sports Centre'.
- Stormwater upgrading works.
- Operation of the SIISC in accordance with the proposed *Operational Plan of Management for St Ives Sports Centre comprising St Ives High School Hall (SIHS Hall) and St Ives Indoor Sports Complex (SIISC)*, revision 7 dated 26 November. This includes the management of hirers/booking system, management of parking, operation and management of the café, cleaning, complaints and security measures and operating hours.

The DA seeks development consent for the Proposed Use of the SIISC:

The Department will be permitted to use the facility for the purpose of play space, conducting recreational sport, team and individual sports and competitive sport and training by sporting teams, clubs and individuals and any other activities that might reasonably be expected for and in association with the school use of the site.

Outside of school hours, the Council will be permitted to use the facility for the purpose of hiring to members of the community for conducting recreational sport, team and individual sports and competitive sport and training by sporting teams, clubs and individuals.

On occasion, the SIISC may be used for other uses such as an emergency relief centre, polling place, or exam centre which would be subject to an agreement between Council and the Department.

The SIISC is proposed to be operated in accordance with an *Operational Plan of Management* which will be updated to manage the SIISC and the SIHS Hall (Development Consent No. DA 0590/18) in connection to ensure consistency with the conditions of the connected facility and the proposed facility.

Games on the multi-purpose courts will be scheduled with a 30 minutes gap between sessions to allow efficiency of exiting and entry to the site and the management of

car parking change overs to ensure parking is sustainable.

It is proposed for sessions to be monitored to ensure that there is adequate time for patrons from the preceding games to leave before new patrons arrive for the following games. An on-line booking system will be used to manage the scheduling of games. This system will prevent patrons from being able to book during the 30 minutes gap and to ensure effective management of access, traffic and parking changeovers in the proposed basement car park.

The Café will operate to service the users of the site outside of school hours.

The DA seeks development consent for the following proposed hours of operation:

The hours of operation of the facility by the school are as follows:

During school hours on school days.

The hours of operation of the facility for community purposes (including the café) are:

- (i) On school days, from the end of the school day until 11pm; and
- (ii) On non-school days, from 7am to 11pm.

Proposed materials:

Lower level: perforated screen for car park security which includes signage.

Walls: Pre-finished CFC cladding to match the St Ives School Hall (alternating use of ice white matt finish panels and mid grey powder coated panels for variety across facades).

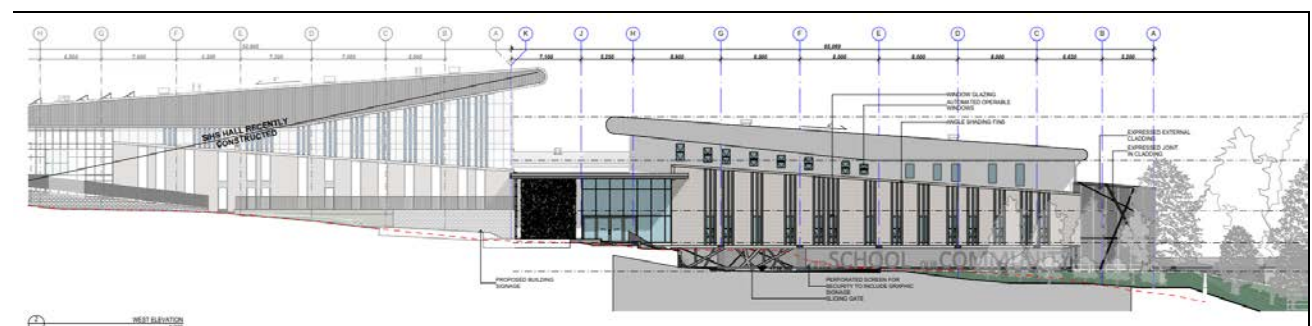
Fixed horizontal shading fins across glazed areas.

The southern and western elevations which face streets contain minimal glazed elements (side light type and high-level windows). Primary glazing is focussed to the school campus area.

Metal flat skillion roof cladding to match the Hall, angled in the opposite direction and separated centrally by a central walkway/connection and outdoor courtyard. The internal circulation area is to connect the two buildings with doors.

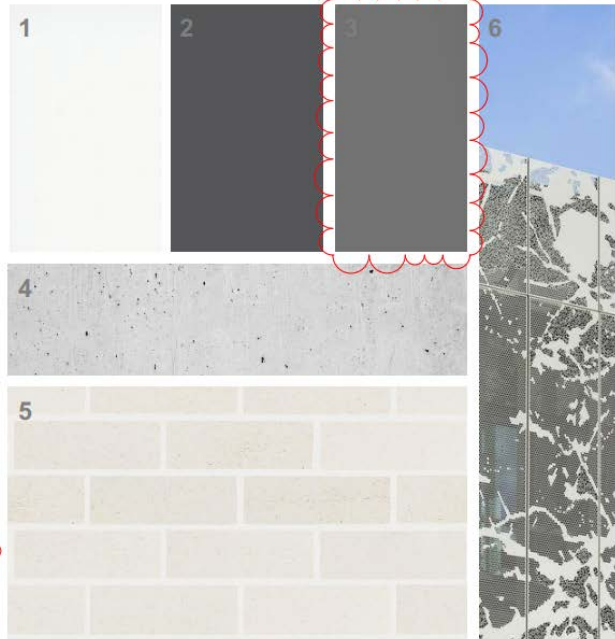
This design provides for separated forms aside a flat roofed lower connection (as indicated in the western elevation below).

Some external elements of brickwork to match existing on site.



Western Elevation Plan, DA 501 JDH Architects Pty Ltd

## MATERIAL PALETTE

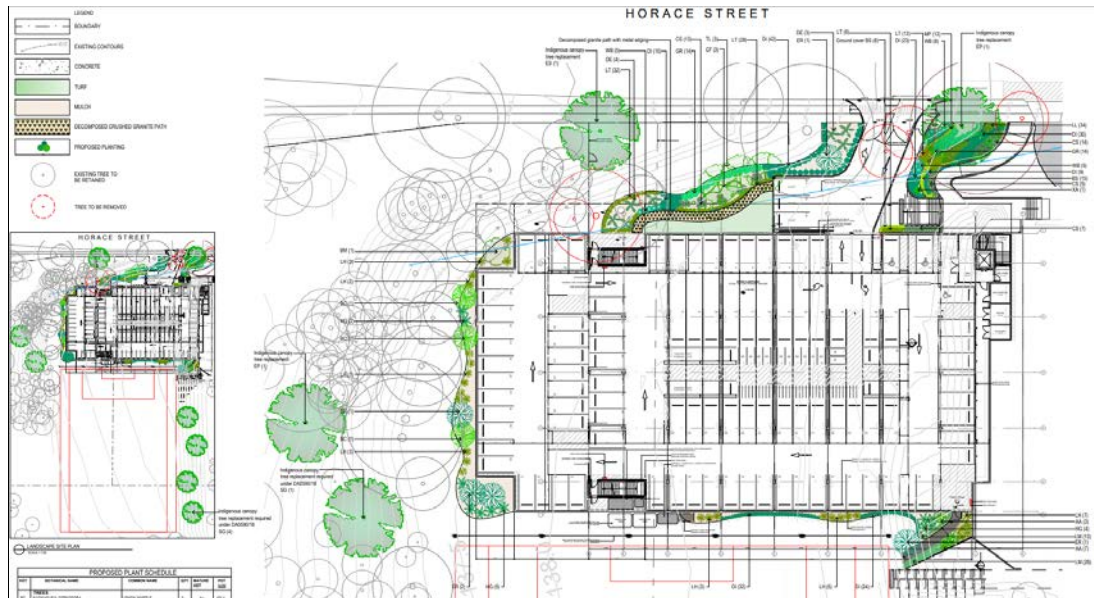


### LEGEND:

1. ICE WHITE MATT FINISH FC CLADDING GENERALLY.  
 2. MID GREY POWDERCOATED VERTICAL SCREENING.  
 3. MID GREY EQUITONE FEATURE CLADDING.  
 4. EXPOSED CONCRETE TO STAIRS & STRUCTURAL ELEMENTS.  
 5. NEW BRICKWORK TO MATCH EXISTING ON SITE.  
 6. PARKING LEVEL PERFORATED STEEL SCREENING.

Proposed Materials, Plan DA 501 by JDH Architects Pty Ltd

## Proposed Landscape Plan:



PROPOSED PLANT SCHEDULE					
KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
<b>TREES</b>					
BC	BACKHOUSIA CITRIODORA	LEMON MYRTLE	3	4m	45Ltr
BM	BACKHOUSIA MYRTIFOLIA	GREY MYRTLE	1	4m	45Ltr
CF	CORYMBIA FICIFOLIA 'SUMMER RED'	SUMMER RED	3	5m	45Ltr
EP	EUCALYPTUS PILULARIS	BLACKBUTT	2	25m	45Ltr
ER	ELAEOCARPUS RETICULATUS	BLUEBERRY ASH	5	8m	45Ltr
ES	EUCALYPTUS SALIGNA	SYDNEY BLUE GUM	1	25m	45Ltr
SG	SYNCARPIA GLOMULIFERA	TURPENTINE TREE	5	25m	45Ltr
TL	TRISTANIOPSIS LAURINA 'LUSCIOUS'	LUSCIOUS WATER GUM	3	8m	45Ltr
<b>SHRUBS</b>					
CS	CALLISTEMON VIMINALIS 'SCARLET FLAME'	SCARLET BOTTLEBRUSH	36	1m	200mm
DE	DORYANTHES EXCELSA	GYMEA LILY	7	1.8m	200mm
GR	GREVILLEA ROSMARINIFOLIA 'CRIMSON VILLEA'	GREVILLEA	14	0.8m	200mm
WB	WESTRINGIA FRUTICOSA 'BLUE GEM'	BLUE GEM WESTRINGIA	18	1m	200mm
XA	XANTHORRHOEA AUSTRALIS	GRASS TREE	1	2m	25Ltr
<b>GRASSES / GROUND COVERS</b>					
AA	ASPLENIUM AUSTRALASICUM	BIRDS NEST FERN	10	1m	200mm
BS	BANKSIA SPINULOSA 'BIRTHDAY CANDLES'	BIRTHDAY CANDLES	23	0.3m	200mm
DI	DIANELLA CAERULEA 'LITTLE JESS'	LITTLE JESS	119	0.4m	200mm
HG	HELMHOLTZIA GLABERRIMA	STREAM LILY	11	1.5m	200mm
LH	LOMANDRA HYSTRIX 'KATIE BELLS'	KATIE BELLS	30	1.5m	200mm
LL	LOMANDRA LONGIFOLIA 'LIME TUFF'	LIME TUFF	34	0.4m	200mm
LM	LIRIOPE MUSCARI 'JUST RIGHT'	JUST RIGHT	39	0.5m	200mm
LT	LOMANDRA LONGIFOLIA 'TANIKAI'	TANIKAI	79	0.6m	200mm
MP	MYOPORUM PARVIFOLIUM 'YAREENA'	YAREENA	12	0.1m	200mm

*Proposed Landscape Plan and Planting Schedule, by Space Landscape Designs*

## CONSULTATION

### Community

In accordance with the notification controls of the Ku-ring-gai Community Participation Plan, the application was advertised for a period of 30 days. In response, submissions from the following were received.

1. *St Ives High P&C Transport, Traffic & Road Safety Working Group*
2. *St Ives High School Parents and Citizens Association*
3. *John and Annette Simpson, 8 Amesbury Avenue, St Ives*
4. *David Brown, 55 Horace Street, St Ives*
5. *David Sweeting, A1 Pindari Avenue, St Ives*
6. *Eniko Sweeting, A1 Pindari Avenue, St Ives*
7. *Geoffrey & Pamela Bullock, 23 Eucalyptus Street, St Ives*
8. *Linda Michael, 2 Waterhouse Avenue, St Ives*
9. *Lisa & Tish Nyar, A3 Hunter Avenue, St Ives*
10. *May Leng Yeng, 55 Horace Street, St Ives*
11. *Peter and Cheryl McNamara, 53 Horace Street*
12. *Phillip Slood, A23 Hunter Avenue, St Ives*
13. *Shane & Wendy Haberle, 90 Yarrabung Road, St Ives*
14. *Taryn Tollman, 21B Eastern Arterial Road, St Ives*

The submissions raised included the following:

- Insufficient details on some items in terms of facilities/toilets.
- Traffic modelling and impacts, associated road safety issues, peak hour issues.
- Parking issues/inadequacies/hazards, residents made suggestions as to other entries/ideas.
- Management of facilities such as the car park, emergency services parking, drop offs, staggering of events and sessions, particularly at peak times
- Tree removal and related impacts.
- Building form issues, including bulk and scale, aesthetics, potential for light spill, security management aspects.
- Privacy/overlooking, noise and hours of use/disturbances.
- Land use not compatible with residential area, intensity of development on the school site.

- Management aspects (parking, peak times, hours, noise etc).
- Community consultation aspects.
- General construction management/disruption concerns.

### **Response:**

Following the preliminary assessment by internal and external departments and an assessment of the submissions, Council issued a Preliminary Assessment Letter on 28 September 2021 identifying issues and requesting amendments relating to:

1. Stormwater updates and details (Size of OSD tank, inadequate rainwater tank details, inadequate water quality/MUSIC details).
2. Inadequate CTMP.
3. Traffic and parking issues, anomalies in the reports to be corrected, further detail on signage (exit/entry).
4. Request to address impact on Council infrastructure (Horace Street kerbs and driveway crossover).
5. Acoustic impacts.
6. Suitability of operational hours/potential adverse disturbance with late hours.
7. Need for additional landscaping to replenish tree loss and to screen along Horace Street.
8. Request for the landscape plans to be bushfire certified.
9. Scaling back signage, minor building changes (Horace Street presentation), details of retaining walls required.
10. Need for a POM/updates to address certain issues raised in the letter.
11. Suggestion to reduce the hours of operation having regard to objections.
12. Address acoustic aspects in connection with the use and proposed hours.
13. Updates to address food standards/café related requirements.
14. Updates to address accessibility aspects in the design and reporting.
15. Further address deliveries and waste management/storage.
16. Address lighting in the context of light spill objections from concerned residents located opposite.
17. Provide a detailed submissions report addressing matters raised.

The amended plans and documents were received in late November 2021 and the amended application was re-notified on 3 December 2021 for a period of 14 days. In response submissions from the following were received:

1. Mr Simon Beck (no address provided)
2. St Ives High P&C Transport, Traffic & Road Safety Working Group
3. Lisa & Tish Nyar, A3 Hunter Ave St Ives
4. Isabella Lewis on behalf of St Ives Traffic Working Group

In summary, the amended plans and documents involved changes to the Landscape Plan as required, changes to water management provisions as required, additional explanation and details as to access and café matters, an update to the traffic, aboricultural, bushfire and acoustic assessments to address comments and plan adjustments. Adjustments were made to the architectural and landscape plans, a report addressing application amendments in the context of submissions. The proposed *Operational Plan of Management* was updated to address matters raised.

The plans were revised to update the use of the café, to increase planting, to address concerns relating to materials and details, to address access, noise, water management and traffic aspects.



In summary, these submissions raised the following remaining concerns:

- Privacy encroachment, light and noise with glass facing Hunter Street.
- Concern relating to the hours of operation and potential light, privacy and noise disturbance for extended/late night-time hours.
- Implications on already heavy traffic.
- Impact on the bus 'kiss and ride' section along Horace Street.
- Existing traffic speeds and volumes and concerns over the proposed entry, particularly any right hand turning into the driveway from the eastern arterial direction.
- Added pressure on traffic by the new facility.
- Concern as whether the parking is sufficient to avoid on street parking pressure in the area.
- Recommendation/petition for additional bus services to and from Hornsby and Gordon. Two submissions raised the point of view that there are insufficient bus services for 1200 students.
- Insufficient assessment of school peak times and implications (eg after school care and after school activities).
- No assessment of traffic generation on the Yarrabung Road side.
- Investment in active transport and pedestrian improvements is required for this community facility, within the school precinct as the facility will be used by adults for non-school uses, attracting more drivers.
- Plans should include the necessary upgrades to pedestrian amenities on Horace Street and surrounding streets that provide the main paths of travel to and from the venue.
- Practicality of managing parking with the 30 minute booking gap between sessions across uses (the sports courts and multi-purpose rooms).
- The traffic assessment ignores the school campus generated afternoon traffic peaks as distinct from commuter traffic. These were put forward as the main cause of traffic-related issues in the Yarrabung Road Schools Precinct and surrounding road networks.
- Discussion of impact and parking on surrounding streets such as Yarrabung Road, Hunter Avenue, Amesbury Avenue and Alvona Avenue (community use as a park and walk zone/parking overflow and potential impacts).
- Reliance on old (2018) traffic counts and impact on data by Covid 19 lockdowns and commuter behaviour changes.
- Discussion of lack of existing parking for staff working at the public and high school.
- Impact of the location of the ambulance bay and drop off zone on the safety of cyclists given potential slowing, congestion and distraction of vehicles around this area of Horace Street.
- Risk to cyclists of cars pulling in and out of the car park. (P and C suggestion) *'To make cycling to and from this proposed venue a safe option for students and adults alike, a shared path should be included between the signals and the site as suggested by Council. This should be funded as part of the development proposal'.*
- Support for a 'car park full' sign to potentially alleviate road congestion.
- Concern over the data and information in the traffic assessment and its reliance for the assessment of the Development Application.
- Request to line-mark or provide ability/flexibility to use the courts for Badminton.

The following assessment is made to address the submissions.



## ***Acoustic matters and hours of operation***

The traffic and acoustic reports provide further information to detail the careful management of activities on site and noise management. This includes staggering of activity times and booking requirements (30 minute gaps) for traffic management, signage to respect neighbours, management of internal noise (no amplified music and management of whistles), management of external noise (plant/equipment and operating hours).

The acoustic report makes specific recommendations to control internal noise from emanating outside the building via construction materials, closing of windows, mechanical ventilation. These are accepted by Council staff and are recommended to be endorsed by consent **Conditions 1, 21,31, 75,18** and within the *Operational Plan of Management*. Subject to compliance with these conditions, noise generation can be minimised and appropriately managed to protect amenity for neighbours. These noise management measures are recommended to be applied in conjunction with the recommended restriction on operating hours until 10pm to protect the sleep times and amenity of close residential neighbours.

In this regard, environmental health conditions are recommended to include restrictions on the operational hours as follows:

### *Hours of operation*

*At all times, the hours of operation for community purposes and the cafe are restricted to:*

#### *School days*

- *Monday to Wednesday - after the end of school until 9.00pm.*
- *Thursday – Friday - after the end of school until 10.00pm.*

*All players, spectators, officials and café staff must depart the facility within 30 mins of the end of approved operational hours.*

#### *Non-school days*

- *Monday - Wednesday - 8.00am - 9.00pm.*
- *Thursday - Saturday - 8.00am - 10.00pm.*
- *Sunday - 8.00am - 4.00pm.*
- *Public holidays – Closed.*

*All players, spectators, officials and café staff must depart the facility within 30 mins of the end of approved operational hours.*

*Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.’ (Refer to the Health Referral Section)*

Council's health referral included a detailed list of conditions relating to the use of the café, hours of operation, noise management, vibration noise management plan, control of effects of outdoor lighting, compliance with the acoustic control measures of the acoustic report (doors/walls/windows), location and management of air conditioners, mechanical ventilation and equipment, garbage management and construction management (noise and dust).

The proposed development is considered to provide a benefit to the community without unreasonable adverse residential impacts. This is subject to the recommended conditions requiring: the operating hours to be reduced to be more sensitive to many surrounding residential homes, environmental health and traffic management conditions, compliance with the *Operational Plan of Management* (to be updated to reflect conditions) and the detailed acoustic recommendations/measures,

The plan of management addresses measures to ensure quiet entry and exit, booking to reduce traffic and parking conflicts, and acoustic measures/restriction of noise generation. This will ensure that the operators of the facility clearly understand the terms of approval and will allow the function of the facility to be balanced sensitively and appropriately with residential health and amenity needs and expectations. Subject to these conditions, the proposal is supportable and reasonable.

Restrictions are recommended as to the use of the café for packaged food to ensure it remains small scale and supportive to the primary use.

Conditions are recommended in relation to lighting to ensure that residents are not adversely impacted by light spill. Outdoor and LED signage lighting will be operated with time switches and on dimmers at later hours. Subject to these recommended restrictions, the outdoor lighting is considered to offer safety, security and car park/building management merits.

### ***Traffic, safety and parking concerns:***

In relation to traffic objections, the proposed car park is provided with 2-way forward access and egress for safety with a pedestrian island in the centre.

Concern was raised in relation to safety of cars, pedestrians and cyclists near the entry on Horace Street.

Council's Independent Traffic consultant (Transport and Traffic Planning Associates 'TTPA') has reviewed this matter and recommended that a no right turn northbound be provided and warning signage due to the stopping distance. This is recommended as **Condition 95**. It is further recommended that the operation be reviewed for safety by a traffic engineer within 12 months of the commencement of operation.

The visibility of the driveway has been assessed and is considered acceptable for traffic and cyclist safety. Refer to the traffic engineering comments provided within the 'Referrals' section. Some Conditions (**9, 32, 33, 34, 35, 87, 95, 96, 114, 115, 116**) are also recommended.

It is considered that the opening of the car park would be safe, light and visible to promote the safety of pedestrians, cyclists and vehicles.

The school drop-off and pick-up area on Horace Street has been reviewed by Council's Road Safety Officer. The drop-off and pick-up area were implemented late last year, and it is assessed that it would not conflict with the SIISC drop-off and pick-up area as the school's area is located immediately south of Amesbury Avenue.

A *Roads Act* condition (**Condition 96**) has been recommended in relation to the submission request that a shared path be provided along the eastern side of Horace Street to promote pedestrian and cyclist safety. Council's Development Engineer and independent traffic consultant endorse this outcome as a condition of consent.

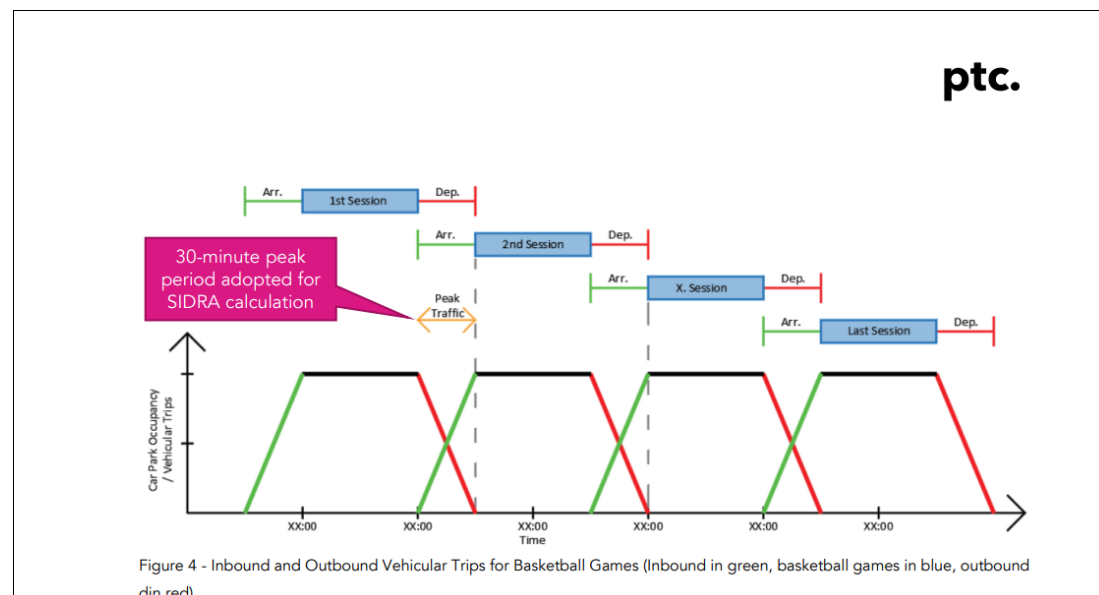
Given that the proposed pedestrian access point is off Horace Street, users of the facility walking/cycling to the site with an origin west of Horace Street should be able to use the signalised pedestrian crossing north of the driveway to access the site.

The proposed building identification signage has facing Horace Street been reduced in size based on the initial concerns over the size. It is recommended that the signage not be illuminated, except for a digital indicator showing 'car park full' to prevent queuing at Horace Street. Conditions are recommended in relation to lighting of the sign. That it be dimmed after hours according to the submitted technical specifications and operated on a time strictly during operating hours only.

In relation to the concern for staff parking, and parking supply meeting demand in general. The proposal has been assessed by an independent traffic consultant and Council's engineers in relation to parking and the parking supply is proposed to cater for the use and capacity of the facility, without creating external parking pressure.

Additional detail was requested of the applicant in terms of the management of the multi-purpose rooms and was received on 21 February. This further submission indicated:

*'As stated above, the proposed multipurpose room will accommodate up to 50 people (not 100). The parking generation of 9 spaces has been determined based on the DCP, and the traffic generation rate calculated based on the Guide to Traffic Generating Developments is expected to be 13 vehicle trips. These results have been adopted in the parking and traffic calculations for the overall development. As shown in Figure 4, a gap between the sports activities has been implemented, which is for the purpose of reducing car parking demand of the overall development. The courts and the room will be operationally managed through a booking system to ensure that the gap between the activities is adhered to. There is an option to stagger the basketball/yoga commencement times; however, this is not seen as required at this stage.'*



It has been submitted that the use of the room is likely to be for small group activities such as yoga and that on the basis of this use, *the Guide to Traffic Generating Guideline* calculation of parking demand has been adopted for a gym use 'with 9 trips per 100m<sup>2</sup> GFA during the evening peak hour (1 hour peak period). With an area of 143.6m<sup>2</sup>, the multipurpose room is expected to generate 13 vehicle trips in one hour'

(PTC DA reports and responses).

In relation to the concern raised by Council's Independent Traffic Consultant on the potential concentration of patrons using the multi-purpose room leaving the site, the following comment was made:

*'It is not the traffic generation which has been halved, but rather the peak period within SIDRA. As shown in Figure 4, it has been assumed that all sports activities will last 1 hour, with peak traffic occurring between the games for a 30-minute window. The reduced peak period within SIDRA has been adopted as a means to replicate / simulate the likely rush of arrivals/departures. As stated above, the multipurpose room is expected to generate 13 vehicle trips within one hour. For a conservative assessment, all of these trips have been adopted within the ½ hour calculation in SIDRA, i.e. 13 vehicle trips within 30 minutes (not one hour). Therefore, the assessment is considered to be more conservative than if the same volume of traffic was spread over a one-hour period. In any case, it is noted that the SIDRA results show that the two closest intersections are expected to run at a Level of Service A with spare capacity in the post development scenario.'*

The above comments have clarified the management of the proposed centre to ensure efficiency. The above comments have been accepted in traffic and planning terms.

The original PTC Traffic Report indicated that the proposed parking supply was based on the anticipated cumulative need for the courts and the hall facilities and that based on first principles assessment, the provision exceeds the minimum parking requirement by 5 spaces (extract from PTC Report June 2021):

*'As discussed in Section 4.2.1, Section 4.2.2 and Section 4.2.3, the proposed Sports Complex development requires a total of 101 car parking spaces. This assumes the worst case that all facilities are at full capacity at the same time. The proposal is to provide a total of 106 car parking spaces, including 2 tandem car spaces for staff. Based on the first principles assessment, the provision exceeds the minimum parking requirement by 5 spaces and therefore it is expected that the parking demand will be met.'*

The *Operational Plan of Management* contains detail in terms of the booking management system and on this basis, the proposed parking, access and traffic aspects are considered to be manageable and reasonable. Noting also that that physical space of the multi-purpose room will contain the numbers of patrons.

The School P and C submission indicates that *'St Ives High has 110 members of staff but an on-site parking deficit of up to 15 spaces. St Ives Public has 40 staff members and an on-site parking deficit of up to 23 spaces'*.

The proposed basement car parking is available to the staff during the day which is considered to be a benefit for the school community, providing additional secure parking during the day for school staff, to assist in alleviating some local pressure.

During the school day, the facility is to be used by the school and for overflow staff parking.

The use of the facility as a community sport centre is focussed after 'peak' school hours and on weekends, and this is considered to stagger traffic aspects outside of school pick and drop off times.

Council's Strategic Traffic Engineer has indicated in relation to overflow parking concerns:

*'The two multipurpose rooms are specified to have a capacity of up to 100 people, and approximately 9 car spaces are "allocated" to it. Given it would be difficult to predict/manage the number and timing of users of the rooms, or limit their use so that the "allocated" 9 car parking spaces is not exceeded, it would be prudent to install electronic signage for the car park to clearly signal to approaching drivers in the event the car park is full. Drivers could still enter the car park and circulate should they wish to do so.'*

Further,

*'Patrons are unlikely to park in Yarrabung Road and walk around the perimeter of the school site to enter the proposed SIISC from Horace Street.'*

*The potential catchment for the proposed SIISC in the area east of Horace Street is relatively small compared to the rest of the catchment, therefore significant additional impacts are not expected in Hunter Avenue or Yarrabung Road.*

*A Transport Access Guide showing the location of the car park and alternative modes of access (bus, walking, cycling) should be part of the Operational Plan of Management and made available to users, so that users see clearly how to access the site, and therefore discourage parking in surrounding streets.'*

It is noted that one multi-purpose room is provided and as detailed above in relation to the additional submissions from PTC, traffic consultants for the applicant, the booking system and the general management of the facility can occur in such a way as to manage on-site parking, to ensure safety and convenience (via management of activities and the available on-site parking).

This will allow the use of the centre whilst avoiding congestion issues. The proposed session booking system, with the 30 minutes gaps intends to minimise conflicts and allow the time for vehicles to change over and avoid parking constraints or congestion and promote consistent flow in and out of the car park, avoiding bottle necks.

The management of this is to be incorporated into the *Operational Plan of Management* (refer to recommended **Condition 118**). The condition requires the inclusion of a *Transport Access Guide* to be incorporated into the *Operational Plan of Management*.

It is further recommended that the entry sign include a 'car park full' sign to further avoid queuing and congestion which has been a source of objection (**Condition 115**).

Subject to the required compliance with the *Operational Plan of Management* and recommended consent conditions, it is considered that the 30 minutes gaps and strict management via an on-line booking system can be enforced to manage traffic and parking for the facility. The focus of the busier operating times being outside school times is considered to reasonably off-set peaks and alleviate conflicts between school use of the site and the community use aspect.

In terms of the reliance on traffic collection data and dates, the three traffic engineers (two at Council and one independent traffic consultant) are satisfied that the data can be used to evaluate the impacts, despite recent changes with lockdowns which primarily occurred during 2020 and mid-2021.

The traffic generation has been independently assessed as being sustainable for the local road network. The independent comments and submissions have been reviewed and endorsed by Council's Strategic and Development Engineers.

In relation to traffic data reliance and peak concerns, Council's Strategic Traffic Engineer has provided the following comments:

*'in times where the Covid pandemic has impact on travel behaviour, Transport for NSW has been accepted pre-Covid traffic counts as a proxy for typical conditions, when assessing development proposals.'*

*'Historical traffic counts on Horace Street indicate that 2 way traffic volumes between 3pm-4pm (school pick up time), and from 5pm-6pm are similar, so the assessment is effectively considering the school pm peak and the evening commuter peak. The traffic counts would have also captured movements from any extra-curricular activities occurring at the time.'*

Additionally,

*'The potential catchment for the proposed SIISC in the area east of Horace Street is relatively small compared to the rest of the catchment, therefore significant additional impacts are not expected in Hunter Avenue, Yarrabung Road, or other local roads east of Horace Street.'*

Given the above local assessment, the size of the proposed car park, the suggested facility and car park management, the strict booking guidelines/staggered events and the focus on games and broader community uses on outside of school hours, the parking strategy is considered acceptable (subject to the recommended conditions and the operational management plan).

It is assessed by staff that traffic counts would have also captured movements from any extra-curricular activities occurring at the times, as detailed in the DA documents.

### **Drop off zone/bus stop**

It is understood that there has been some early discussion between Council staff and the school regarding a possible pick-up and drop-off zone on Horace Street but there are no firm proposals at this time.

The proposed pick-up and drop-off zone for the SIISC could be shared with school students during school drop-off/pick-up times which is considered to support the school use.

In relation to safety of this area, it has been assessed that adequate separation is provided between the drop off zones and kiss and ride area to allow for safety and cars slowing.

Given the peak use of the facility is proposed to be outside of school hours and the recommended conditions relating to safety around the entry point, this will stagger and slow traffic using the facility. Therefore, maintain access and safety for school commuting purposes.

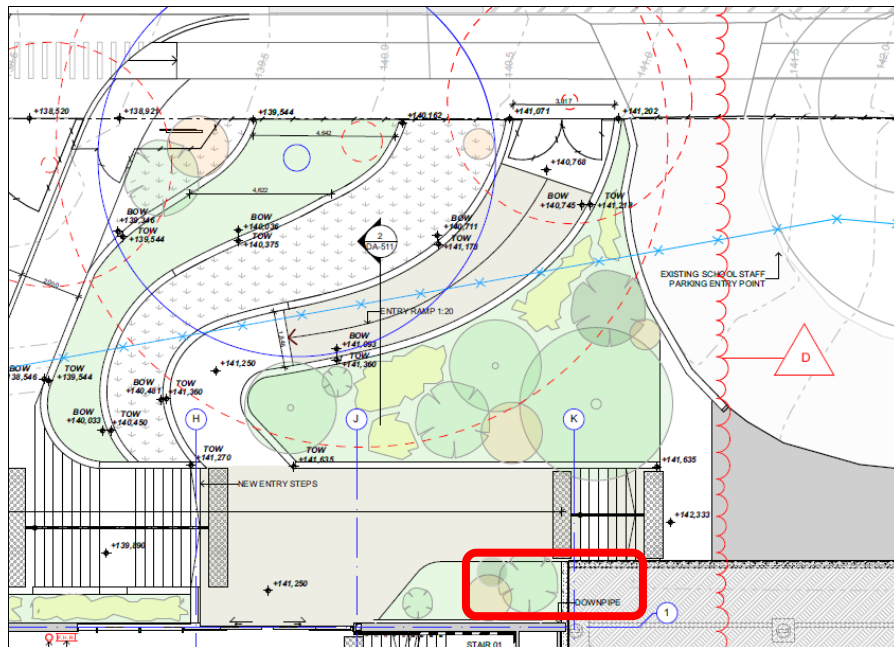
## Bus and cyclist aspects

Additional bus systems can be investigated with the providers with consideration for the renewed use and transport needs to the site after hours and on weekends. It is considered that once the centre is in operation, submissions could be made to the relevant providers in this regard to address increased needs.

Conditions are recommended in relation to the improved provision of bicycle parking (**refer to Condition 24**), and the provision of a shared path on Horace Street(**Condition 35**).

Traffic advice has been provided in relation to adjustments to the signage and basement parking in relation to safety and cyclist safety. Conditions have been drafted to address the recommendations.

In this regard, Council's Strategic Traffic Engineer has recommended to make adjustments as to the location of the bicycle spaces, to be near the entry and the provision of some bicycle spaces outside the basement car park and around the ground level (suggestive diagram as follows).



## Traffic safety signage

Council's Strategic Traffic Engineer has commented:

*'Support the proposal for No Stopping restrictions, to improve traffic flow at the access point. The restrictions could be tailored to apply to the times of the site to allow residents to access kerbside parking outside the times of operation of the SIISC e.g. from 3pm-11pm on school days, and from 7am to 11pm on non-school days.'*

*The southernmost space in the proposed pick-up and drop-off zone on Horace Street should be removed, to increase sight distance to the north for vehicles leaving the site.*

*During school pick-up time in the afternoon, the signalised pedestrian*

*crossing north of the driveway is highly likely to be triggered, holding southbound traffic.'*

Some of the above suggestions have been included in recommended conditions (as detailed above) and are subject to further discussion following the Crown review of conditions. The intention of the inclusion of these matters is to encourage the best outcome for the specific location, for all ages and users of the centre, to promote safety and non-car access and to community comments.

*There is the opportunity to transfer some bike racks from the basement to the surface, with the potential for an additional visitor or tandem staff car parking space.*

*Similarly, more secure bike parking facilities for staff should be provided in accordance with AS2890.3'*

Subject to the suggested recommendations, the proposal is considered to be supportable in resolving pedestrian and cycling concerns and to promote safety and non-car transport opportunities for local people.

## **Internal Referrals**

### **Landscaping**

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

#### ***'Tree removal and impact.***

*The development proposal results in the removal of numerous trees and impacts numerous others.*

*The development proposes the removal of six trees (Trees 39, 40, 41, 42, 203 & 207) which either spatially conflict or are significantly impacted by the development works.*

***Tree 39 Eucalyptus pilularis (Blackbutt)*** located within the road reserve. The tree is in good health with low to moderate significance.

***Tree 40 Pinus radiata (Radiata Pine)*** located adjacent to the western site boundary. The tree is in poor health with a sparse crown.

***Trees 41 & 42 Lophostemon confertus (Brushbox)*** located adjacent to the western site boundary. T41 is the dominant tree of the two in good health and condition.

***Trees 203 & 207 Corymbia maculata (Spotted Gum)*** located to the top of the embankment. T203 is in fair health and condition. The trees were part of a replenishment tree planting in 1983.

*Five replenishment plantings (Syncarpia glomulifera/Turpentine) required under the recently completed development (DA0590/18) also spatially conflict with the current proposal.*

*The nominated tree removal is accepted subject to further tree replenishment planting being undertaken. Refer separate comment.*



*Numerous trees have development works within their identified TPZ, but within acceptable thresholds subject to tree protection measures being implemented to minimise development impacts.*

*Proposed upgrade to electrical services as depicted on ESK01 Rev 8 is located within the SRZ/TPZ of numerous trees across the site. Clarification has been provided by the electrical contractor that the electrical upgrade will be within an existing trench and therefore no further tree impact is anticipated. The consulting arborist has stated in their response that if new electrical service conduits need to be installed and routed back to Building A, then an Arboricultural Assessment and Impact Statement is required. Retention of existing tree roots and trees is required and it is conditioned for all works to be directly supervised by the project arborist, and undertaken by hand.*

*NOTE: The proposed site security/protection fence as detailed on DA2.01 Rev 4 by Northrop will also act as a tree protection fence. It is requested this plan be included within **Condition 1**.*

### **Fire**

*The High School site is identified as bush fire prone land. The applicants fire consultant has recommended the site be maintained as and APZ in accordance with Appendix 4 Planning for Bush Fire Protection 2019.*

*It is agreed that the siting of the proposal at the western side of the school campus is the most desirable from a fire safety viewpoint.*

*The consultant has also stated that the APZ to the east of the development is existing and that grounds management of the groundcovers and grasses is required to be ongoing.*

*Submitted Rev I landscape plans have been certified as being consistent with the fire safety recommendations.*

### **Landscape Plan**

*The Rev I landscape plans are supported. Tree replenishment plantings to satisfy DA0590/18 and to offset tree removal for this application are satisfied.'*

The Landscape, bushfire and tree assessments have been amended to address the initial concerns of council's Landscape and Tree Assessment Officer relating to tree protection and replenishment and planting to meet Council's objectives. The amendments have satisfied the request and have been certified and approved in terms of bushfire safety. **Conditions 15, 16, 17, 18, 19, 61, 62, 63, 64, 65, 67, 68, 69, 70, 77** are recommended.

From a planning point of view, it is clear that the location of the proposal has been positioned to minimise the removal of tree coverage and significant stands and regeneration areas located elsewhere on the school campus (adjacent to Hunter Avenue and Yarrabung Road). These areas of tree cover provide significant landscape features and add considerably to the amenity of the area. The landscaped areas add to the amenity of the school, provide for biodiversity and screen homes opposite the school.

The proposed removal of some of the smaller trees within the school grounds and a small number of trees along the Horace Street frontage is considered to be supportable on the basis that this is the most logical location for the facility.

The driveway location would minimise excavation in this location, connect with the hall driveway, reduce tree removal and provide for visibility.

The applicant has been requested to ensure that planting is re-established to ensure that additional screening is proposed to benefit the Horace Street streetscape, to 'green' the frontage and to re-instate landscape screening. This additional planting will screen visibility and promote visual amenity for neighbours opposite along Horace Street. Also, address submissions relating to visibility.

The recommended landscape conditions require additional tree planting and planting which complies with Rural Fire Service terms to maximise fire safety around the buildings.

The amended Landscape Plan provides appropriate layered planting around the facility, some indigenous canopy trees and native shrubs and grasses.

The proposed planting scheme provides landscape screening whilst also allowing safe traffic/access visibility, crime safety/surveillance management and to benefit the outdoor spaces around the building.

The planting is considered sustainable in terms of ability to thrive in the setting.

In terms of the screening of the Horace Street frontage, the Landscape Plan proposes 2 (2) *Eucalyptus saligna* (Turpentine – 25m mature height) at each corner of the building, infilled with a range of: Blue Gem Westringia (1m mature height), Gynea Lily (1.8m mature height), Scarelt Bottlebrush (1m mature height), Grevillea (0.8m mature height), Luscious Water Gum (8m mature height), Corymbia 'Summer Red' (mature height 5m). This variety of heights and foliage types is considered to provide a landscaped foreground and some appropriate screening, consistent with Ku-ring-gai planning objectives and landscape values.

Planting beds are provided around the perimeter of the building which also provide for easy maintenance, CPTED safety and provide an attractive pedestrian and open space setting for students, teachers and visitors to the school.

The proposal is supported subject to the recommended Landscape conditions.

## **Engineering**

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

### ***'General***

*This DA seeks development consent for:*

- *Removal of six (6) trees (along with an additional five (5) juvenile trees);*
- *Site excavation and demolition;*
- *Construction of a new two (2) storey sports complex comprising two (2) sports courts, one (1) multi-purpose rooms, male and female amenities on the lower ground floor; and café on the ground floor;*

- Basement car parking for 106 cars (including three (3) accessible spaces), 12 motorcycle spaces and 33 bicycle spaces;
- New vehicular access from Horace Street;
- New pedestrian entry including ramp and stairs from Horace Street; and
- Associated landscaping including new feature landscaping at the entry.

*The St Ives Indoor Sports Complex (SIISC) is the second stage of development on the site, to be built directly adjacent to the first stage building (St Ives High School Hall (SIHS Hall)) to provide an integrated complex of four (4) sports courts. The overall development comprising four (4) sports courts will be known as the St Ives Sports Centre (SISC), and will be jointly operated and managed by Council and the NSW Department of Education.*

*The site is subject to the Ku-ring-gai DCP.*

*The following documents were used for the assessment:*

- *Response to issues letter prepared by DFP dated 26 November 2021;*
- *Response to RFI (Civil) prepared by Northrop Engineers dated 8 November 2021;*
- *Response to RFI (Hydraulic) prepared by Northrop Engineers, CAN001, undated;*
- *Civil Engineering works package prepared by Northrop Engineers;*
- *Referral letter from TfNSW dated 3 August 2021*

*The following comments are made with regard to engineering issues.*

### **Water Management**

*St Ives High School is an existing school facility located on Yarrabung Road, St Ives. The school consists of several permanent classroom buildings, Covered Outdoor Learning Areas (COLA), staff rooms, hardstand assembly/sports courts and sports fields.*

*The site generally falls from the north-western corner to the southern boundary, towards Hunter Avenue and ultimately discharges into Rocky Creek, the change in RL across the site is approximately from 152.5 m AHD to 129.0 m AHD. The school site has an area of approximately 77,470m<sup>2</sup>, bounded by Horace Street to the West, Hunter Avenue to the South, Yarrabung Road to the East and residential properties to the North.*

*Site observations and review of available drawings indicate that the existing piped stormwater drainage network generally follows the natural topography and is directed to southern and eastern boundaries of the site.*

*On 24 July 2019, the SNPP approved DA 0590/18 (the SIHS Hall DA) for: Demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works – Crown Development.*

*Construction has been completed on the SIHS Hall. The SIHS Hall represents the first stage of a combined hall complex, with the proposed SIISC facility representing the second stage of the hall complex.*

*The existing buildings and hardstand areas within the school site are generally in the Northern half of the site and are assumed to drain via existing in-ground drainage systems towards the existing Council infrastructure in adjacent streets. Overland flow, for runoff in excess of the piped system, is naturally directed towards the Southern boundary of the site.*

*In the location of the proposed works, there is currently an existing stormwater pipe running from the Northern portion of the site towards the Southern Boundary, and an existing pit that connects into the Council stormwater system via a kerb inlet pit in Hunter Avenue. An investigation was carried out by Durkin Construction on behalf of the applicant into the existing pipe and determined that this pipe is currently redundant as there is no upstream connection and roots have overgrown the existing pipe.*

*The general intent is for Stormwater runoff associated with the new building and carpark to be conveyed via a below-ground pit and pipe system to the proposed OSD tank located under the new carpark. The OSD tank discharges to a boundary pit, to a new Kerb Inlet Pit (KIP) on the eastern side of Horace St, through a new 375mm diameter RCP proposed under Horace St, to link to the existing KIP on the western side of Horace St.*

*Additional survey detail has been submitted which includes the levels of this existing pit to which connection is proposed. This has confirmed that gravity drainage is available.*

*A referral to TfNSW has been sent for comment as construction may require closure or part closure for the construction of the stormwater pipe across Horace St. TfNSW have provided a response that they raise no objection to the proposed development.*

*A revised OSD calculation sheet has been submitted. OSD has been redesigned with 100% of site area, with a 10% on-site retention discount as per Part 24C.5 of Ku-ring DCP. The site area has been determined as 3805m<sup>2</sup>. OSD tank with volume of 110m<sup>3</sup>, and orifice diameter of 140mm has now been proposed.*

*This is satisfactory.*

*The water management plans have been revised to show one of the access lids to the OSD tank is external to the building to allow for access at any time. Should the tank surcharge in the event of blockage of the orifice, it will be via this external pit, and flow harmlessly through the landscaped area to Horace St.*

*At CC stage a separate system will convey all roof water to the proposed rainwater tank for re-use with any overflow directed towards the proposed OSD tank.*

*Rainwater tanks have been shown on the stormwater plan on the eastern side of the building. A volume of 30,000 litres has been specified for these tanks.*

*Water balancing calculations have been submitted based on a maximum roof catchment area of 2,500m<sup>2</sup> draining to the rainwater re-use tank. Water usages has been estimated based on connection to ten (10) sanitary fixtures comprising toilets and urinals as well as irrigation via external taps. The reduction in runoff days has been calculated as 51.3%. The effectiveness of the proposed 30,000L rainwater tank has been calculated at 90% of water supplied by the rainwater system.*

*The proposed water quality treatment train incorporated to meet the required targets includes:*

- *a rainwater re-use tank,*
- *proprietary stormfilters (5x Ocean Protect PSORB 690 Stormfilter cartridges) and*
- *proprietary pit baskets.*

*All water treatment devices have now been shown on the stormwater management plans.*

*There is no basement pump out proposed.*

### **Vehicle access and accommodation arrangements**

*Council has engaged a private traffic engineering consultant (TTPA) to prepare a full traffic and parking assessment of the proposed development. These comments shall be provided to the planner separately.*

*A new access driveway is provided from Horace Street, approximately 110m north of the existing Horace Street / Eastern Arterial Road / Eucalyptus Street / Hunter Avenue roundabout. The new driveway will allow for right turns into the site from Horace Street but exit will be restricted to left out only.*

*The new basement carpark for the proposed SIISC will have a total of 106 car parking spaces including three (3) accessible spaces. 12 motorcycle parking spaces will be provided, along with 33 bicycle parking spaces. An ambulance bay, along with five (5) pick-up and drop-off parking bays has been identified on Horace Street, adjacent to the proposed pedestrian entry.*

*A number of changes to current parking arrangements along Horace Street are proposed.*

### **Waste Collection**

*The submitted waste management plan states that there is no change to ongoing waste management.*

*It has been suggested in the SEE that existing Waste collection is conducted on street. Internal waste collection is not required as part of this development.*

### **Construction Management**

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

*Construction vehicle movements will be scheduled to occur during times outside of student drop off and pick up peak periods.*

*Construction workers driving to sites in constrained parking environments will be encouraged to carpool, further reducing the impact on the road network. Onsite construction parking to be provided within agreed building compound. Temporary bitumen car parking to be provided to the head contractor for the duration of the staging works.*

*All construction access will be separate to the remainder of the existing school.*

*No details have been provided of the types of vehicles used during construction.*

*No details of the truck routes have been provided.*

*No details of a work zone have been provided.*

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

### **Impacts on Council Infrastructure**

*It will be conditioned that detailed design drawings suitable for construction issue purposes must be submitted and assessed by Council's Operations Department for approval under the Roads Act. The following infrastructure works are required:*

- *A new kerb inlet pit (KIP) has been proposed for the eastern side of Horace Street.*
- *A new 375mm diameter RCP has been proposed under Horace St to link the new KIP on the eastern side of Horace St to the existing KIP on the western side of Horace St.*
- *A new double width driveway crossover is proposed on Horace St.*

*The letter from TfNSW confirms that the stormwater pipe and pits, and vehicular crossing are to be constructed to Council's satisfaction.*

### **Geotechnical Investigation**

*The submitted geotechnical report was prepared specifically for this application and incorporates the results of the investigation for the previous development.*

*The geotechnical investigation was carried out in 2018 and comprised the auger drilling of 5 boreholes using a track mounted drilling rig to refusal depths ranging from 3.6m to 5.6m below the existing ground surface. 2 boreholes were located in the area of the sports complex that is currently under construction and 2 other boreholes were located within the area where the Council sports complex is proposed.*

*Excavation will be required to depths of about 6m within the northern portion of the site and is expected to encounter clayey fill, residual soils and weathered siltstone and sandstone bedrock.*

*Groundwater observations were made during and on completion of drilling. No groundwater seepage was encountered during auger drilling of the boreholes. The geotech report advises that:*

*“As such, we do not consider that groundwater will be a significant issue for the proposed development. Some seepage may occur into the excavation where rock will be encountered this would tend to occur along the soil/rock interface and through joints and bedding partings within the rock, particularly during and following rainfall. Any such seepage that does occur should be able to be controlled during construction using gravity drainage and conventional sump and pump techniques. In the long term, drainage should be provided behind all retaining walls and below the basement floor slab. The completed excavation should be inspected by the hydraulic consultant to confirm that the designed drainage system is adequate for the actual seepage flows.”*

*A tanked basement is not required.’*

Comment:

Water and traffic management details have been amended and addressed as part of the amended submission to address the technical engineering requirements expressed in the *Preliminary Assessment Letter*.

Subject to recommended engineering conditions, the proposal is supportable in relation to water, engineering and traffic aspects. Further independent and strategic traffic assessments are provided below. Refer to recommended **Conditions 1, 9, 10, 11, 12, 13, 22, 29, 32, 33, 34, 35, 40, 41, 43, 44, 51, 56, 57, 60, 71, 82, 83, 84, 85, 86, 87, 88, 89, 96, 116.**

## **Health Services**

Council's Environmental Health Officer commented on the proposal as follows (in summary):

### **‘ Café**

*Given the size of the café it is best suited to the sale of pre-prepared food such as packaged snacks, muffins, pies, sandwiches, quiches and the like. Food can be sold hot, if desired, through heating in a pie oven, sandwich press or microwave.*

*The floor plans have been amended and no longer indicate cooking equipment and the applicant advises, in the response to the initial assessment, that it is not envisaged that food will be prepared on the premises.*

*The plans however still show an exhaust hood (with the wash-up sink below – so maybe just forgot to remove the exhaust from the plans), but also a 1500l grease-trap at the rear of the building. The installation of an exhaust system and a grease trap implies an intention for the café to be used for the cooking of food, as exhausts and grease traps would generally not be required where cooking of food is not occurring.*

*As such, a condition has been proposed (as below) to specify that food preparation is limited to hot and cold drinks and pre-prepared food and the type of cooking equipment permitted in the café is limited to restrict more intensive food preparation activities.*

### **Cafe - Restriction on Cooking Equipment**

*The cafe is approved for the sale of hot and cold drinks and pre-prepared food only. The equipment installed in the premises for the purpose of preparation of food for sale is limited to coffee machines, coffee grinders, refrigerators and freezers, microwaves and sandwich presses. Deep fryers, conventional ovens, stoves/portable stoves or other cooking and heating equipment is not permitted.*

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

**Operational hours – noise impacts**

*The proposal is for operation during school hours and until 11pm school days and 7am - 11pm all non-school days of the week. The acoustic consultant has advised that there will be a minor exceedance of noise levels in the evenings and at night from the operation, primarily related to traffic movements. To support these proposed hours the applicant has referred to sites with similar facilities in other local government areas. In the examples provided, those with trading hours up to 11pm are located further away from residential receivers eg Thornleigh Brickpit which adjoins a railway corridor and those nearer to residences eg PCYC Northern Beaches have shorter hours, less daytime use and close at 10pm.*

*It is considered that the proposed hours and use may have unreasonable noise impacts on the surrounding residential occupants particularly at night (10pm-11pm). To address night-time noise impacts it is recommended the use of the facilities not be permitted after 10pm on any night and the operational hours are reduced even further on Sunday and weekday nights where there is a reasonable expectation within the community of less activity and quiet enjoyment of their premises and surrounds. Below is a proposed condition that could be applied in regard to the operational hours.*

*Hours of operation*

*At all times, the hours of operation for community purposes and the cafe are restricted to:*

*School days*

- *Monday to Wednesday - after the end of school until 9.00pm.*
- *Thursday – Friday - after the end of school until 10.00pm.*

*All players, spectators, officials and café staff must depart the facility within 30 mins of the end of approved operational hours.*

*Non-school days*

- *Monday - Wednesday - 8.00am - 9.00pm.*
- *Thursday - Saturday - 8.00am - 10.00pm.*
- *Sunday - 8.00am - 4.00pm.*
- *Public holidays – Closed.*

*All players, spectators, officials and café staff must depart the facility within 30 mins of the end of approved operational hours.*

**Reason:** *To protect the amenity of neighbouring residential occupants and neighbouring properties.'*

The referral included a detailed list of conditions relating to the use of the café, hours of operation, noise management, vibration noise management plan,



control of effects of outdoor lighting, compliance with the acoustic control measures of the acoustic report (doors/walls/windows), location and management of air conditioners, mechanical ventilation and equipment, garbage management and construction management (noise and dust). These are included as recommended conditions.

The abovementioned conditions are considered to address many of the submissions raised relating to noise, lighting and late hours.

The recommended conditions are considered reasonable and provide certainty and protections for the surrounding residential neighbours.

These recommended conditions will ensure that cumulative and offensive noise would not be created or allowed, and that the facility is operated with benchmarks to allow its use without causing late noise, light and activity disruptions ng sensitive surrounding residential uses.

It is agreed that the hours until 11pm would not be appropriate in this sensitive prevailing residential setting. The examples used in the application such as the Brick Pit sports facility are located further away from sensitive housing and are not considered to be reasonable or appropriate comparisons in terms of setting and sensitive receivers.

The reduced operating hours as encapsulated within the recommended health conditions are considered appropriate to ensure that late night sleep hours are not unreasonably impacted by noise, traffic or light whilst also allowing the support of a facility which will benefit the school and the Ku-ring-gai community.

The *Operational Plan of Management* is to be adjusted in accordance with this recommendation in relation to operating hours.

Refer to recommended **Conditions 21, 26, 27, 28, 30, 31, 36, 37, 39, 75, 76, 78, 79, 80, 81, 92, 93, 97, 98, 99, 100, 101, 102, 103, 104, 108, 109, 110, 111, 112, 113, 117, 118** which relate to environmental health matters.

## Building Services

The following recommended condition has been provided by Council's Building Surveyor and is included in the recommended condition set:

*Subject to Clause 227 of the Environmental Planning and Assessment Regulation 2000, all of the provisions of the Building Code of Australia for Crown developments are prescribed as technical provisions of the State's Building Laws, this is reinforced by **conditions 27, 45, 90**.which relate to Access (commercial)), Fire Safety Certificate and Annual Fire Safety Certificate.*

## Ecology

Council's Ecological Assessment Officer has assessed the proposal and the amended proposal as follows:

<b>Biodiversity Conservation Act 2016</b>		
<b>Section 7.3</b>	<b>Proposed</b>	<b>Complies</b>
<i>The purpose of the Act is to maintain a</i>	<i>The vegetation within the rear of the subject property is mapped as containing plant</i>	<b>YES</b>

healthy, productive and resilient environment	<p>community type (PCT 1281) Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion.</p> <p>PCT 1281 corresponds with Sydney Turpentine Ironbark Forest (STIF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.</p> <p>The proposed development will not result in the removal of native vegetation from lands mapped upon the biodiversity values map. The development will not likely impact upon STIF as remnant STIF trees are located within the rear and are unlikely to be impacted by the extent of works as proposed.</p> <p>The vegetation within the site frontage of Horace Street is planted native vegetation and is not considered to be representative of any locally occurring plant community types.</p> <p>The proposed development will not result in significant impacts upon STIF nor will the proposal result in the clearing of native vegetation beyond the designated threshold of 0.25ha.</p> <p>No biodiversity development assessment report (BDAR) is required to be submitted in this instance.</p>	
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<b>Part 2 - Aims</b>	<b>Proposed</b>	<b>Complies</b>
The aim of the SEPP is to preserve bushland within urban areas	The subject property does not adjoin 'Urban Bushland' as such no further consideration is deemed necessary under the SEPP.	YES

<b>KLEP 2015 COMPLIANCE TABLE</b>		
<b>Part 6 Additional local provisions</b>	<b>Proposed</b>	<b>Complies</b>
<p><b>Clause 6.3 – Biodiversity Protection</b></p> <p>The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat</p>	The proposed development will not result in the removal of native vegetation from lands mapped under clause 6.3 and will not result in adverse environmental impacts upon Terrestrial biodiversity.	YES

<b>KDCP COMPLIANCE TABLE</b>		
16.1 Bushfire Risk Management	The subject property is mapped upon the bushfire prone lands map as being buffer.	YES

**KDCP COMPLIANCE TABLE**

	<p><i>A bushfire assessment report/Certificate has been submitted with the proposed development. The bushfire assessment states:</i></p> <p><i>“All grounds within the subject site from the proposed St Ives Sports Complex to the northern, southern and western boundaries and for a minimum distance of 100 metres to the east are required to be maintained as an Asset Protection Zone and in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. Following a detailed inspection of the subject site I am satisfied the APZ to the east is existing. To satisfy the APZ requirements an area to the southeast will require management of groundcovers / grasses. This understorey / groundcover management is also required to the south of the building. This management requires ongoing slashing / mowing and weed treatment”.</i></p> <p><i>No native vegetation modification is required to comply with the recommendations of the bushfire assessment report above. Management is restricted to the removal of weeds as the understorey within the STIF community is dominated by exotic grasses and herbaceous weeds.</i></p>	
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<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 18 Biodiversity Controls</b>		
18.4 Category – Landscape Remnant	The proposed development will not result in the removal of native vegetation directly or indirectly from lands mapped as being Landscape /canopy remnant.	YES
18.6 Category – Canopy Remnant	Given the extent of works as proposed enhancement of the Landscape/canopy remnant is not considered to be necessary in this instance.	

**Conclusion:** *The proposed development is acceptable on ecological grounds with conditions.*

The area at the rear of the site around the corner of Hunter Avenue and up Yarrabung Road to the school gates contain native planting, stands of trees and some bush regeneration (refer to the photographs).

The area proposed for the sports complex development is around to the Horace Street frontage, in a location which is largely cleared of significant vegetation and within an altered area containing pathways/stairs, small trees, existing lawn/outdoor play space.

As noted, the plans for the driveway entry seek to minimise tree removal and allow entry canopy tree replenishment and planting of a suitable native species.

The proposal is considered acceptable by the Landscape and Ecology officers and provides consistency with environmental legislation and Council's landscaping planning objectives. Refer to recommended **Conditions 5 and 6** in relation to fauna protection and the landscape conditions detailed above.

### **Independent traffic assessment**

The original application and amended plans have been assessed by an independent traffic consultant, TTPA.

The applicant was requested to address some anomalies in the original assessment and to address some design aspects including median details and right turn aspects in Horace Street, safety considerations around the sight distance and crest to the north, and to address cycling and provide a shared path.

The amended plans and assessment were further assessed by TTPA and the following comments were received (extracts):

*'There are a number of concerns in relation to the traffic generation and parking assessment as follows:*

*In the absence of any published traffic generation criteria for particular uses (e.g. basketball courts), the RMS Guidelines suggest that surveys should be undertaken at comparable existing facility. This was not undertaken so the adopted number of players (including reserves), officials and spectators is somewhat speculative and appears to be on the "low side" particularly given the quantum of spectator seating to be provided.*

*The two multipurpose rooms are specified to have a capacity of 100 persons*

*and yet it is assessed that the parking demand will only be 15 cars and the traffic generation for the 30 min. peak is only 13 vt. Unusually the assessed 1 hour generation is halved whereas yoga / gym classes have very concentrated arrival/departure patterns which are not spread over 60 minutes.*

*The assessed traffic generation of the basketball courts is totally reliant on an extremely regimented and staggered start / finish and arrival / departure pattern and the assessed number of persons involved. While this may be feasible it does not take account of the concurrent potential mass arrival and departure for the up to 100 persons attending the activities in the multipurpose rooms.'*

Design comments were made in relation to the median island, site distance methodology and assessment and bicycle provisions ('the footway on the eastern side should be upgraded to a shared path between the site and the pedestrian signals to the north').

The road network and intersections are assessed as being capable of accommodating the likely generated traffic movements.

It was assessed that the provision of a 'parking availability system' is highly desirable (such as the car park full sign).

In conclusion, the following remaining items were raised as concerns following the assessment of the revised plans and documents:

*'This peer review has identified that despite the modifications undertaken and responses provided some significant concerns in relation to the Traffic and Parking Assessment remain to be addressed.*

*The identified requirements to alleviate the identified issues are as follows:*

- Provide further details in relation to the proposed median island and the treatment of traffic lanes*
- Provide a parking space occupancy advice system to discourage drivers from entering the carpark when it is full*
- Provide an appropriate assessment of the sight distance circumstance*
- Provide a shared path on section of the footway along the eastern side of Horace Street.'*

Given that the issue remained a concern, the applicant was requested to address further the design of the median strip to provide certainty around this safety aspect.

The applicant was requested to address the parking aspect relating to spectator spaces and the use of the rooms (these items were also raised in objections), and details and management relating to the stopping distance/entry along Horace Street was required.

These issues were raised in the original issues letter and the applicant was given an additional opportunity to resolve these outstanding items.

The recommendations relating to the shared zone and the car park signage are adopted as recommended conditions of consent as detailed above.

Car park signage is considered to be a beneficial way of ensuring that slowing and queuing does not occur along Horace Street to impact on the road environment or the set down areas. This mechanism is considered to address some of the

submissions in relation to pedestrian and vehicle issues around the entry and the kiss and ride bus stop area.

Council's Traffic Officer and Development Engineer have commented on the application and are satisfied in terms of parking, traffic and sight distance modelling. Accordingly, conditions have been formulated in regard to the shared path along the eastern side of Horace Street and the 'car park full' sign.

In relation to sight distance assessment, Council's Development Engineer has made the following detailed assessment:

*'I have visited the site today (9/2/22) to confirm the details as per my email titled sight distance dated 17/9/21. The sight distance I previously measured of 125m is accurate.*

*The relevant standard is AS2890, Section 3.2.4 – Sight distance at access driveway exits. Based on speed limit of 60km/hr, this standard requires a minimum sight distance of 65m and desirable sight distance of 83m. I have calculated the actual sight distance from the proposed driveway location (across from 53 Horace St) to the crest on Horace St, to be approximately 125m. This exceeds the minimum and desirable sight distances.*

*This standard also considers 85th percentile speed of vehicle on the road. We do not have the 85th percentile speed for this road. However, if we work backwards, a 125m sight distance is acceptable at 85th percentile speed of 90km/hr. The 85th percentile speed at this location is not 90km/hr.*

- 4 This is the posted or general speed limit unless the 85th percentile speed is more than 5 km/h above the limit in which case the tabulated speed nearest the 85<sup>th</sup> percentile shall be adopted.

*Based on this information I can confirm that the proposed driveway location complies with the requirements of AS2890.'*

Council's Strategic Transport Engineer has commented on this aspect in relation to the particular situation and applicable assessment tools/considerations:

*'I tend to agree that AS2890 is the minimum standard we have been applying for access points/car parks, as according to S3.2.4, provides "adequate entering sight distance to traffic on the frontage road...."*

### **3.2.4 Sight distance at access driveway exits**

Access driveways need to be located and constructed so that there is adequate entering sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footpath for traffic entering the frontage road, as follows:

- (a) *Entering sight distance* Unsignalized access driveways shall be located so that the intersection sight distance along the frontage road available to drivers leaving the car park or domestic driveway is at least that shown in Figure 3.2.
- (b) *Sight distance to pedestrians* Clear sight lines as shown in Figure 3.3 shall be provided at the property line to ensure adequate visibility between vehicles leaving the car park or domestic driveway and pedestrians on the frontage road footpath.

- 6 These distances are based on stopping sight distances with reaction time of 1.5 s for traffic approaching along the frontage road and are applicable to a frontage road speed of up to 80 km/h only. Wherever

*140m+ of sight distance appears excessive for the situation.*

*We have some speed counts on Horace Street from around 5yrs ago, but these were not far from the roundabout at Stanley St and were still recording 85% speeds of 58km/h. I wouldn't be surprised if the 85% speed on Horace Street (especially southbound, given it is on a downhill slope) is higher than 60km/h, so it would be prudent to consider an 85% speed of 70km/h for the purpose of this assessment. Even so, according to AS2890, the sight distance required at 70km/h (even with the desirable 5 second gap) is around 100m, which should be more than sufficient.'*

In relation to addressing the submissions made in relation to traffic and parking and in view of the amended plan and independent traffic assessment, Council's Strategic Planning Engineer has made the following points:

- *A Transport Access Guide showing the location of the car park and alternative modes of access (bus, walking, cycling) should be part of the Operational Plan of Management, and made available to users, so that users see clearly how to access the site.*
- *Support the proposal for 'No Stopping' restrictions on Horace Street, to improve traffic flow at the access point. However, the restrictions could be tailored to apply to the times of the site to allow residents to access kerbside parking outside the times of operation of the SIISC e.g. from 3pm-10pm on school days, and from 7am to 10pm on non-school days.*
- *The southernmost space in the proposed pick-up and drop-off zone on Horace Street should be removed, to increase sight distance to the north for vehicles leaving the site.*
- *Agree with the recommendation to install electronic signage for the car park.*
- *Alterations to bicycle parking are suggested.*
- *A Shared User Path on Horace Street is desirable but will be constrained by a relatively narrow nature strip, a bus shelter and street trees.*
- *Clarification is required as to whether the curved pedestrian entry point from the street to the front entrance doors is adequate for manoeuvring ambulance stretchers and other medical equipment.*

The issue of sight lines and stopping distance/crest has been raised with the applicant and the following comment has been made:

*'The assessment of sight distance has been undertaken for the frontage road as per Section 3.2.4 of AS2890.1 and Austroads Guide to Road Design Part 4A. The proposal involves the provision of an access driveway along Horace Street which has a posted speed limit of 60km/h. The proposed driveway along Horace Street is located on a straight section of the road; It is noted that there is a crest towards the north of the proposed driveway. Given time constraints, it was not possible to obtain data to verify the 85th percentile speeds along this road section, therefore, for the purpose of this response, a review of sight distance requirements for a speed of 70 km/h has also been undertaken. Figure 5, Figure 6 and Figure 7 present excerpts from the relevant tables showing the required sight distances from Figure 3.2 in the AS2890.1, approach sight distance from Table 3.1 from the Guide to Road Design Part 4A and the intersection sight distance from Table 3.2 from the Guide to Road Design Part 4A respectively. These distances are visualised in relation to the proposed driveway in Figure 8. The sight distance based on the AS2890.1 and the approach sight distance are similar, thus these shall be*

*seen as interchangeable for the purpose of this assessment.'*

In relation to this assessment provided on 21 February, Council's Independent Traffic Engineer has provided the following response for consideration:

*'In relation to Comment 3 I don't believe the assessment in relation to Austroads is correct.*

*TPC Have not stated what the actual available sight distance is. They say the crest is 65m from the driveway so the distance could be more with a driver eye height of 1.1m. PTC adopts a reaction time of 1.5 seconds where as Austroads says that this is only to be used in "constrained situations" and that the general minimum reaction time should be 2.0 seconds. Also, Austroads has a "correction" factor for downgrades and also night-time and truck factors.*

*The SISD for 60kmph with a 2.0 second reaction time is 123m without the downgrade and night time factors added so it is clear that the SISD is not compliant. The fact that there are other driveways is not relevant as this is a new driveway which will experience significant access movements.*

*If the driveway cannot be relocated due to the level of the basement then at the very least:*

- Remedial treatment should be provided*
- A formal review should be built into the Consent Conditions.'*

The driveway is unable to be altered and for the reasons outlined in this report, and being next to an existing hall driveway, is in an appropriate location in terms of site design, levels and tree protection.

However, it is recommended that for abundant caution, given the crest, speeds, type of road and concerns raised, that a sign be placed in a visible location on Horace Street, proximate to the driveway to address this stopping distance concern. The following sign has been recommended as a condition to address this remaining concern in consultation with the Independent Traffic Consultant:

*'Signage shall be provided along Horace Street and is to be Oversize (larger than normal) providing a written warning stating: "CAUTION DRIVEWAY 150m ON LEFT" or "SLOW DOWN DRIVEWAY 150m ON LEFT". The appropriate location of the signage is to be determined by Council's Director of Operations on behalf of Council as a road authority.*

*This signage shall be installed prior to operation and is to be reviewed for effectiveness within 12 months of the commencement of the operation of the facility.*

*The effectiveness of the sign in providing safety around the driveway is to be formally reviewed by a suitably qualified, independent traffic engineer within 12 months. If the arrangements are not satisfactory, appropriate additional formal mitigation measures are to be undertaken.'*

This is recommended in **Condition 95** and is considered to be a reasonable safeguard to be trialled under the circumstances of the variation in professional opinion, to address community and professional safety concerns and as a constructive safeguard to promote local safety.

Further, Council's development engineers have checked the safety criteria and the



particular situation and are satisfied that the sight distance would be sufficient for the use and for the context (as detailed in the submissions assessment).

Car parking has been further addressed in terms of the use of the multi-purpose rooms and peaks as detailed in the submissions assessment.

The applicant's submissions have been accepted in terms of the supply of parking for this purpose to support demand and with consideration of the management booking system which will be in place to ensure management of numbers and patron/session staggering.

A condition is recommended in relation to the shared path under a *Roads Act* condition (**Condition 35** ).

A condition is recommended requiring the building sign at the driveway entry to display an illuminated 'car park full' indicator. This approach has been supported by Council staff and TTPA. Submissions indicated supported for this approach. It is considered that this would be an effective mechanism and warning system to assist in alleviating congestion, queuing and safety aspects connected with those. (refer to **Condition 115**).

## External Referrals

### NSW 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 original plans and the amended plans and documents have been reviewed.

The RFS under Division 4.8 of the Environmental Planning and Assessment Act 1979, issued a Bushfire Safety Authority, dated Wednesday 12 January 2022, subject to the following General Terms of Agreement which are recommended to be included as part of any consent granted to the proposed development (**Conditions 42 and 112**).

*'The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following conditions:*

#### Asset Protection Zones

*Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.*

*1. From the start of building works and in perpetuity, any part of the subject property within 100 metres of the sports complex building must be managed in the following manner for the purposes of an asset protection zone (APZ) under Appendix 4 of Planning for Bush Fire Protection 2019:*

- *Tree canopy cover be less than 30% at maturity*

- Trees at maturity are not touching or overhang the building
  - Lower limbs are removed up to a height of 2m above the ground
  - Tree canopies are separated by 2 to 5m
  - Preference is given to smooth-barked and evergreen trees
  - Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings
  - Shrubs are not located under trees
  - Shrubs do not form more than 10% of ground cover
  - Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation
  - Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height)
  - Leaves and vegetation debris are removed
  - NSW Rural Fire Service's document Standards for asset protection zones
2. Any new landscaping within the school site must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building
  - Planting is limited in the immediate vicinity of the building
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters)
  - Landscape species are chosen to ensure tree canopy cover is less than 15% at maturity and trees do not touch or overhang buildings
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies
  - Use smooth bark species of trees species which generally do not spread fire up the bark into the crown
  - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter)
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building
  - Low flammability vegetation species are used

### Construction Standards

*Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.*

3. Any new Class 10b structures as defined per the National Construction Code must be non-combustible.

### Water and Utility Services

*Intent of measures: 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.*

4. The provision of water, electricity and gas must comply with Table 6.8c of

*Planning for Bush Fire Protection 2019.*

*Emergency and Evacuation Planning Assessment*

*Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.*

*5. Emergency and evacuation arrangements must be updated and comply with Table 6.8d of Planning for Bush Fire Protection 2019.*

*General Advice*

*Consent Authority to Note Condition 1 may involve the clearing of land steeper than 18 degrees, which may result in ground destabilisation (e.g. landslip, slump, erosion or landslide). In this regard, the Council should consider suitable landscape designs (e.g. terracing) that address ground destabilisation concerns and allow the APZ to be maintained in a practicable manner under section 3.2.2 of Planning for Bush Fire Protection 2019'*

## **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 JK Environment Pty Ltd which has made the following conclusions/recommendations:

#### **'6 CONCLUSIONS**

*6.1 Contamination Sources/AEC and Potential for Site Contamination  
Based on the scope of work undertaken for this PSI, JKE identified recently imported materials in the northern portion of the site as the potential contamination sources/AEC. However, these materials were inspected by JKE and there were no indicators of contamination. Additional materials may be imported during the construction process and these should be appropriately managed to minimise the potential for contamination of the land.*

*6.2 Need for Further Investigation  
Sampling for previous assessment did not identify any contamination that was assessed to pose a risk. Further investigation is not considered to be required subject to implementation of the recommendations.*

*6.3 Conclusions and Recommendations  
Based on the scope of work undertaken for the PSI, JKE are of the opinion that there is no need for further site investigation or remediation. We recommend implementation of the following protocols for the development:*

- An importation and waste tracking protocol.  
This should include review of source documentation; sampling and analysis; and inspection of material and review of delivery dockets upon receipt of material; and*
- An unexpected finds protocol (UFP). This should include a framework for identifying and managing any unexpected finds. The protocols should be prepared by a suitably qualified contaminated land consultant.*

*JKE consider that the PSI objectives outlined in Section 1.2 have been addressed.'*

The site has been the subject of a salinity study and a number of site assessments since 2018 (having regard to the previous/recent development).

A geotechnical investigation has also been undertaken which is to be read in conjunction with the Site Assessment.

The documents have been reviewed by engineering and environmental staff and based on the reporting reviewed, the proposal has satisfactorily addressed the provisions of SEPP 55.

The site is considered suitable for the proposed use, subject to the adoption of recommendations made by JKE as conditions of consent (**Condition 51**).

### **Draft State Environmental Planning Policy (Remediation of Land)**

The draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. New provisions will be added in the SEPP to:

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

As noted above, an assessment has been undertaken on the site and it has been found that the site is suitable for the proposed use. A condition of consent is recommended should unexpected contaminants be encountered during construction (**Condition 51A**).

### **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').

The proposal seeks the removal of six trees. These are:

- Tree 39 *Eucalyptus pilularis* (Blackbutt) located within the road reserve.
- Tree 40 *Pinus radiata* (Radiata Pine) located adjacent to the western site boundary.
- Trees 41 & 42 *Lophostemon confertus* (Brushbox) located adjacent to the western site boundary.

- Trees 203 & 207 *Corymbia maculata* (Spotted Gum) located to the top of the embankment.

A total of five replenishment plantings (*Syncarpia glomulifera*/Turpentine) required under the recently completed development (DA0590/18) also spatially conflict with the current proposal.

The trees to be removed are not assessed as having biodiversity significance or value and the removal is supported subject to replacement planting to accord with Council's landscaping objectives, to maintain corridors of tree cover, to replenish the streetscape and provide landscaped screening of the development along the Horace Street frontage.

Subject to the recommended conditions, the proposed tree removal is not considered to result in significant amenity impacts within the area.

The site will maintain the majority of trees located on the site and the development has been sited to minimise impact on the stands of vegetation around the periphery and minimise extensive tree removal.

Replenishment planting is recommended by the applicant's Arborist, as noted earlier under Council's Landscape Assessment Officer's comments.

### **Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005**

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour.

The proposal is not subject to the provisions that apply to the assessment of development applications as the site is not located in the Foreshores and Waterways Area.

### **State Environmental Planning Policy (Infrastructure) 2007**

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

#### ***101 Development with frontage to classified road***

*(1) The objectives of this clause are:*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

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

*(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

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

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

*(a) residential accommodation,*

*(b) a place of public worship,*

*(c) a hospital,*

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

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

#### **104 Traffic-generating development**

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—*

*(a) new premises of the relevant size or capacity, or*

*(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

*(2) In this clause, relevant size or capacity means—*

*(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*

*(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or*

*capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has—*
- (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and*
  - (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must—*
- (a) give written notice of the application to TfNSW within 7 days after the application is made, and*
  - (b) take into consideration—*
    - (i) 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, TfNSW advises that it will not be making a submission), and*
    - (ii) the accessibility of the site concerned, including—*
      - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
      - (iii) any potential traffic safety, road congestion or parking implications of the development.*
- (4) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made. The proposal does not seek to increase the number of students enrolled at the school nor does it alter the existing parking arrangements or vehicular access into the school.*

Horace Street is a regionally significant road and the proposed development and amended plans have been referred to TfNSW pursuant to Clause 104 of the Infrastructure SEPP.

A pick-up and drop-off area with the capacity for five vehicles is located along Horace Street adjacent to the pedestrian entry. This area will also be available for the school pick-up and drop-off.

A two-way entry and exit driveway is proposed at Horace Street, near the existing driveway/car park access point connected with the adjoining new hall car park.

An emergency vehicle (ambulance) standpoint and passenger set down area are proposed in Horace Street, adjacent to the front entry path and landscaped area.

It is proposed that during the school day, when the sports centre is not in operation, these additional parking spaces and the passenger drop off area be available for teachers/school use.

Access to the basement car park is to be secured with a gate. Additional parking availability for staff and the use of the school, on the school campus is considered positive in terms of additional safe, off-street parking, particularly in light of submissions which reflected limited parking for staff.

The parking assessment and Operational Plan of Management indicate that a

booking system, with 30 minutes intervals in between (to allow inward and outward movement/swap over of cars) would be adopted, to manage the parking spaces and manage impacts, noise, queuing, and congestion around the Horace Street entrance and to ensure that the parking provided caters for the use at any one time.

A 'car park full' sign is recommended in **Condition 115** to manage the entry point and protect the safety of road users.

Given the proposed use and strict management of the facility, including recommended operating hours, on-site parking and sustainable traffic volume, it is considered that the proposed development has been designed to satisfactorily mitigate intrusive noise resulting from Horace Street.

Further, the applicant has submitted a detailed acoustic assessment which details that the intrusive noise impacts upon the development can be mitigated to satisfactory levels subject to the recommendations made within the report.

It is recommended that in addition to the *Operational Plan of Management*, conditions will address traffic and noise aspects and the proposal to ensure consistency with the provisions of the SEPP.

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

The aim of this Policy is to facilitate and support 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. In this case, the works are for an Educational Establishment (or works *associated* with an existing Educational Establishment). The following controls are of relevance to the assessment of the application:

#### *Clause 35 Schools—development permitted with consent*

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

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

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

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

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

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

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



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

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

It is proposed to undertake the proposed development pursuant to Clause 35(5) of the Education SEPP. The proposed development comprises a shared facility between SIHS and Council.

Generally, the school will use the overall SIISC during school hours (8:30am – 3:30pm on school days). The basement car park and drop off zones would be available during the school day to support the school and the facility may be used at some times for exams.

As a joint facility, the SIISC is *proposed* to be available for use by Council for broader community activities and events, such as local sports clubs on the following basis:

On school days: End of the school day until 11pm and on non-school days (including weekends): 7am to 11pm.

Based on a review of these hours and the uses of the facility to support the school activities, it is considered that the community use of SIISC (in terms of hours, parking and use etc) is the dominant use of the building rather than its use as an educational establishment.

However, there is joint use and benefit provided by this facility, shared spaces, facilities, parking, driveway/drop off area and amenities. These are considered to support and add to the school use and provide amenity and opportunities for staff and students.

The application submits that Clause 35(5) does not impose any limitations in terms of the dominant use of a development, except requiring that it is a school facility that is used for the purposes so described.

Therefore, it is assessed that the proposed SIISC is permissible with consent under the provisions of clause 35(5) of the Education SEPP as a 'school facility' that will be used for the *'physical development or welfare of the community'*.

The proposed development comprises a school facility that will benefit both the school and the broader community, as detailed in this assessment.

Clause 35(6) sets out the following provisions:

- (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.

The design of the building, including equitable access, range of uses within, high design of interior facilities and amenities, accessible parking, building safety and amenity can be used for other community-based uses in consistency with this clause.

*(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). The proposal is assessed as consistent with the overarching merit considerations and objectives of the Ku-ring-gai planning controls, as detailed within this assessment.

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

N/A.

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

N/A.

## **57 Traffic-generating development**

*(1) This clause applies to development for the purpose of an educational establishment:*

*(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and*

*(b) that involves:*

*(i) an enlargement or extension of existing premises, or*

- (ii) *new premises, on a site that has direct vehicular or pedestrian access to any road.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and*
  - (b) *take into consideration the matters referred to in subclause (3).*
- (3) *The consent authority must take into consideration:*
  - (a) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
  - (b) *the accessibility of the site concerned, including:*
    - (i) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - (ii) *the potential to minimise the need for travel by car, and*
  - (c) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.*

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

The proposal has been referred to Transport for NSW for comment as a classified regional road and advice has been received. This advice has been considered within the independent traffic assessment, as well as an assessment by Council's engineering staff. Conditions are recommended in relation to the advice (**TfNSW advice notes**).

#### *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.*

The applicant provided the following design statement with the proposal in relation to design and setting:

### ***'Visual Impact Assessment***

*JDH Architects is of the opinion that the proposed building responds appropriately to its environment and immediate context. Taking its cue from the recently completed St. Ives High School (SIHS) Hall adjacent, this proposed addition will strengthen the street elevation from Horace Street. It will also sympathetically align and mimic building form and materiality already established for the High School Hall.*

*This proposed Sports Complex will further help to ground the recently completed SIHS Hall as it will act as an intermediary step in level between the lower site and the remainder of the school development in terms of visual impact along Horace Street, especially on the Southern approach. Built Form The proposed SIISC has been setback 16.7m from Horace Street and 67.7m from Hunter Avenue.*

*The setback to the West is in line with the St Ives High School Hall façade, so that there is a continuity between the two buildings. The setback to the Eastern façade is 131.3m to Yarrabung Avenue. As the facades differ along this elevation, the SIISC sits further back than the SIHS hall, which helps to reduce the overall bulk and scale of the proposed building, whilst optimizing the area required for an external football pitch. The placement of the proposed building on site has been deliberate to minimize the impact on the surrounding community, as well as existing Bushfire, Ecological, Arboreal, and pre-existing constraints of the school. It will not dominate or detract from the SIHS Hall as it sits lower in the site and with roof heights that are well below the existing.*

### ***Height and Scale***

*The general urban context around the existing school can be classified as single and two story residential properties. The proposed SIISC has been located to the south of the subject site, which is bounded by Horace Street to the West and Hunter Avenue to the South. This provides the opportunity for good community access from Horace St, while co-locating the proposed complex adjacent to the recently completed St.Ives High School Hall. This school hall has established a street presence along Horace Street, which the proposed SIISC will reinforce.*

*The cut and fill has been carefully considered in order to balance with the natural ground level, thus making it more diminutive in comparison to the SIHS Hall. The proposed footprint is similar to that of the recently completed Hall, therefore in keeping with the scale of established development. The overall height of SIISC is 12.7m to natural Ground (and 14.7m to adjusted ground level), compared to 17.6m of SIHS Hall. This is not an excessive proposal and is appropriate for a building of this nature. Refer to the Statement of Environmental Effects provided by DFP regarding no maximum height of building on this site.*

*The bulk and scale of the proposed SIISC is mitigated by the site setbacks and road reserve separation on the South and West sides and landscape screening existing and proposed.'*

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

The applicant provided the following comments in response to the design and scale issues raised during the preliminary assessment (assessment issues indicated in bold and the applicant's response in italics):

These aspects have been satisfactory addressed, and the proposal is considered to meet design objectives.

**Additional mitigation of built scale with landscaping is required to blend/screen the built form with the characteristic landscape and tree canopy as well to ensure crime safety/passive surveillance around the building.**

*'JDH Response: The existing trees and proposed landscaping will offer a significant amount of screening and serve as a natural barrier between the proposed building and the residential properties. Please note that the elevations and renderings are only artistic impressions and do not show the full extent of the tree canopy and landscaping, as they are trying to demonstrate the building form in 3D. However, as evident from the photos in Appendix A, and on the architectural and landscape drawings submitted as part of the DA application, the majority of the existing trees along the Western boundary with Horace street and to the South of the proposed building are retained. Refer also to the Arborist, Ecologist and Bushfire reports submitted as part of the DA application which address the retention of the existing trees on site. Should more screen planting be employed, this could create crime safety issues by providing opportunities for anti-social or criminal behaviour.'*

**Impact of extensive signage across the building. Could be lessened and mitigated by some hedge planting around the ground level of the building.**

*'JDH Response: Please refer to Appendix B for updated visualisation along Horace Street. This image shows landscape treatment along the screen edge. This will help soften the impact of the screen signage. The intent of the signage is to be a slightly dense perforation, not solid. This will still allow light through and allow it to be more subtle in its appearance. It will not be directly illuminated. Please refer below for examples of perforated signage.'*

**The proposed digital display sign at the Horace Street entry is considered excessive in scale, out of context with the area and inconsistent with the desirable elements of signage (referring to the merit guidelines provided by Council's DCP controls).**

*'JDH Response: The proposed signage has been assessed as consistent with the SEPP No.64 criteria within the SEE. Please refer to the updated visualisation in Appendix B. It illustrates the small scale of the proposed digital signage in relation to the overall development which aligns with the overall design intent of the merit guidelines provided by the Ku-ring-gai Development Control Plan. This signage podium has been reviewed and the scale reduced in an effort to address the concerns raised. Refer to Appendix C for updated drawing DA-551\_Rev\_D\_Signage.'*

**It is recommended that the proposed dark ‘expressed external cladding’ blade wall at the southern end of the proposed building be removed to reduce the length of the built form. This a dark and visible element. Alternatively, if this element could be reviewed or justified from a design point of view.**

*‘JDH Response: The blade walls referred to are located to the South West and South East of the building, highlighted in yellow in Figure 4. They are the walls that close off the exit stairs on either side of the building, which cannot be removed “to reduce the length of the built form.” The southern end of the building houses the escape stairs, multipurpose room, storerooms and AV control room. Earlier design reviews of this area have rationalised and reduced the footprint in this area previously. In doing so the wall to this area were inset to the remainder of the building to increase the setback from the street and reduce bulk and scale. It is not possible to reduce the length of this building any further. The design of the “blade wall” as its referred to is at a lesser bulk and scale than the remainder of the building and the entire Stage 1 and Stage 2 development combined. This wall is simply a parapet wall with a sloped capping to match the angle of the roof behind. The purpose of it is to simplify the lines of the single pitch roof behind and marry better with the rest of the development. The proposed cladding has been revised to a mid grey tone – refer to the revised material finishes panel on the Architectural Elevation Sheet 1175\_DA 501\_Rev D submitted as part of this response. Please also refer to the updated 3D visualisation in Appendix B which demonstrate the tone of the proposed cladding, which is lighter in appearance and compliments and bookends the building. We would also like to note that while the 3D visualisations show the building quite clearly, it omits a significant number of the existing trees and vegetation along Horace Street, in order to do so. The majority of the existing trees will remain, which will in fact screen the bulk of the development, including this relatively small scale portion of the development to the south.’*

**Retaining wall details such as heights (top of wall and bottom of wall levels) and finishes are not shown on the plans. The SEE is to include an assessment of these structures against Part 21.1 of the KDCP.**

*‘JDH Response: The top and bottom of wall levels have been added to the Architectural drawings DA-102 Parking Level Rev E and DA-103 Lower Ground Floor Plan Rev D. The retaining walls at the main entry from Horace St will be painted rendered block or concrete walls, not exceed 1m in height and keep an average distance of 2m from each other, as per Part 21.1 of the KDCP. The retaining walls at the southern side of the parking level have been designed to ensure provision of a 1m balustrade towards the existing topography. Given the significant slope of the site towards the south, the retaining walls exceed an overall height of 1m to ensure the safety for the users of the carpark. However, as evident in the architectural drawings and Arboricultural assessment, this area will be largely covered by a group of existing trees which decrease visibility of the required retaining walls from the surrounding streets. The existing ground level has been maintained for a distance of 2m from any boundary, except at the proposed driveway and entry ramp which requires some level of grading to comply with Australian Standards. Further assessment of these structures against Part 21.1 of the KDCP will be provided by the Town Planner.’*

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

As detailed in the referrals section, the landscape concept has been improved to meet the request.

The signage has been reduced in size and information provided relating to the LED dimming, time switch management etc. The sign is recommended as a display indicating that the car park is full. Further discussion is provided under signage controls.

The design elements have been further justified. The perforated treatment and mixture of elements is considered to provide texture. Screen canopy trees and shrubs will also provide as a backdrop to screen the development from the opposite side of Horace Street.

The proposed facility is located within an established school, within a prevailing suburban setting. Some immediate spatial separation is provided from homes with the existing roadways/streets which form boundaries around the campus site.

The building is located essentially over the existing outdoor sports lawn and courts, over a cleared area, next to other buildings on the site. The siting of the SIISC is connected to the Hall and at the 'developed' part of the site in order to maintain a landscaped buffer to homes along Hunter Avenue.

As a result, the proposal minimises the removal of stands of trees and vegetation elsewhere on site in order to protect the landscaped screening along Yarrabung Road and Hunter Avenue.

A front setback of 16.7m (with a small section at 12.7m where connected to the new Hall) is provided to Horace Street to improve physical separation to the street and from homes opposite. The stepping back and physical separation and change in roof forms at the connection articulates the forms.

The proposed setback zone is considered to be sympathetic with typical area setbacks in terms of allowing spatial separation from the street and the replenishment of landscaping within the frontage, as is characteristic of the area.

Due to the existing tree cover around the other boundaries, the development would effectively be screened from clear view. The design themes and materials are consistent with the hall.

The roofing has been minimised with a flat skillion form, and the cladding, articulation/steps and façade treatments varied for visual relief.

Windows are designed to be focused with the site to avoid direct interaction with residential areas which is considered to be a sensitive design element in consistency with requirements.

#### *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.*

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

Section 6.2.12 of the *Statement of Environmental Effects* deals with the design of the building to meet Ecologically Sustainable Design aspects.

The applicant has been required to address accessibility, crime safety and green rating components of sustainable, efficient and durable design.

The materials are considered appropriate and durable.

The proposal has been assessed by the NSW RFS as fire resilient and the design has been supported by a bushfire assessment and certification

Some of the building elements that are identified by the applicant as including sustainability measures include the following:

The building has been designed to incorporate passive environmental design elements that reduce the dependency on mechanical heating and cooling and create appropriate thermal comfort levels for a greater proportion of the year.

**Building orientation:** Opportunities for good levels of natural cross flow ventilation through the main court areas and entry and spectator areas, utilisation of large ceiling fans in the court and spectator areas to assist passive ventilation, optimisation to northern light by designing a lower link storey between the proposed SIISC and the SIHS Hall, high performance building fabric, careful consideration of glazing quantity based on orientation in order to limit overheating from solar gain and heat loss, good levels of window shading to the appropriate facades, connectivity to the landscape improved by the opening up views to the west of the courts, as well as the east, external materials that are durable and low maintenance.

**Healthy Buildings:** Indoor air quality will be at a good level through the incorporation of a high-performance building fabric; achieved by providing high levels of thermal insulation, improved window performance, addressing building airtightness levels and reducing the occurrence of thermal bridges in the construction fabric, an efficient and appropriate mechanical design strategy which incorporates Heat Recovery Ventilation. This will result in fewer indoor air pollutants and lowers the risk of condensation, meaning a healthier indoors. View opportunities to the external landscape or sports field for greater mental health and wellbeing.

**Energy Efficiency:** Lower energy demand due to an improved building fabric performance, by way of providing high levels of thermal insulation, improved window performance, addressing building airtightness levels and reducing the occurrence of thermal bridges in the construction fabric, LED based lighting and smart control systems, lower energy demand due to a focused mechanical system design to selected areas of the building only, rather than building wide approach, heat recovery units incorporated into an efficient mechanical system design resulting in a reduced electricity demand.

**Water Efficiency:** water-consumption efficient fixtures, fittings, and appliances, an On-Site-Detention tank is proposed, 2 (two) new 15kL aboveground rainwater tanks are proposed to reticulate rainwater to the new toilets and washing machine in the proposed SIISC, along with landscape irrigation.

**Landscape design:** includes low water use native species and appropriate mulches, soil mixes and ground preparation to minimise overall water consumption.



Waste and Recycling: the building adopts strategies to reduce waste, recycle materials where possible and to separate waste and recycling. Consistent with learning program throughout the school to educate students on waste minimisation benefits.

The development has been actively designed to minimise the use of energy, water, waste and natural resources.

**Condition 28** is recommended to require an equivalent 4 star green star certification.

*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.*

The proposal has been supported by a detailed access report (and an additional submission) which confirm that the building and its surrounds are to be accessible. The design can accommodate a range of users to provide equitable access for students, staff and the community.

The location of the SIISC integrates into the school hall, connecting the facilities and provide shared benefits, flexibility of use and shared amenities (connection via doors at the proposed ground floor level).

The location integrates into the existing the established pathway network of the school campus and provides connections and landscaped features within the school. This is considered to maintain a high level of wayfinding around the school.

*Principle 4—health and safety*

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

The proposed SIISC is considered to complement and maintain the high level of health and safety observed by St Ives High School for the reasons given throughout this report.

As noted, the proposal provides for an open and approachable, safe entry area, provides landscaping, court spaces and pathways around the building which are open to view and connect facilities and open spaces and the proposal integrates with the new school hall building.

The proposal provides consistency with CPTED design safety principles.

*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.*

The proposed SIISC represents a high level of amenity for staff, students and community users.

A detailed acoustic assessment has been submitted with the application which has demonstrated that the proposal can achieve noise mitigation from Horace Street subject to recommendation within the acoustic report and *Operational Plan of Management* (refer to the acoustic and operational plan of management).

The new building includes a number of passive design features that allows the efficient use of floor space in the building which has minimal and acceptable impacts on adjoining properties (as detailed above in relation to Principles 2, 3 and 4).

*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.*

The proposed SIISC is considered to represent good design that facilitates and maximises a range of uses and functions over its life cycle.

The proposal provides for multi-purpose sporting courts, multi-purpose rooms which can provide for smaller groups for a range of health/education/exercise sessions, a small supportive café facility for interaction, resting and refreshment, staff rooms, storage areas, a laundry and bathroom amenities.

The facility is linked to and provides a direct connection to the school hall and courts for flexibility and connection of use. This aspect is considered to benefit the use for the school during school time and the advantages it would provide to the school hall building as well as allowing its role as a separated community use after hours. This is considered to be adaptable and to maximise the multi-use. This will provide benefits both to the school and the broader public as a start of the art sports and community facility.

*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 neighborhood and have a positive impact on the quality and character of a neighborhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighborhood,*

*and have a positive impact on the quality and sense of identity of the neighborhood.*

The proposed sporting complex represents a building of high architectural quality that complements its setting. It contributes positively to the streetscape and enhances the character and facilities of the school. The building is considerably set back from Horace Street in order to provide space for tree replenishment landscaping and a landscaped public walkway and an attractive formal entry to the facility.

The landscaped frontage is supported by replenishment planting as recommended by the applicant's Arborist and Council's Landscape and Assessment Officer.

Existing vegetation and distance will assist with screening of the development from a number of adjoining streets surrounding the site.

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

Consideration has been given to Clause 9 of the SEPP, Land adjoining land zoned or reserved for public open space. The proposed development will not result in the loss of any significant bushland on the land or adjacent to it. The site is not directly adjoining any bushland. There are species located around the subject site which have been addressed in the 'Internal Referrals' section.

Conditions are recommended to ensure minimal impact to bushland on site 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.

### **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 and in relation to environmental considerations.

### **Ku-ring-gai Local Environmental Plan 2015**

#### **Zoning and permissibility:**

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

#### **Zone objectives:**

The objectives of this zone which seek to:

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

The proposed development is infrastructure specifically designed to facilitate the educational establishment's use now and into the future and provide for a facility which supports the use of the school and provides use and benefit also to the community of Ku-ring-gai.

As detailed within the assessment report, the plans, amended details and recommended conditions have been designed to provide for the desired compatible facility which provides educational and community benefits, utilising accessible campus land, without detracting from surrounding amenity.

Subject to the careful management of the facility, including acoustic and lighting measures and reduced hours, the proposed development is consistent with the zone objectives in providing educational and community uses in a compatible way.

### **Development standards:**

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

## **Part 5 Miscellaneous provisions**

### **Clause 5.10 – Heritage conservation**

The subject site does not contain a heritage item, is not located within 100m of an Item and is not within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

## **Part 6 Additional local provisions**

### **Clause 6.1 – Acid sulphate soils**

The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 lands.

Further, the works will not involve earthworks works below 5 metres and are unlikely to lower the water table. Therefore, an Acid Sulfate Soils Management Plan is not required under the provisions of Clause 6.1 as the development is unlikely to be impacted in this regard.

### **Clause 6.2 - Earthworks**

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

The proposed excavation is considered to be supportable to enable basement parking to cater for the school and community use.

### **Clause 6.3 - Biodiversity protection**

The site is mapped as land comprising biodiversity significance. The location of the indoor sports complex however, is well away from the mapped parts of the site.

The proposed development has been designed to minimise impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the LEP, subject to conditions relating to tree protection and replenishment.

It is noted that none of the trees to be removed are considered to have biodiversity significance or value as they are either planted or exotic ornamental specimens.

It is further noted that no additional tree removal is required for fire safety/Asset Protection Zone (APZ) requirements, Refer to landscape and ecology comments for further details in this regard). Native species are proposed as replenishment canopy trees along Horace Street, to complement the existing vegetation and themes around the boundaries of the site.

### **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 11, 12, 13, 35, 41, 50, 51, 60, 82, 83, 84, 88, 89, ).**

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

### **Ku-ring-gai Development Control Plan**

#### **Part 1A.5 General aims of the DCP**

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

#### **Part 2: Site analysis**

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

### **Ku-ring-gai Development Control Plan**

#### **Section B**

#### **Part 13 - Tree and Vegetation Preservation**

Council's Landscape Assessment Officer has reviewed the proposal against the provisions of the DCP and considers it to be acceptable subject to conditions

**(Conditions ).**

## **Part 15 – Land Contamination**

The application has been accompanied by an *Environmental Site Assessment Report* which has concluded that the site is suitable for the proposed use in respect of Land Contamination.

Conditions of consent are recommended to be imposed relating to recommendations contained within the EIS report should unexpected contaminants be encountered on the site during construction.

## **Part 16 – Bushfire Risk**

The site is mapped as bush fire prone land.

In accordance with the provisions of section 100B of the *Rural Fires Act 1997*, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire.

The comments provided by the NSW Rural Fire Service were included earlier within this report. The conditions of consent have been included within the recommended conditions **(Condition 122 )**.

## **Part 18 – Biodiversity**

The site is mapped as land comprising biodiversity significance, although the works are located some distance away from this area. Council's Ecological Assessment Officer has supported the development as the nominated trees to be removed or impacted upon do not have any biodiversity significance/value.

The proposed development will therefore not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat.

This issue is discussed in more detail within the comments provided by Council's Landscape Assessment Officer.

## **Part 19 – Heritage and Conservation Areas**

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

## **Part 20 – Development near Road or Rail noise**

The development site is in vicinity of a busy road being Horace Street.

As detailed earlier within this report, the applicant has undertaken and submitted an acoustic assessment of the potential intrusive road noises upon the proposed development.

The report makes recommendations to achieve a compliant outcome in terms of SEPP Infrastructure and Part 20 of the DCP.

Conditions are recommended in relation to hours of operation to reduce noise for neighbours and the *Operational Plan of Management* (and recommended **condition 118**) adopt measures to ensure the leaving of patrons within half an hour of close.

The recommendations contained within the acoustic report have been included in conditions of consent **as detailed above**.

## Ku-ring-gai Development Control Plan

### Section C

Development Control	Proposed	Complies
<b>Part 21 General Site Design</b>		
<b>21.1 – Earthworks and slope</b>		
<p>Development consider site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by:</p> <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	<p><b>YES</b></p> <p>The building is sited on altered position of the site to utilise a higher section, with ready access and to avoid large areas of alteration and tree removal.</p> <p>Not within a sensitive environment.</p> <p>Retaining walls and landscaping supported.</p> <p>No significant alteration at boundaries.</p> <p>Groundwater flows not considered to be adversely impacted.</p>
<b>21.2 – Landscape Design</b>		
<p>Appropriate and sensitive site planning and design</p> <p>Existing appropriate screen planting is retained</p>	Yes	<p><b>YES</b></p> <p>Refer to Landscape assessment.</p> <p>The plans were modified to satisfy Council objectives and controls.</p>
Bushland Protection – buffer zone adjacent to bushland	Not required, well separated.	<b>YES</b>

	Refer to engineering comment.	
<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	Yes, refer to Access Report and update.	<b>YES</b>
<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 at l</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>	Yes The access point has been selected to be close to an existing access to the Hall and to provide a two (2)-way driveway with good visibility and to minimise landscape disturbance.	<b>YES</b> One – assessed in detail and comments provided.
<b>22.3 – Basement car parking</b>		
Logical and efficient basement design AS2890.1	Yes	<b>YES</b>
Appropriate ceiling floor to ceiling heights and ventilation provided: <ul style="list-style-type: none"> <li>2.5m for parking area for people with a disability;</li> <li>2.6m for residential waste collection and manoeuvring area</li> <li>4.5m for commercial waste collection and manoeuvring area</li> </ul>	Yes	<b>YES</b>
Basement is fully tanked	Not required	<b>NO</b>
Unimpeded access to visitor parking and waste recycling rooms	Acceptable	<b>YES</b>
Ventilation grilles and screening devices are integrated into the landscape design	Yes, perforated mesh open design.	<b>YES</b>



Vehicles access ways are not in close proximity to doors and windows of habitable rooms	N/A	N/A
Safe and accessible intercom access provided		Can be provided.
<b>22.5 – Parking for people with a disability</b>		
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift	Yes	<b>YES</b>
Non-residential development provides accessible parking as follows:  <div> <div>Type of facility</div> <div>Rate of provision</div> </div> <i>Retail/commercial</i> 1-2% <i>Civic/community centres</i> 2-3 <i>Recreational facilities</i> 2-3% <i>Schools</i> 2-3% <i>Tertiary Education</i> 2% <i>Entertainment</i> 3-4% <i>Hospitals</i> 3-4% <i>Medical centres</i> 3% <i>Other uses</i> At least 1%	Yes	<b>YES</b> , assessed as consistent. 3 spaces provided.
<b>22.6 – Pedestrian Movement within Car Parks</b>		
Pathways designed in accordance with AS1428.1	<b>Yes.</b> Conditions recommended to ensure consistency with Access report, BCA and standards.	<b>YES</b>
Marked pedestrian pathways have clear sightlines, appropriate lighting, are visible, conveniently located and constructed of non-slip material.	Yes	<b>YES</b>
<b>22.7 – Bicycle Parking and facilities</b>		
Bicycle parking and storage facilities satisfy AS2890.3	<b>Yes.</b> Advice recommended to ensure consistency with Access report, BCA and engineering standards.	<b>YES</b>
Bicycle access paths have a minimum width of 1.5metres	Consistent. Supported by engineering referral.	<b>YES</b>

<b>Part 23 – Building Design and Sustainability</b>		
<b>23.1 – Social Impact</b>		
Social Impact Statement required/lodged	Not required for this development type. Matters addressed within assessment.	<b>YES</b>
<b>23.2 – Green Buildings</b>		
<p>For all non-residential development:</p> <ul style="list-style-type: none"> <li>• &gt;5000m<sup>2</sup> GLA must achieve a five star rating or equivalent if GBCA rating tool is not available</li> <li>• 2000-5000m<sup>2</sup> GLA must achieve a four star rating or equivalent if GBCA rating tool is not available</li> </ul>	Information has been provided in relation to energy efficiency and green star rating. This has been reviewed by Council staff and conditions recommended. Then proposal is acceptable in this regard for the type of facility.	<b>YES</b>
<b>23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes</b>		
External walls constructed of high quality and durable materials	Yes, as detailed in the assessment.	<b>YES</b>
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Yes, as detailed in the assessment.	<b>YES</b>
<b>23.6 – Building Services</b>		
Services and related structures are appropriately located to minimise streetscape impact	Yes	<b>YES</b>
In mixed use precincts substations and fire hydrants are not visible from the primary and principal street frontages	Yes	<b>YES</b>
Air-conditioning units are well screened and do not create adverse noise impacts	Yes, subject to recommended conditions.	<b>YES</b>
<b>23.7 – Waste Management</b>		
Efficient, effective and sustainable waste management practices	Yes, A preliminary waste/ construction traffic management	<b>YES</b>

	plan has been submitted and is accepted subject to further condition.	
<b>23.8 – Acoustic Privacy</b>		
Design minimises impact of internal and external noise sources	Yes, subject to recommended conditions and the acoustic recommendations.	<b>YES</b>
<b>23.9 – Visual Privacy</b>		
Visual privacy maintained for occupants and for neighbouring dwellings	Yes. As detailed, wider viewing windows and glazing are concentrated internally to the school campus and tree and landscape screening available. Other glazed features facing Horace and Hunter Street are designed primarily for light and ventilation/articulation purposes (narrow intermittent panes).	<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 >2,000m<sup>2</sup> are to be constructed to achieve 4 Star Green Star ('best practice') design rating under the GBCA *Green Star – Design & As Built* rating tool.

A specific ESD report has not been submitted in this respect to demonstrate compliance. A Section J report was provided, and a letter of commitment and Green Star Strategy Report were submitted in response to the *Preliminary Assessment Letter*. The proposal is considered to be environmentally sustainable in accordance

with current expected standards.

Conditions are recommended in relation to 4 Star Green Rating. (**Condition 28 and 81**)

Shadow diagrams have been submitted indicating that shadowing would largely fall over the roads (school grounds after 3pm) on June 21 and not unduly impact on solar access for surrounding residences.

#### 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.

#### Part 25 – Notification

The application has been notified in accordance with the requirements of the DCP.

A total of fourteen submissions were received to the first notification and four to the second notification. These submissions have been detailed and addressed through this report.

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

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

Council's contribution plan does not have road or drainage works planned directly in front of the subject site, consequently the contribution policy therefore does not apply in this instance.

### **REGULATIONS**

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

### **LIKELY IMPACTS**

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

### **SUITABILITY OF THE SITE**

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

## PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and policies, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised.

The proposal has been assessed against the relevant environmental planning instruments and policies and is deemed to be acceptable.

It is considered that with the careful assessment of the development, the appropriate management of the use and impacts, that there are compelling public interest benefits of a shared facility of this nature.

On this basis, the proposal is not considered to raise any issues that are contrary to the public interest, subject to the recommended conditions.

## CROWN DEVELOPMENT

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

### 4.32 Definitions (cf previous s 88)

(1) *In this Division:*  
*applicable regional panel for development means the Sydney district or regional planning panel for the part of the State in which the development is to be carried out.*

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

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

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

*(b) does not include a reference to:*

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

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

### 4.33 Determination of Crown development applications (cf previous s 89)

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

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

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

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

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

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

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

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

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

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

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

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

*(a) a copy of the development application, and*

*(b) details of its proposed determination of the development application, and*

*(c) the reasons for the proposed determination, and*

*(d) any relevant reports of another public authority.*

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

#### **4.34 Directions by Minister** *(cf previous s 89A)*

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

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

*(b) to refuse the Crown development application.*

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

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

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

The applicant was issued with the draft conditions on 22 February 2022. Discussion is required in terms of acceptable agreement.

Amended draft conditions and comments in response from the Crown are provided as an attachment to the report.

This will provide School Infrastructure a desired construction and delivery program that is efficient but also and importantly protects the public's interest and ensures that development does not unreasonably impact any adjoining or surrounding property or residents.

Therefore, with regard to the Crown development provisions of the Act, the application can be determined by way of approval, subject to the recommended conditions attached to this report, as this outcome has been agreed to by the applicant on behalf of the Minister.

## **CONCLUSION**

Having regard to the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered to be satisfactory.

## **RECOMMENDATION**

### **PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

THAT The Sydney North Planning Panel, as the consent authority, being satisfied that the proposed development will be in the public interest, grant development consent to DA0288/21 for Construction of a two (2) storey sports complex, landscaping and associated works – St Ives High School - Crown Development at 60-70 Horace Street, St Ives subject to conditions.

Pursuant to Section 4.53 of the *Environmental Planning and Assessment Act 1979*, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

**The standard conditions of consent are set out as follows:**

## CONDITIONS THAT IDENTIFY APPROVED PLANS:

### 1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA-100 Revision C Demolition plan	JDH Architects	10/06/2021
DA-101 Revision D Proposed site plan	JDH Architects	10/11/2021
DA-102 Revision E Parking level	JDH Architects	22/11/2021
DA-103 Revision D Lower ground floor plan	JDH Architects	10/11/2021
DA-104 Revision D Ground floor plan	JDH Architects	10/11/2021
DA-105 Revision E Roof plan	JDH Architects	22/11/2021
DA-501 Revision D Elevations sheet	JDH Architects	10/11/2021
DA-511 Revision C Sections sheet	JDH Architects	10/06/2021
Driveway sections	JDH Architects	Not stated
DA-521 Revision C Streetscape elevation	JDH Architects	10/06/2021
DA-551 Revision D Signage	JDH Architects	10/11/2021
Café layout	JDH Architects	10/11/2021
<i>Landscape Plans</i>		
L-100 Revision I Landscape plan parking plan	Space landscape designs	08/11/2021
I-200 Revision H Landscape plan ground floor	Space landscape designs	04/05/2021
<i>Stormwater Management Plans</i>		
DA2.01 Revision 4 Concept sediment and erosion control plan	Northrop	02/11/2021
DA2.11 Revision 4 Sediment and erosion control details	Northrop	02/11/2021
DA3.01 Revision 5 Bulk earthworks plan	Northrop	02/11/2021
DA4.01 Revision 6 Siteworks and stormwater management plans	Northrop	02/11/2021
DA5.01 Revision 4 OSD Details	Northrop	02/11/2021
DA5.02 Revision 4 OSD design summary	Northrop	02/11/2021
<i>Engineering Plans</i>		
ESK01 Revision 8 Electrical services spatial plan	Northrop	Not stated

Document(s)	Dated
Letter prepared by the NSW Rural Fire Service reference No.DA20210715002916-CL55-1	12/01/2022
Green Star Strategy Report prepared by Cundall Johnston & Partners Ref: 1032170	09/11/2021
Green Star confirmation of execution prepared by Green Building Council Australia Ref: GS-7005DA	24/11/2021
Accessibility Report prepared by Morris Goding Access Consulting	25/01/2021
Construction Management Plan prepared by JDH Architects	09/06/2021
Acoustic Report prepared by Cundall Johnston & Partners Ref: 1026651	10/06/2021



Operational Plan of Management, Revision 7	26/11/2021
Building Code of Australia Assessment Report prepared by Blackett Maguire Goldsmith Ref: 200220	April 2021
Geotechnical Report prepared by JK Geotechnics Ref: 31754BC2rptRev1	30/07/2020
Traffic Impact Assessment prepared by PTC and as updated with additional comments 17 November and February 2022.	10/06/2021
Waste Management Plan prepared by JDH Architects	08/04/2021
Preliminary (Stage 1) Site Investigation (Contamination Report) prepared by JK Environments Ref: E31754PTTrpt3Rev1	27/07/2020

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

## **2. Inconsistency between documents**

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

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

## **3. Amended architectural plans**

Prior to the issue of a Construction Certificate (or equivalent) the Certifier or Crown equivalent shall be satisfied that the approved plans listed in Condition 1 above, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

- a) The café layout plan is to be amended in accordance with Condition nN.96

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

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

### **4. 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 Safework NSW.

**Reason:** To ensure public safety.

### **5. Fauna protection**

Prior to the commencement of any works, including tree removal, a qualified ecologist shall investigate trees for fauna occupation. In accordance with appropriate licensing requirements the ecologist shall supervise the relocation of any fauna found within the trees approved for removal.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and [a wildlife/scientific licence](http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm)  
<http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm>

> under the *Biodiversity Conservation Act 2016* issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Principal Certifier or Crown equivalent, with a copy to Council prior to the trees being removed.

**Reason:** To ensure protection of fauna species.

## **6. Nest boxes**

Prior to the commencement of any works, including tree removal, 2 nest boxes for (1 microbat & 1 small mammal) shall be installed within the retained trees within the rear of the subject property. The nest boxes shall be constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground and positioned under the direction of a qualified ecologist.

The qualified ecologist must hold an Animal Ethics Permit from the NSW Department of Primary Industries and [a wildlife/scientific licence](http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm) <<http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm> > under *Biodiversity Conservation Act 2016* issued by the Office of Environment and Heritage.

**Reason:** To ensure protection of fauna species.

## **7. 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 or subdivision lodgement form and appointment of the Principal Certifier or Crown equivalent form shall be submitted to Council.

**Reason:** Statutory requirement.

## **8. 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.

## **9. 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 the following:

- construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles

- a site plan showing entry and exit points
- swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle
- swept path analysis plans showing 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
- show locations for site offices and materials storage areas which are 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 Horace Street during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.**

No loaded trucks access over railway bridges may require the applicant to provide approval from Transport for NSW (TfNSW) for all vehicles over 4.5t gross vehicle mass as well as obtaining a permit under the National Heavy Vehicle Regulator (NHVR) if required by Heavy Vehicle National Law (HVNL)

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.

## **10. Work zone**

Prior to the commencement of any works, a works zone is to be provided in Horace Street, subject to the approval of the Ku-ring-gai Local Traffic Committee.

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

In the event the work zone is required for a period beyond that initially approved by the 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.

#### **11. Temporary construction exit**

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

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

#### **12. 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.

#### **13. Erosion and drainage management**

No works shall commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifier or Crown equivalent. The plan shall comply with the guidelines set out in the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

**Reason:** To protect the natural environment.

#### **14. Erosion control**

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

**Reason:** To protect the environment from erosion and sedimentation.

#### **15. Tree protection fencing**

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

Tree/Location	Radius in metres
All retained trees On site	As per Site Security Fence location as depicted on Plan DA2.01 Rev 4 by Northrop (endorsed at Condition no. 1)

**Reason:** To protect existing trees.

#### **16. Tree protective fencing type galvanised mesh**

Prior to the commencement of any works, tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.

**Reason:** To protect existing trees.

#### **17. Tree protection signage**

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

The words:

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

and the following information:

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

**Reason:** To protect existing trees.

#### **18. Inspection of tree protection measures**

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

**Reason:** To protect existing trees.

#### **19. 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 year's experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifier or Crown equivalent with a copy provided to Council.

**Reason:** To protect of existing trees.

## **20. Noise and vibration management plan (Part 1)**

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

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

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

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

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE:**

## **21. Acoustic design - doors, glazing, roof**

Prior to the issue of any Construction Certificate (or equivalent), the Certifier or Crown equivalent shall be satisfied that the acoustic measures for building treatments as recommended in Part 5.2 of Stage 2 Acoustics DA report Doc Ref: RPT-AS-001 Rev C dated 10 June 2021 prepared by Cundall Johnston & Partners Pty Ltd (endorsed at Condition1) have been incorporated into the design.

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

## 22. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
DA2.01 Revision 4 Concept sediment and erosion control plan DA2.11 Revision 4 Sediment and erosion control details DA3.01 Revision 5 Bulk earthworks plan DA4.01 Revision 6 Siteworks and stormwater management plans DA5.01 Revision 4 OSD Details DA5.02 Revision 4 OSD design summary	Northrop	02/11/2021

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

- All proposed roof areas shall be connected to the rainwater reuse tanks

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

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

## 23. Statement of compliance with Australian Standards

The partial 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.

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

The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are 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.

## **25. 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.

## **26. Outdoor lighting**

Prior to the issue of any Construction Certificate (or equivalent), the Certifier or Crown equivalent shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate (or equivalent).

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

## **27. Access for people with disabilities (commercial)**

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate (or equivalent). All details shall be provided to the Certifier or Crown equivalent prior to the issue of a Construction Certificate (or equivalent). All details shall be prepared in consideration of the Disability (Access to Premises — Buildings) Standards 2010, *Disability Discrimination Act* and the relevant provisions of the 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.

## **28. Green star certification**

Prior to the issue of any Construction Certificate (or equivalent), the Certifier or Crown equivalent must be satisfied that:

1. The Construction Certificate plans (or equivalent) include all the matters referred to in the ESD report prepared by Cundall Johnston & Partners project no. 1032170 dated 09/11/2021, and any additional ESD measures proposed for the achievement of the required 4 Green Star - Design & As Built



- certification;
2. The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Design & As Built Certification (including the provision of a registration notice and invoice for registration payment); and
  3. The plans for the development have achieved a 4 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 notice or letter from GBCA.

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

## **29. Excavation for services**

Prior to the issue of any Construction Certificate (or equivalent) , the Certifier or Crown equivalent shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas, electrical or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

**Reason:** To protect existing trees.

## **30. Location of air conditioning condensers**

Prior to the issue of any Construction Certificate (or equivalent), the Certifier or Crown equivalent shall be satisfied that architectural plans display that all air conditioning condensers will be located within the basement.

**Reason:** To minimise impact on surrounding properties and to improve the appearance of the approved development.

## **31. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier or Crown equivalent with the application for any Construction Certificate (or equivalent). The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, cafe exhaust, bathroom/toilet and garbage room exhaust, carpark doors and pumps associated with rain water reuse systems 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 be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary..

A Construction Certificate (or equivalent) shall not be issued unless the Certifier or Crown equivalent is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

### **32. Driveway crossing levels**

Prior to issue of any Construction Certificate (or equivalent) , driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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

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

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

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

### **33. Driveway grades**

Prior to the issue of any Construction Certificate (or equivalent), longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifier or Crown equivalent. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 25% (1 in 4) maximum, and
- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

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

### 34. Basement & bicycle parking details

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

- i. all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 *"Off-street car parking"*
- ii. a clear height clearance of **2.6 metres** (required under Part 23.7 'Waste Management' for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring
- iii. Council and its contractor requires unimpeded access to the waste storage facility within the development for the purpose collecting waste and recycling materials.
  - a. Security doors or gates installed leading to the waste storage area are to be keyed to Council's master key to allow unimpeded access
- iv. Bicycle parking for visitors shall be provided in accordance with Table 1 of AS2890.3 near the main entrance (not in the basement).
- v. Secure bike parking facilities for staff shall be provided in accordance with AS2890.3

The vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans.

**Reason:** To ensure that parking and bicycle spaces are in accordance with the Development Consent, to support accessibility, non-car transport and support the community and school use.

### 35. Design of works in public road (Roads Act approval)

Prior to issue of any Construction Certificate or equivalent, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works shall be submitted to Council and approved by Council's Director of Operations on behalf of Council as a road authority:

- i. Construction of a new kerb inlet pit (KIP) for the eastern side of Horace Street.
- ii. Construction of a new 375mm diameter RCP under Horace Street.
- iii. Construction of a new double width driveway crossover incorporating a pedestrian refuge and median island on Horace Street.
- iv. The footpath on the eastern side of Horace Street between the pedestrian entry of the development and the pedestrian signals to the north shall be upgraded to a shared path to accommodate cyclist and pedestrians.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail existing utility services, (mains and house connections) and trees affected by the works. Construction of the

works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three weeks will be required for Council to assess the *Roads Act 1993* applications. Early submission is recommended to avoid delays in commencing construction. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council. An engineering plan assessment fee is also applicable.

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 *Roads Act 1993* prior to commencement of any proposed works in the public road.

**Reason:** To ensure compliance with the requirements of *Roads Act 1993*.

### **36. Design and construction of mechanical ventilation**

Prior to the issue of any Construction Certificate (or equivalent) the Certifier or Crown equivalent shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

**Reason:** To protect the amenity of occupants and neighbouring properties.

### **37. Waste and recycling storage facilities**

The Certifier or Crown equivalent must be satisfied that the waste storage area is located in the basement and will be of adequate size to contain the waste and recycling bins for the use including the cafe. All internal walls of the waste storage area are to be rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer. A tap with hot and cold water is to be located in close proximity to facilitate cleaning.

Details of the waste storage area shall be submitted to the Certifier or Crown equivalent prior to the issue of any Construction Certificate (or equivalent).

**Reason:** To protect amenity and to prevent environmental pollution.

### **38. Consolidation of lots**

Prior to issue of any Construction Certificate (or equivalent), the Applicant must consolidate the existing lots Lot 1 DP 122431 and Lot 1 DP 122432 which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier or Crown equivalent prior to issue of any Construction Certificate (or equivalent).

**Reason:** To ensure that the legal property description is consistent with the proposed site layout and that continuous structures will not be placed across separate lots.

### **39. Design and construction of food premises**

Plans and specifications complying with the requirements of the *Food Act 2003*, Food Standards Code 3.2.3 *Food Premises and Equipment*, Australian Standard AS 4674 2004 - *Design, construction and fit-out of food premises* and *National Construction Code* shall be submitted to and approved by the Certifier or Crown equivalent prior to the issue of any Construction Certificate (or equivalent) . Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction (if applicable)
- grease trap area (if applicable)
- all proposed mechanical ventilation systems (if applicable)

The “*Design and Fit-out Guide for Food Businesses*” is available on Council’s website.

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

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

### **40. Infrastructure damage security bond and inspection fee**

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

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

work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

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

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

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

- (f) In this condition:

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

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

**Reason:** To maintain public infrastructure.

#### **41. Erosion control**

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

**Reason:** To protect the environment from erosion and sedimentation.

#### **42. Bush fire risk certification**

Prior to the issue of any Construction Certificate (or equivalent), the Certifier or Crown equivalent must be satisfied that the Construction Certificate (or equivalent) is in accordance with the requirements in the document prepared by the NSW Rural Fire Service and listed in Condition no.1 of this consent.

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

#### **43. Sydney Water Section 73 Compliance Certificate**

An application for a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be made through an authorised Water Servicing Co-ordinator. The

applicant should refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

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

##### **44. 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.

##### **45. 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:
  - protect and support the building, structure or work from possible damage from the excavation, and
  - where necessary, underpin the building, structure or work to prevent any such damage.

**Reason:** Statutory requirement.

##### **46. Hours of work**

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

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

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) 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.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

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

#### **47. Approved plans to be on site**

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

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

#### **48. Control of construction noise (Noise and vibration management plan)**

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

#### **49. Site notice**

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

The site notice must:

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

## **50. 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 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 at least 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.

## **51. Compliance with submitted geotechnical report**

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report and site investigation report prepared by JK Geotechnics.

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.

### **51A Unexpected Contaminants**

Should unexpected contaminants be encountered on site during the demolition or construction phases of the project, the recommendations of the approved Preliminary

(Stage 1) Environmental Site Assessment Report, prepared by JK Environments, dated 27 July 2020 (Ref: E31754PTrpt3Rev1) are to be adhered to.

**Reason:** Safety.

## **52. Toilet facilities**

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. 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/>](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/>](https://www.legislation.nsw.gov.au/).

**Reason:** Statutory requirement.

## **53. Recycling of building material (general)**

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

**Reason:** To facilitate recycling of materials.

## **54. Garbage receptacle**

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

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

## **55. 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.

## **56. Maintenance period for works in public road**

A maintenance period of six months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason:** To protect public infrastructure.

## **57. 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.

## **58. Combustibility of external walls and cladding**

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of any Construction Certificate (or equivalent) the Certifier or Crown equivalent must:

1. 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 cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of any Occupation Certificate (or equivalent) the Principal Certifier or Crown equivalent must:

1. 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 cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and

2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

**Reason:** To ensure the safety of occupants.

#### **59. 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.

#### **60. Temporary disposal of stormwater**

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifier or Crown equivalent .

**Reason:** To protect the natural environment.

#### **61. 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 **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

The Principal Certifier or Crown equivalent must be provided with reports by the project arborist within 7 days of the inspection detailing date, trees 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 Principal Certifier or Crown equivalent are required but not limited to the following times or phases of work:

<b>Tree/location</b>	<b>Time of inspection</b>
All retained trees within a 12m setback of proposed works	Identification (tagging) of existing trees to be retained or removed consistent with the consent conditions prior to demolition and site establishment works Inspection and certification of tree protection fencing consistent with the consent conditions Direct supervision of all excavation works

	proposed within the tree protection zone (12 x trunk diameter), prior to excavation works being commenced. Three monthly intervals during construction. Following the removal of tree protection measures. At the completion of all works on site and prior to the issue of the Occupation Certificate (or equivalent) .
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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.

## 62. 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 specified radius of the following trees.

Tree/location	Radius in metres
Tree 43 <i>Pinus patula</i> (Mexican Pine) Adjacent to Horace Street site frontage	12.7m

**Reason:** To protect existing trees.

## 63. Trees on nature strip

Removal or pruning of the following tree/s on Council's nature strip shall be undertaken at no cost to Council by one of Council's approved tree contractors. A list of contractors is available from Council's Tree Management Team, who are in Council's Operation's Department.

Council's Tree Maintenance Supervisor must be advised via email, within a minimum of 48 hours prior to commencement of the works, with the following detail:

- selected contractor,
- the item code
- associated rate provided.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged because of works undertaken. :

Tree/location	Tree Works
Tree 39 <i>Eucalyptus pilularis</i> (Blackbutt) Horace Street road reserve	Removal

**Reason:** To protect existing trees.

## 64. Cutting of tree roots and branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**. The arborist/horticulturalist shall provide a report to the

Certifier or Crown equivalent confirming compliance with this condition.

**Reason:** To protect existing trees.

#### 65. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/location	Radius in metres
All retained trees on site and within a 12m setback from development works	TPZ (12 x trunk diameter)
Tree 43 <i>Pinus patula</i> (Mexican Pine) Adjacent to Horace St site frontage	12.7m

**Reason:** To protect existing trees.

#### 66. 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
Trees 39, 40, 41, 42, 203 & 207	Removal

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

#### 67. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be directly supervised by the project arborist, with a minimum AQF Level 3 qualification. The project arborist shall provide a report to the Principal Certifier or Crown equivalent confirming compliance with this condition:

Tree/Location	Radius in metres
All retained trees On site	12 x trunk diameter

**Reason:** To protect existing trees.

#### **68. 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.

#### **69. 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.

#### **70. 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.

#### **71. 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.

#### **72. Vibration**

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

**Reason:** To protect residential amenity during construction.

#### **73. 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

#### **74. 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 EQUIVALENT:**

#### **75. Acoustic treatments**

Prior to the issue of an Occupation Certificate (or equivalent) the Principal Certifier or Crown equivalent shall be satisfied that the acoustic design recommendations for door seals, glazing and roof construction as detailed in Part 5.2 of Stage 2 Acoustics DA report Doc Ref: RPT-AS-001 Rev C dated 10 June 2021 prepared by Cundall Johnston & Partners Pty Ltd (endorsed at Condition no.1) have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifier or Crown equivalent confirming that the acoustic measures installed achieve the acoustic design targets specified in the acoustic assessment.

**Reason:** To protect the amenity of occupants.

#### **76. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

The Principal Certifier or Crown equivalent shall be satisfied of the above prior to the issue of any Occupation Certificate (or equivalent) .

**Reason:** To protect the amenity of occupants and neighbouring properties.



## **77. Completion of landscape works**

Prior to the issue of an Occupation Certificate (or equivalent) , the Principal Certifier or Crown equivalent is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

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

## **78. Mechanical noise control**

Prior to the issue of an Occupation Certificate (or equivalent) , the Principal Certifier or Crown equivalent shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, car park doors and pumps associated with rain water reuse systems when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier or Crown equivalent.

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

## **79. Outdoor lighting**

Prior to the issue of an Occupation Certificate (or equivalent), the Principal Certifier or Crown equivalent shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

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

## **80. Location of air conditioning condensers**

Prior to the issue of an Occupation Certificate (or equivalent) , the Principal Certifier or Crown equivalent shall be satisfied that all air conditioning condensers are located in the basement.

**Reason:** To minimise noise impacts on surrounding properties and to improve the appearance of the approved development.

## **81. Green star rating**

- a) Prior to the issue of an Occupation Certificate (or equivalent) , an up to date green star credit schedule demonstrating sufficient credits to achieve a GBCA

certified outcome of 4 stars for the “as built” component of the constructed development is to be provided to the Certifier or Crown equivalent . A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the contractor (and associated sub-contractors) has carried out the works in accordance with the green star standards required to achieve the green star - design & as built certification.

- b) Prior to the issue of an Occupation Certificate (or equivalent) , the Owner is to provide to the Principal Certifier or Crown equivalent a notice from GBCA confirming documentation has been submitted for the final “As Built” component of the Certification.
- c) Within 3 months of an Occupation Certificate (or equivalent) being issued, the Owner is to submit to Council a copy of the GBCA green star - design & as built certificate confirming the achievement of a 4 green star rating.

**Reason:** To ensure compliance with Part 23.2 Green Buildings of the Development Control Plan.

## **82. Retention and re-use positive covenant**

Prior to issue of an Occupation Certificate (or equivalent) , a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

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

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

**Reason:** To ensure appropriate storm-water management.

## **83. Certification of drainage works**

Prior to issue of an Occupation Certificate (or equivalent) , the Principal Certifier or Crown equivalent is to be satisfied that:

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate (or equivalent) 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.

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 equivalent).

**Reason:** To ensure appropriate stormwater management.

#### **84. Works as executed plans for stormwater management and disposal (dual occupancy and above)**

Prior to issue of an Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier or Crown equivalent prior to issue of an Occupation Certificate (or equivalent). 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 with the Construction Certificate (or equivalent) prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier or Crown equivalent stamped Construction Certificate (or equivalent) stormwater plans.

**Reason:** To ensure appropriate stormwater management.

#### **85. OSD positive covenant/restriction**

Prior to issue of an Occupation Certificate (or equivalent) , a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the

relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifier or Crown equivalent prior to issue of an Occupation Certificate (or equivalent) .

**Reason:** To ensure appropriate stormwater management.

#### **86. 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 issue of the Occupation Certificate (or equivalent) .

This marker plate can be purchased from Council.

**Reason:** To prevent unlawful alteration.

#### **87. Certification of as-constructed driveway/carpark**

Prior to issue of an Occupation Certificate (or equivalent), the Principal Certifier or Crown equivalent is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate (or equivalent) plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking",

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier or Crown equivalent prior to the issue of an Occupation Certificate (or equivalent) .

**Reason:** To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

#### **88. Construction of works in public road - approved plans**

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

The works must be supervised by the Applicant's engineer and completed to the satisfaction of Council.

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

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

#### **89. Infrastructure repair**

Prior to issue of an Occupation Certificate (or equivalent) and upon completion of any works which may cause damage to Council's property, the Principal Certifier or Crown equivalent must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

**Reason:** To protect public infrastructure.

#### **90. Fire safety certificate**

Prior to the issue of an Occupation Certificate (or equivalent), the Principal Certifier or Crown equivalent shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

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

#### **91. Construction of food premises**

Prior to the issue of an Occupation Certificate (or equivalent), the Principal Certifier or Crown equivalent shall be satisfied that the construction of the food premises and all food storage areas is 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. Documentation is to be submitted to the Principal Certifier or Crown equivalent certifying compliance with all relevant requirements.

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

#### **92. Waste and recycling storage facilities**

Prior to the issue of an Occupation Certificate (or equivalent), the Principal Certifier or Crown equivalent shall be satisfied that the waste storage area has been installed within the basement and is of adequate size to contain the waste bins. All internal walls have been rendered and coved at the floor/wall intersection. The floor has been graded and appropriately drained to the sewer and a tap with hot and cold water is located in close proximity to facilitate cleaning.

**Reason:** To protect amenity and to prevent environmental pollution.

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

Prior to the issue of an Occupation Certificate (or equivalent) , evidence of a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be submitted to the Principal Certifier or Crown equivalent . Where a permit or consent may not be required from Sydney Water, certification shall be provided 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

### **94. Bush fire risk certification**

Prior to the issue of an Occupation Certificate (or equivalent) , the Principal Certifier or Crown equivalent shall be satisfied that all requirements in the document prepared by the NSW Rural Fire Service and listed in Condition no.1 of this consent have been complied with.

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

### **95. Warning signage – driveway**

Signage is to be provided along Horace Street and is to be Oversize (larger than normal) providing a written warning: “CAUTION DRIVEWAY 150m ON LEFT” or “SLOW DOWN DRIVEWAY 150m ON LEFT”. The appropriate location of the signage is to be determined by Council’s Director of Operations on behalf of Council as a road authority.

This signage shall be installed prior to operation and is to be reviewed for effectiveness within 12 months of the commencement of the operation of the facility.

The effectiveness of the sign in providing safety around the driveway is to be formally reviewed by a suitably qualified, independent traffic engineer within 12 months. If the arrangements are not satisfactory, appropriate additional formal mitigation measures are to be undertaken.

**Reason:** To address traffic recommendations and maximise safety along Horace Street.

#### **Referral to Council’s Traffic Committee**

The matter of the potential removal of the southernmost space in the proposed pick-up and drop-off zone on Horace Street, to increase sight distance to the north for vehicles leaving the site, is to be referred to Council’s Traffic Committee for consideration.

**Reason:** To improve traffic safety

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

### **97. Conduct of premises – amenity**

The business shall be conducted and patrons controlled at all times by the business operator so that no interference occurs to the amenity of the area.

**Reason:** To protect residential amenity.

### **98. Cafe - Restriction on cooking equipment**

The cafe is approved for the sale of hot and cold drinks and pre-prepared food only. The equipment installed in the premises for the purpose of preparation of food for sale is limited to coffee machines, coffee grinders, refrigerators and freezers, microwaves and sandwich presses. Deep fryers, conventional ovens, stoves/portable stoves or other cooking and heating equipment is not permitted.

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

### **99. Internal lighting**

Internal lighting is not to be operated prior to the approved operational hours each morning and is to be turned off no later than 30 minutes after the end of approved operational hours each night.

**Reason:** To protect the amenity of neighbouring properties.

### **100. Noise control - public address systems and amplified sound equipment**

The use of fixed or portable public address systems and amplified sound equipment is not permitted.

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

### **101. Noise control - external noise criteria**

Noise levels associated with the use of the facility within shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day, evening or night 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.

### **102. Noise control - mechanical exhaust ventilation and air conditioning**

Mechanical exhaust ventilation and air conditioning systems are not to be operated prior to the approved operational hours each morning and are to be turned off no later than 30 minutes after the end of approved operational hours each night.

**Reason:** To protect the amenity of neighbouring properties.

### **103. Noise control - door and windows**

The doors and windows opening to the exterior of the premises are to be kept closed

when the facility is in use after 6pm.

**Reason:** To protect the amenity of the occupants and surrounding residents.

#### **104. Waste and recycling bin management**

The waste and recycling bins are to be stored within the designated waste storage area within the building except when presented to the kerbside for collection.

**Reason:** To protect amenity and prevent environmental pollution.

#### **105. Compliance with bush fire requirements**

All ongoing recommendations identified in the approved document prepared by the NSW Rural Fire Service, and listed in Condition no.1 of this consent, must be complied with at all times.

**Reason:** To ensure the continual implementation of measures to manage bushfire risk.

#### **106. Outdoor lighting**

All external lighting must:

1. Comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting* and
2. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

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

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

The air conditioning condenser units located on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

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

#### **108. Noise control - mechanical plant**

Noise levels associated with mechanical plant installed on the premises shall not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical plant installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.



#### **109. Noise control - rainwater re-use system**

Noise levels associated with rainwater re-use system(s) installed on the premises shall not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

#### **110. Noise control - air conditioning**

Noise levels associated with air conditioning units installed on the premises shall not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **111. Noise control - mechanical exhaust ventilation**

Noise levels associated with mechanical exhaust ventilation installed on the premises shall not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

#### **112. Loading and unloading**

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

**Reason:** To ensure safe traffic movement and protect residential amenity.

#### **113. Deliveries and waste collections - commercial premises**

All deliveries and waste collection services for the business are to be carried out between 6:00am and 10:00pm only.

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

#### **114. Use of car parking**

The visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site or school staff during school hours. The car park is to be secured by a gate as detailed.

On site permanent car parking spaces are not to be used other than by an occupant or tenant of the development. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building. These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

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

#### **115. 'Car park full' indicator/signage**

A 'car park full' digital indicator is to be displayed on the approved front building identification sign/digital display at the Horace Street vehicle entry, within clear view from the road, to indicate when the car park is at capacity.

**Reason:** To address recommendations and submissions and prevent queuing along Horace Street.

#### **116. Unobstructed driveways and parking areas**

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

**Reason:** To ensure safe traffic movement.

#### **117. Hours of operation**

At all times, the hours of operation for community purposes and the cafe are restricted to:

##### ***School days***

- Monday to Wednesday - after the end of school until 9.00pm.
- Thursday - Friday - after the end of school until 10.00pm.

All players, spectators, officials and café staff must depart the facility within 30 minutes of the end of approved operational hours.

##### ***Non-school days***

- Monday - Wednesday - 8.00am - 9.00pm.

- Thursday - Saturday - 8.00am - 10.00pm.
- Sunday - 8.00am - 4.00pm.
- Public holidays - Closed.

All players, spectators, officials and café staff must depart the facility within 30 mins of the end of approved operational hours.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

#### **118. Compliance with the approved operational plan of management**

The operation of the St Ives Indoor Sports Facility ('SIISC') shall be in accordance with the approved Operational Plan of Management for 60-70 Horace Street, St Ives prepared for the St Ives Hall and SIISC, dated 26 November 2021, Revision 7.

The Operational Plan of Management is to be updated and amended to include and address consent conditions relating to the use of the café, hours of operation, effective management of the booking/parking system, acoustic conditions/noise management, car park signage and the inclusion of a 'Transport Access Guide'. The Transport Access Guide is to detail the location of the car park and alternative modes of access (bus, walking, cycling). This should be made available to users, so that users see clearly how to access the site.

The Operational Plan of Management is to be updated to reflect the modified hours of operation, and a copy of the updated plan of management shall be provided to the consent authority prior to the operation of the modified hours.

The Operational Plan of Management is to be reviewed on an annual basis and updated as required to ensure compliance with conditions.

**Reason:** To ensure the premises are well-run, encourage a satisfactory and safe environment for indoor sports, recreational and educational activities and that the operation of the premises does not cause a disturbance in the local area.

#### **119. 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.

#### **120. Prohibition of flashing lights**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or any external sign associated with the development.

**Reason:** To protect residential amenity.

## **121. Prohibition of signage illumination**

Signage must not be illuminated between the hours of 10:00pm and 7:00am daily. The LED lighting is to be automatically dimmed at night-time as detailed and placed on a time switch.

Signage must not flash or have any moving components. Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the façade of the building.

**Reason:** To protect residential amenity.

## **122. NSW Rural Fire Service requirements**

### *Asset Protection Zones*

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

1. From the start of building works and in perpetuity, any part of the subject property within 100 metres of the sports complex building must be managed in the following manner for the purposes of an asset protection zone (APZ) under Appendix 4 of Planning for Bush Fire Protection 2019:
  - Tree canopy cover be less than 30% at maturity;
  - Trees at maturity are not touching or overhang the building;
  - Lower limbs are removed up to a height of 2m above the ground;
  - Tree canopies are separated by 2 to 5m;
  - Preference is given to smooth-barked and evergreen trees;
  - Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
  - Shrubs are not located under trees;
  - Shrubs do not form more than 10% of ground cover;
  - Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
  - Leaves and vegetation debris are removed; and
  - NSW Rural Fire Service's document Standards for asset protection zones.
2. Any new landscaping within the school site must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
  - A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);

- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used. Construction Standards Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

3. Any new Class 10b structures as defined per the National Construction Code must be non-combustible.

#### *Water and Utility Services*

Intent of measures: 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.

4. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

#### *Emergency and Evacuation Planning Assessment*

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

5. Emergency and evacuation arrangements must be updated and comply with Table 6.8d of Planning for Bush Fire Protection 2019.

#### **Advice – TfNSW**

TfNSW provides the following advisory comments for its consideration in the assessment of the development application:

1. The layout of the proposed car parking area associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, parking bay dimensions, internal heights/clearances) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
2. All vehicles should be able to enter and exit in a forward direction.
3. Sight distances from the proposed vehicular crossing to vehicles on Horace Street should be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
4. Any drainage discharge to the Horace Street drainage systems should ensure that the discharge from the site post development is no greater than pre-development for a 1 in 10-year storm event. Noting the above, TfNSW does recognise that any proposed or conditioned works on Horace Street would require section 138

consent from Council and concurrence from TfNSW under section 138 of the Roads Act 1993. Provided Council is satisfied the design for the works is acceptable (taking relevant standards and guidelines into consideration), TfNSW would issue its concurrence under section 138 of the Road Act 1993.