

# COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-487
<b>DA Number</b>	eDA0134/24
<b>LGA</b>	Ku-ring-gai
<b>Proposed Development</b>	Alterations and additions to the Ewan House building at Knox Grammar Preparatory School
<b>Street Address</b>	1-3 Billyard Avenue, Wahroonga
<b>Applicant/Owner</b>	Applicant: The Planning Hub Owner: Knox Grammar School Property Ltd
<b>Date of DA lodgement</b>	8 April 2024
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	One submission
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b> <b>Schedule 6 of the SEPP (Planning Systems) 2021</b>	Estimated development cost is greater than \$5 million – private infrastructure and community facilities
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Sustainable Buildings) 2022</li> <li>• Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)</li> <li>• Ku-ring-gai Development Control Plan (KDCP)</li> <li>• Ku-ring-gai Contributions Plan 2023</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment A – Location sketch</li> <li>• Attachment B – Zoning Extract</li> <li>• Attachment C – Architectural Plans</li> <li>• Attachment D – Civil Engineering Plans</li> <li>• Attachment E – Environmental Site Management Plan</li> <li>• Attachment F – Construction Traffic Management Plan</li> <li>• Attachment G – Statement of Heritage Impact</li> <li>• Attachment H – Building Code of Australia and Access Report</li> <li>• Attachment I – Waste Management Plan</li> <li>• Attachment J – letter responding to SEPP (Sustainable Buildings ) 2022</li> </ul>
<b>Summary of submissions</b>	<ul style="list-style-type: none"> <li>i. impacts upon safety and parking during the construction phase</li> <li>ii. monitoring and enforcement of Traffic Management Plan</li> </ul>
<b>Report prepared by</b>	Shanika Kappagoda
<b>Report date</b>	31 July 2024

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## 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**

## Clause 4.6 Exceptions to development standards

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

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

## Conditions

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

*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 eDA0134/24 for alterations and additions to the Ewan House building at Knox Grammar Preparatory School. The subject building is a Heritage Item in a Heritage Conservation Area.

Pursuant to Schedule 6 of the State Environmental Planning Policy (Planning and Systems) 2021, the application relates to an educational establishment (private infrastructure) that has an estimated development cost of greater than \$5 million. In this case, the estimated development cost is \$10,690,744.

The consent authority for this development is the Sydney District Planning Panel (SDPP), being the Sydney North Planning Panel (SNPP) for Ku-ring-gai (Section 4.5(b) and Clause 9(b) in Schedule 2 of the Environmental Planning and Assessment Act 1979).

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

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

## EXECUTIVE SUMMARY

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

## HISTORY

### Site history:

The site has a history of use as an educational establishment.

### Previous applications history:

A Pre-DA consultation was undertaken with Council prior to the lodgement of this Development Application (PRE0086/23). The key issues identified in the Pre DA Meeting Report included:

1. Heritage impacts associated with modifications to the following rooms:
  - reception and administration

- art room
  - GLA-A
  - GLA-4
  - GLA-6
2. Additional information required:
- Archival records
  - Heritage Management Documentation
  - Water Management detail
  - Construction Traffic Management
  - Acoustic Report
  - Mechanical Plant and Equipment
  - Waste Storage area
  - BCA report
  - Access for People with a Disability report

Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
BA	86/00711	Classrooms	Approved	18/06/1986
DA	2064/89	Alterations and additions to school office (Knox Grammar)	Approved	20/06/1989
BA	89/00830	Additions to prep admin	Approved	07/07/1989
DA	2854/91	Additions to a heritage dwelling for use as Headmasters Residence.	Approved	03/09/1991
BA	91/01554	Additions to the lodge	Approved	17/09/1991
DA	5013/96	Oval building for Knox Grammar – Heritage listed	Approved	21/08/1996
DA	1503/99/DQ	Refurbishment of oval building at Knox Grammar – Heritage listed property.	Approved	10/11/1999
DA	455/01/DJ	Demolish rear portion of 'The Lodge'	Approved	17/05/2001
DA	557/02/DQ	Demolition, new infants school art and music building, alterations to heritage building and other works.	Approved	31/03/2003
DA	557/02/DQB	Section 96 – Miscellaneous changes	Approved	31/05/2004
DA	DA1318/06	Refurbish and extend existing tennis courts.	Approved	07/02/2007
DA	1318/06/DL	Refurbish and marginally extend the tennis court	Approved	13/07/2007
DA	DA0406/11	Alterations and additions (internal) - Heritage property	Approved	19/09/2011
DA	DA0418/13	Internal and external alterations to Ewan House, Knox Grammar Preparatory School - Heritage item	Approved	19/12/2013
Section96	MOD0070/15	Modification to LEC approval 10562 of 2002 (DA0557/02) proposing	Approved	28/07/2015

		intensification of use and revised carparking, tree removal, landscaping drainage and noise mitigation works - Heritage item in Heritage Conservation Area		
DA	DA0254/16	-Knox Grammar Preparatory School: Construction of a maintenance store and a general store under the existing heritage listed building	Approved	08/11/2016
Section96	MOD0070/17	Modification to DA0254/16 proposing correction to Section 36 S94A contribution - heritage item in heritage conservation area	Approved	4/05/2017
DA	DA0345/20	Knox Grammar Preparatory School – new synthetic playing field, underground parking, drainage works, tree removal and associated landscaping, including increased capacity for 164 students and 19 staff members - heritage item in heritage conservation area	Approved	25/11/2020

### Current Development Application History

Date	Action
8 April 2024	Application lodged.
23 April 2024	The application was notified to neighbouring property owners for a period of 30 days. One submission was received.
5 June 2024	Council sent a letter to the applicant seeking the following additional information:

	<ul style="list-style-type: none"> <li>the source of replacement sandstone</li> <li>how school facilities are shared with the community</li> </ul>
11 June 2024	<p>The applicant provided the following information:</p> <ul style="list-style-type: none"> <li>sandstone confirmed as Piles Creek Cream Sandstone from Gosford Quarries</li> <li>response in relation to Principle 3 in Schedule 8 and Clause 3.36 in Part 3.4 of State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul>
8 July 2024	The applicant was requested to provide a response to the requirements in Chapter 3 'Standards for non-residential development' of SEPP (Sustainable Buildings) 2022.
10 July 2024	A briefing with the Sydney North Planning Panel was held.
10 July 2024	The draft conditions were sent to the applicant for comment.
15 July 2024	The applicant submitted a letter outlining the ESD measures incorporated into the development to achieve the requirements of SEPP (Sustainable Buildings) 2022.
16 July 2024	The applicant advised that they had no objections to the draft conditions of consent recommended by Council.

### Land and Environment Court appeal history

Development Application No. 557/02/DQ for demolition works, a new infant school, art and music building and alterations to heritage building, was approved by the Land and Environment Court on 31 March 2002. There is no Court appeal history in relation to the current application.

### THE SITE



**Figure 1: Aerial photograph of subject site and surrounding development**

#### Site description:

The site is known as 1-3 Billyard Avenue, Wahroonga and is legally described as Lot 272 in DP 608835 (**Figure 1**). The corner allotment is located on the northern side of Billyard Avenue, the western side of Cleveland Street and the eastern side of Sutherland Street. The site is an irregular shaped allotment with a total area of approximately 26,800m<sup>2</sup> and has a frontage to Billyard Avenue of approximately 160 metres.

Development currently on the site comprises an Educational Establishment, “Knox Grammar Preparatory School”. The school grounds include numerous buildings including “Ewan House,” a federation style mansion which is heritage listed. The school grounds also include ancillary facilities such as tennis courts, carparking and numerous playing fields.

The school is surrounded by fencing, including low palisade fencing along the Billyard Avenue frontage. There is an existing brick business identification sign located at the corner of Billyard Avenue and Sutherland Street.

The site contains numerous canopy trees which are primarily located adjacent to the street frontages. The southern and western parts of the site are mapped as containing vegetation of biodiversity significance.

<b>Constraint:</b>	<b>Application:</b>
Visual character study category	Pre - 1920.
Easements/rights of way	No
Heritage Item - Local	Yes – “Ewan House”, located within the school grounds
Heritage Item - State	No
Heritage conservation area	Yes – Heritage Conservation Area C1
Within 100m of a heritage item	Yes – No. 10 Cleveland Street, No. 21 Cleveland Street (“St Lucys School”), Nos. 12, 19, 30 and 34 Billyard Avenue
Bush fire prone land	No
Natural Resources Biodiversity	Yes – southern and western parts of site mapped
Natural Resources Greenweb	Yes – Landscape remnant, Biodiversity corridors and Support for biodiversity corridors
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

### **Surrounding development**

The site is immediately adjoined by Cleveland Street to its west, Billyard Avenue to the north and Sutherland Avenue to the east. To the south of the site are dwelling houses.

Development in the vicinity of the site generally comprises low density residential development. To the north and directly opposite the development site is the St Lucys School, educational establishment.

The site is located within the Heritage Conservation Area C1 ‘Wahroonga Conservation Area’.

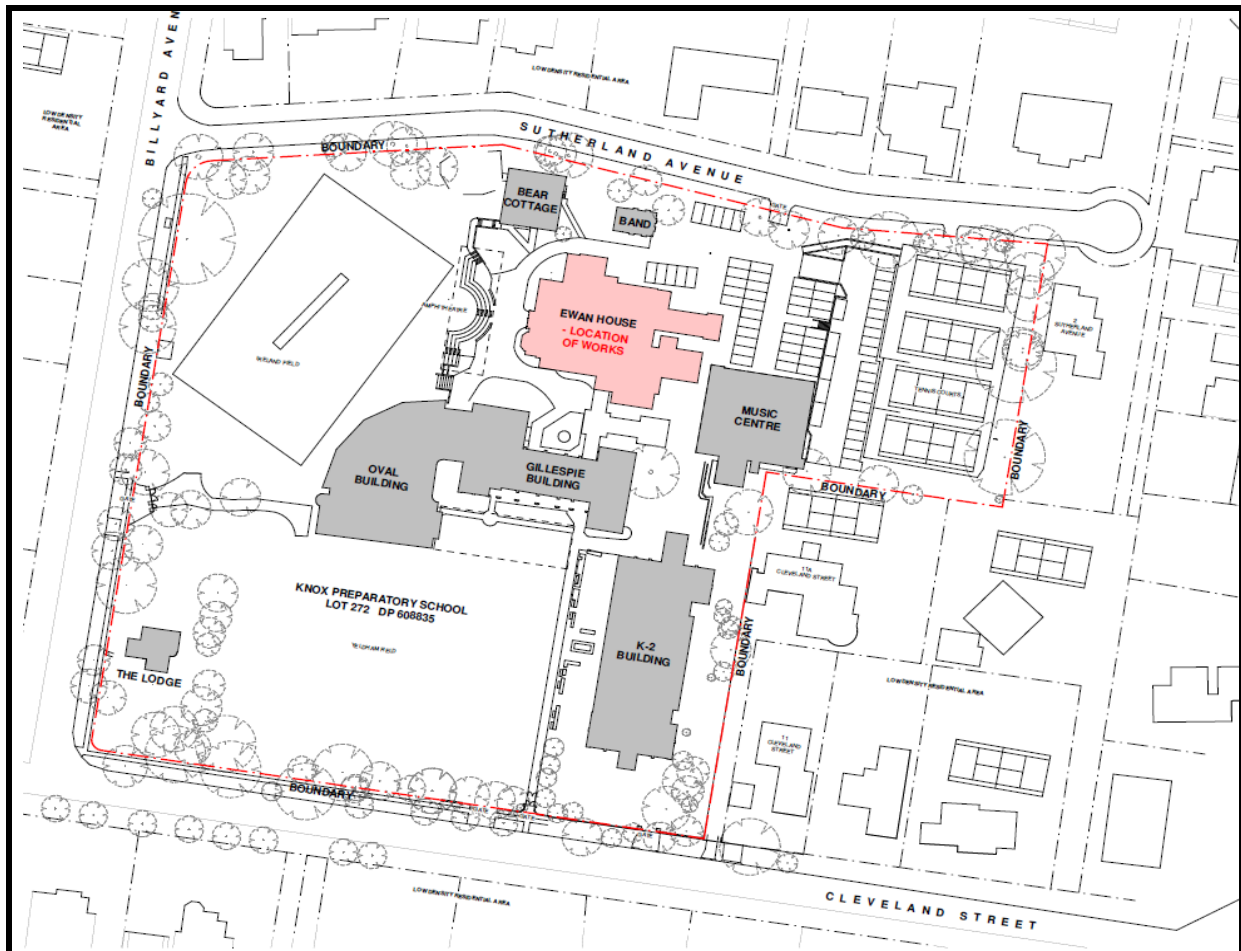
## **THE PROPOSAL**

The application proposes alterations and additions to the Ewan House building within Knox Grammar Preparatory School. The intention of the proposal is to enhance learning and administrative areas, allowing them to be more aesthetically appealing and engaging. The removal of isolated spaces is designed to improve sightlines and surveillance. The key elements of the proposed works include:

- demolition work
  - external ramp to the western elevation



- walls of custom store on ground floor
- existing toilet block on ground floor
- storage room wall on ground floor
- walls between classrooms (GLA-1, GLA-2, GLA-3, GLA-4 and GLA-6)
- removal of sliding windows to the first floor, northern elevation
- remove existing acoustic screen to the air conditioning units
- removal of existing room tiles, sarking, insulation, cowls and roof gutters
- ground floor works
  - replacement of storage room wall
  - new wall to learning space 7
  - new fit out of the existing tuck shop
  - conversion of a storage area into an outdoor art courtyard
  - lift providing access from ground floor to the first floor
  - access ramp, garden bed and entry porch to the eastern elevation
  - extend existing air conditioning platform and construct a 2m high acoustic screen around its perimeter
- first floor works
  - new glazed bi-fold partitions for classrooms GLA-1, GLA-2, GLA-3, GLA-4 and GLA-6
  - new administrative area to the north-eastern portion of the building
  - new raised verandah providing access to a new PL suite and several offices within the southern wing
  - new wall mounted condenser unit to western elevation of classroom GLA-1
- roof works
  - new tiles to match existing, new sarking and insulation
  - new cowls and gutters
  - remediation works to relevant existing roof elements
  - new awning
- external façade works
  - remediation works to existing windows
  - remediation works to existing sandstone elements



**Figure 2: Site plan identifying the location of the proposed works (pink shading)**

## CONSULTATION

### Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. In response, a submission from the following was received:

1. Wendy King and David McHard – 17 Sutherland Avenue, Wahroonga

The submission raised the following issues:

#### ***Resident parking only***

The submission requests that, for the duration of the construction period, the eastern side of Sutherland Avenue should be designated parking for residents only, with permits to be displayed.

Council's Development Engineer has advised that no residential parking schemes have been approved within Ku-ring-gai. Designated parking for residents is only permitted when there is limited off-street parking in the street. Furthermore, there are no less than two off-street parking spaces for all residents on Sutherland Avenue. The requested restriction is therefore deemed unreasonable.

#### ***Restriction to construction vehicles***

The submission notes that the 'Construction Traffic and Pedestrian Management Plan' (prepared by Traffix and dated November 2023) states:

*"It should be emphasised that construction vehicle movements are not permitted during the morning (8:00am-9:30am) and afternoon (2:30pm-4:00pm) school peak periods, with construction vehicle movements to be scheduled outside school peak periods."*

The submission notes that classes commence within the school at 8:30am and the heavy traffic on Billyard Avenue starts at 7:30am. It is requested that vehicle movements are not between 7:30am to 9:00am on school days.

Construction vehicle movements are restricted during morning and afternoon school peak periods on school days, which is a requirement of TfNSW and enforced by Ku-ring-gai Council via a construction traffic management plan consent condition. It is unlikely that concurrence from TfNSW would be approved for a variation in vehicle movements outside of the standard school zone times. The requested restrictions to construction vehicle movements are therefore deemed unreasonable and not required by Council's Development Engineer.

### ***Pedestrian access via Sutherland Avenue***

The submission requests that parental access into the school via the pedestrian gate on Sutherland Avenue should not be permitted for the duration of the project due to pedestrian safety and traffic management concerns.

Vehicular movements are restricted between 8:00am and 9:30am and 2:30pm and 4:00pm, which are school traffic peak periods. In this instance there is no requirement to restrict parental access via the pedestrian gate. Any school children and pedestrians that are required to walk past the Sutherland Avenue access point will have traffic controllers to ensure children and pedestrian cross safely during school times, as well as any times when construction movement is required. The requested restriction to the pedestrian gate on the Sutherland Avenue frontage is unnecessary as the works are unlikely to result in unsafe conditions for pedestrians using Sutherland Avenue.

### ***Construction finish time***

The submission notes that the construction time is set to finish at 5:00pm on Monday to Friday and construction vehicle movements will be allowed between 4:00pm to 5:00pm. The submission requested that the timeframe is amended due to traffic between 4:45pm and 5:15pm, Monday to Thursday but did not specify when construction should finish.

It is not foreseen that construction vehicle movements for demolition and excavation stages to occur beyond 4pm given that most trucks are heading towards their destination point to unload the demolition waste and spoil. The standard construction timeframe that applies across the Local Government Area is considered appropriate for the site and locality.

### ***Construction during the weekend***

The submission states that construction is permitted on Saturdays from 8:00am until 4:00pm. It is requested that the school liaise with their contractors regarding busy Saturday morning sport time, as vehicle access will be difficult due to unrestricted parking on Billyard Avenue on Saturdays.

Council's Development Engineer provided the following response to this request:

*Council is guided by the information within the traffic report based on the number of vehicles expected to access the site. The bulk excavation stage will have an average of three (3) truck arrivals per day (3 in, 3 out), with a maximum of one (1) truck per hour during the peak period. This average truck volume would equate to a single truck every 3-hours. The structure stage will have an average of two (2) truck arrivals per day (2 in, 2 out), with a maximum of one (1) truck per hour during the peak period. This average truck volume would equate to a single truck every 5-hours. The fitout stage will have an average of two (2) truck arrivals per day (2 in, 2 out), with a maximum of one (1) truck per hour during the peak period. This average truck volume would equate to a single truck every 5-hours. As a result, the extent of construction vehicle movement during the peak period is considered minor and would have minimal impacts on the surrounding road network.*

*Furthermore, it is noted that the construction vehicle routes travel along Billyard Avenue and turn into Sutherland Avenue which is outside the school entrance frontage.*

*Council cannot mandate paths of travel along public roads that are not subject to any restrictions.*

For the reasons identified above, it is not considered necessary to restrict construction vehicle movements on Saturdays.

### **Monitoring of Traffic Management Plan**

The submission requests that the Traffic Management Plan is closely monitored with frequent and unannounced site visits by Council Rangers during the construction periods.

Any breach of the Development Consent should be referred to the appointed Certifier. Council's Rangers will inspect the area regularly to ensure compliance with the approved plan. Should the Rangers identify any illegal parking, they may issue a parking infringement notice.

### **Amended plans/documents**

As per the requirements of Council's Community Participation Plan, the additional information provided on 11 June and 15 July was not required to be notified. The clarification of the sandstone type and additional information regarding ESD measures did not result in any detrimental environmental impacts.

### **Internal Referrals**

#### **Heritage**

Council's Heritage Advisor commented on the proposal as follows:

**Summary – Acceptable**

#### **Planning Instruments**

#### **Ku-ring-gai Local Environmental Plan (KLEP) 2015:**

*Clause 5.10 of the KLEP 2015 requires that before granting consent to the proposed works Council must consider the effect of the works on the*

heritage item, nearby items or conservation area concerned. Clause 5.10 (5) allows Council to require a Heritage Impact Statement before granting consent.

### **Heritage Status**

Local Heritage Item	LEP #1831
Heritage Conservation Area	C1
Immediate vicinity of a heritage item	12 Billyard Avenue

### **Statement of Significance for the Wahroonga Conservation Area - C1 (KLEP 2015)**

*Wahroonga Heritage Conservation Area is of heritage significance for its distinctive residential streetscapes which evidence the transformation of early subdivisions of the 1890s into the later rectilinear grid lot street and lot pattern of later subdivisions including the Wahroonga Heights Estate. The area contains a significant collection of grand residences from the Federation and Inter-war periods, built following the opening of the North Shore railway line in 1890, many of these are the residences of prominent families of this period, and often designed by prominent architects, for example the 1894 Ewan House (formerly Innisfail) designed by architect Herbert Wardell for John Thomas Toohey, and eleven houses designed by the architect Howard Joseland. It also contains mid to late twentieth century development that contributes positively to the significance of the conservation area. The western end of Burns Road and western side of Coonanbarra Road are representative streetscapes of intact more modest Federation period houses. The through-block pathways and formal avenues of street trees within the area (in Burns Road, Water Street and Coonanbarra Road) along with the formal landscaping of Wahroonga Park, and its distinctive John Sulman-designed shops in Coonanbarra Road facing the Park, are a tribute to the work of the Wahroonga Progress Association in the early 20th century (which included Sulman, as a member), and have resulted in a high-quality and distinctive residential landscape.*

### **Statement of Significance for the Heritage Item**

*The building was designed by Herbert Wardell, architect, in 1894 for John Toohey, as the entrance to the Innisfail estate, which remains substantially intact. It is an important element in the Cleveland Street streetscape and is a significant individual building reflecting the lifestyle of the original estates of the upper North Shore.*

### **Description of the dwelling**

*Ewan House is an excellent Federation style mansion, with almost intact interiors to the main rooms. The house is historically and socially important as an indication of the lifestyle of John Thomas Toohey, who with his brother founded Toohey's Brewery in the 1870s. The house is complemented and enhanced by two small and picturesque nearby Federation buildings such as the lodge and art room. The listing includes the highly decorated wrought iron entrance gates to Billyard Avenue with their brick piers on stone bases (National Trust of Australia Listing Proposal 1983).*

## Background

Comments were provided on the original proposal on 9 May 2024 and the following conclusion and recommendations were made at this time:

<b>Issue</b>	<b>Suggested Amendment</b>
Stone selection	<b>19C.5.5</b> <ul style="list-style-type: none"> <li>The sandstone replacement source needs to be identified (as per the PRE DA request).</li> </ul>

## Proposed Amendments

Sandstone replacement source Piles Creek (Gosford Quarries).

## Revised Control Table KDCP

<b>Development Controls</b>	<b>Complies</b>
<b>19B.1 Demolition within HCAs</b>	
1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area.	<b>YES</b>
4. In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess: <ul style="list-style-type: none"> <li>i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;</li> <li>ii) its contribution to the streetscape;</li> <li>iii) potential for modifying and/or removing neutral and/ or uncharacteristic elements that would re-establish the contributory status of the building or structure within the HCA;</li> <li>iv) opportunities for adaptive re-use of the building.</li> </ul>	<b>YES</b>
<b>19B.2 Demolition related to a Heritage Item</b>	
1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for: <ul style="list-style-type: none"> <li>i) Demolishing, moving or altering the exterior of (including, in the case of a building, making changes to its detail, fabric, finish or appearance) an Aboriginal object or heritage item; and</li> <li>ii) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item</li> </ul>	<b>YES</b>
<b>Partial Demolition of a Heritage Item</b>	
4. In considering applications for partial demolition of a Heritage Item (including parts of buildings and other structures, trees and landscape features), Council will assess: <ul style="list-style-type: none"> <li>i) the significance of the building part or structure and/or landscape features and whether its retention is considered necessary;</li> <li>ii) its contribution to the significance of the Heritage Item as a whole;</li> </ul>	<b>YES</b>

iii) whether all alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.	
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<b>Development Control</b>		<b>Complies</b>
<b>19C DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS AND NEW BUILDINGS</b>		
<b>19C.1 Local Character and Streetscape</b>		
<b>Built Form</b>		
2. Where an HCA is characterised by a mix of one and two storey buildings, proposed works to contributory properties are to: i) retain the original character of a building; ii) match the scale and forms of the existing buildings within the streetscape.		<b>YES</b>
3. Alterations and additions within an HCA are to respect the heritage significance and predominant architectural character of the HCA by having similar massing, style, form, proportions and arrangement of parts to the building itself, and to other contributory properties in the streetscape.		<b>YES</b>
<b>Corner Sites and Secondary Street Frontages</b>		
11. Development applications for corner sites and those with secondary street frontages are to consider the impact of proposals on both street frontages and take into account the following: i) The significant elements of the original house is to be retained including its principal street frontage and secondary street frontage; ii) Non-sympathetic rear additions generally do not require retention; iii) The scale of additions and alterations are to respect the existing ridge or eaves heights; iv) Where additions are attached, the proposed detailing (including finishes and materials) is to be appropriate to the original; v) Original and early fencing to the secondary frontage is to be retained and conserved; vi) Important views to and from the corner site are not adversely affected.		<b>YES</b>
12. Landscaping is required to both street boundaries.		<b>YES</b>
13 New development or additions are to be located to minimise impact on existing prominent trees.		<b>YES</b>

<b>Development Control</b>		<b>Complies</b>
<b>19C.3 Gardens and Landscaping</b>		
1. The established landscape character (height of the tree canopy, early gardens, remnant trees, historic tree plantings) that contributes to the significance of the streetscape and the HCA are to be retained and conserved.		<b>YES</b>
2. Original garden features such as gates, paths, stonework, garden terracing, tiling, cement crazy paving, walling and garden edging are to be retained and conserved.		<b>YES</b>

<b>Development Control</b>	<b>Complies</b>
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<b>19C.5 Building Design</b>	
<b>Materials, Colours and Details</b>	
1. Significant unpainted brickwork, sandstone and blockwork is not to be rendered, coated or painted.	<b>YES</b>
2. The removal of later layers of paint from original face brickwork and stonework is encouraged. Chemical stripping of paint from brickwork is encouraged.	<b>YES</b>
3. Natural and recessive colour schemes are encouraged for rendered and painted finishes, especially on sites rated as neutral or uncharacteristic.	<b>YES</b>
4. Contemporary materials are permitted for new work where they blend in with the existing character of the HCA.	<b>YES</b>
<b>Additional Requirements for Alterations and Additions</b>	
5. Development applications for alterations and additions within an HCA require a materials board and details of the colour scheme and finishes to be submitted.	<b>YES</b>
6. Significant materials and finishes such as decorative timber features, tiles, shingles, relief work, mouldings, incised designs in render, ashlar markings, tuckpointing and rough-cast stucco, are to be retained and repaired.	<b>YES</b>
7. Significant materials, finishes and details are to be retained and repaired using traditional techniques.	<b>YES</b>
<b>Repairs, Maintenance and Restoration</b>	
13. The reconstruction of altered, missing or removed original features, details and elements is supported where evidence exists of the earliest state of the fabric.	<b>YES</b>
15. The removal of intrusive later additions is encouraged.	<b>YES</b>

<b>Development Control</b>	<b>Complies</b>
<b>Verandahs</b>	
16. Original verandahs to the front and visible side elevations of contributory buildings are to be retained. Infilling of verandahs is not permitted.	<b>YES</b>
17. Reinstatement of open front verandahs is encouraged.	<b>YES</b>
<b>Doors and Windows</b>	
20. Original doors and windows to principal and visible secondary elevations of contributory buildings are to be retained.	<b>YES</b>
22. New doors and windows in additions and alterations are to be compatible with existing doors and windows.	<b>YES</b>
23. New windows to principal and secondary elevations of contributory buildings are to be appropriate in form and material for the style of the house	<b>YES</b>

<b>Development Control</b>	<b>Complies</b>
<b>19C.6 Roof Forms and Structures Attached to Roofs</b>	
<b>Roofs, Chimneys, Dormers, and Skylights</b>	
1. Fireplaces and chimneys are important building elements within HCAs and are to be retained.	<b>YES</b>
2. Roof forms and details vary widely according to building type and architectural style, and this variety of forms makes an important contribution to the visual complexity of the HCA and are to be retained	<b>YES</b>



3. The existing principal roof form is to be retained to the extent that it can be interpreted. The roofs of alterations and additions are to have a separate linked section. New roof forms for new work will be considered where they are complementary in design, not visible from the public domain (No pop tops) and follow historic practices, such as rear skillion roofs.	<b>YES</b>
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Development Control		Complies
19D HERITAGE ITEMS		
Development Control		Complies
19D.2 Setbacks		
1. In addition to the side and rear setback controls in Section A of this DCP, new development on the site of a Heritage Item is to comply with the following: i) building separation requirements to the nearest Heritage Item building element:		YES
New Development Height	Building Separation Requirement	
1 or 2 levels	Minimum 6m	
3 or more levels	Minimum 12m	
ii) new adjacent development is not to exceed a facade height of 8m from existing ground level, including balustrades; iii) where new adjacent development has a façade height above 8m high from existing ground level, the façade is to be stepped back to provide additional building separation in accordance with Figure 19D.2 -1.		

<b>Development Control</b>		<b>Complies</b>
<b>19D.3 Gardens and Landscaping</b>		
1. Trees, and garden elements and structures which contribute to the significance of the Heritage Item are to be retained and conserved. Examples of historic garden elements and structures can include, but are not limited to, tennis courts, croquet lawns, grottos, ferneries, garden terracing, lawn edgings etc.		<b>YES</b>

<b>Development Control</b>		<b>Complies</b>
<b>19D.5 Building Design</b>		
<b>Alterations and Additions – External</b>		
1. All works to a Heritage Item are to comply with the controls in this section regardless of whether the property is located in an HCA or not.		<b>YES</b>
2. Development applications for works to a Heritage Item require a materials board and details of the colour scheme and finishes to be submitted.		<b>YES</b>
3. New work to Heritage Items may be identifiable as new; however, works are to respect and have minimal impact on the property heritage significance.		<b>YES</b>
4. All significant built features of a Heritage Item are to be retained and conserved.		<b>NO</b>
6. Alterations and additions are to respect the scale, form, height, materials and colours of the Heritage Item.		<b>YES</b>
7. Alterations and additions are to be located at the rear or side of the building to maintain the integrity of the prominent elevations		<b>YES</b>

<i>and streetscape contribution.</i>	
<i>8. Extensions, alterations and additions are not to visually dominate or compete with the original scale of the existing building.</i>	<b>YES</b>
<i>9. Alterations and additions to a Heritage Item site are to respect the heritage significance and predominant architectural character of the Heritage Item by having similar massing, style, form, proportions and arrangement of parts to the building itself. Extensions and additions are to be kept at or below the existing roof ridge height.</i>	<b>YES</b>
<i>10. The re-instatement of missing elements and details, where known, and the removal of past unsympathetic changes, is encouraged.</i>	<b>YES</b>
<b>Alterations and Additions - Internal</b>	
<i>11. Major internal alterations resulting in the loss of significant interior details, finishes, built fabric, room layout and original floor plan are unlikely to be supported unless it can be demonstrate that there is no adverse impact.</i>	<b>YES (see note below)</b>
<i>12. All significant interior spaces and fabric of Heritage Items are to be retained and conserved.</i>	<b>YES</b>
<i>13. Original materials, finishes and details are to be retained and their repair using traditional techniques in encouraged</i>	<b>YES</b>
<i>14. The re-instatement of missing elements and details, where known, and the removal of past unsympathetic changes, is encouraged.</i>	<b>YES</b>
<b>Views</b>	
<i>15. New development on the site of a Heritage Item is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.</i>	<b>YES</b>
<b>Verandahs</b>	
<i>17. Original verandahs and porches to the front and side elevations of contributory properties are to be retained where contributing to the significance of the property.</i>	<b>YES</b>
<i>18. Reinstatement of open front verandahs, where they have been enclosed, is recommended.</i>	<b>Partially</b>
<b>Doors and Windows</b>	
<i>21. Original doors and windows to front and side elevations of heritage items are to be retained where contributing to the significance of the property.</i>	<b>YES</b>
<i>23. New doors and windows in additions and alterations are to be compatible with the proportions, position, size and detailing of existing doors and windows.</i>	<b>YES</b>
<i>24. New windows to front and visible side elevations of heritage items are to be appropriate in form and material for the style of the house (based on original fabric or photographic evidence or on the evidence of original houses of the same style in the streetscape).</i>	<b>YES</b>
<i>25. The retention, repair and restoration of original leadlight and coloured glass window and door panes is encouraged.</i>	<b>NO</b>

An assessment of the variations to Controls 4 and 25 identified in the compliance table above is provided below:

### **Part 19D.5 Building Design Alterations and Additions**

The following objectives in this Part are relevant to Controls 4 and 25.

*To ensure the significant external features of a Heritage Item and its setting are retained and new development is sympathetic in terms of bulk, form, style, character, scale, and materials.*

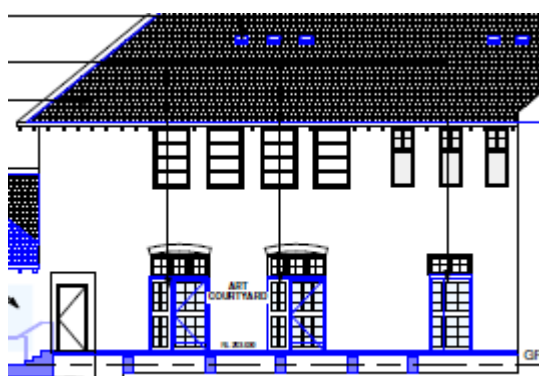
*To ensure that the materials, finishes, and colours of new work enhances the identified significance of the Heritage Item.*

*To ensure alterations and additions do not dominate the Heritage Item.*

*To protect the original fabric and details of doors and windows of heritage items.*

For the following reasons it is considered that the objectives are achieved, despite the variations to Controls 4 and 25:

Two windows in the internal courtyard are proposed to be demolished. It was recommended as part of the PRE DA to interpret the windows into the new doors – which the architect has completed. The removal of the two windows is acceptable on heritage grounds.



#### **Control 11 - 19D.5**

The first floor walls proposed for demolition are not original heritage fabric. The first floor was originally for boarding and comprised of a series of large rooms. The proposed first floor is largely returning the first floor to the original configuration. The first-floor walls identified for demolition are largely stud/plasterboard walls.

Development Control	Complies
<b>19D.7 Roof Forms and Structures Attached to Roofs</b>	
<b>Roofs, Chimneys, Dormers, and Skylights</b>	
1. Fireplaces and chimneys are important building elements within HCAs and are to be retained.	<b>YES</b>
2. Roof forms and details vary widely according to building type and architectural style, and this variety of forms makes an important contribution to the visual complexity of the HCA and are to be retained	<b>YES</b>
3. The existing principal roof form is to be retained to the extent that it can be interpreted. The roofs of alterations and additions are to have a separate linked section. New roof forms for new work will be	<b>YES</b>

considered where they are complementary in design, not visible from the public domain (No pop tops) and follow historic practices, such as rear skillion roofs.	
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### Conclusion on Demolition

The proposed demolition works will have no more than a minimal impact on the integrity of the heritage item.

Development Control	Complies
<b>DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)</b>	
<b>19F.1 Local Character and Streetscape</b>	
General 1. All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement (HIS). The HIS is to address the effect of the proposed development on a Heritage Item or HCA and demonstrate that the proposed works will not adversely impact upon significance, including any related heritage features within the identified curtilage and setting.	YES
<b>Built Form</b>	
2. Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to: i) the form of the existing building or buildings including height, roofline, setbacks and building alignment; ii) dominant architectural language such as horizontal lines and vertical segmentation; iii) proportions including door and window openings, bays, floor-to-ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; vi) setting and context; vii) streetscape patterns.	YES
<b>Views</b>	
New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	YES

Development Control	Complies
<b>19F.2 Building Setbacks</b>	
<b>Setbacks</b>	
1. The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply.	YES
<b>Residential Context</b>	
2. All medium and high-density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19E.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.	YES
3. In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building	YES

<p><i>within an HCA, is to comply with the following:</i></p> <p><i>i) adjacent developments are to have a minimum 12m building separation to the Heritage Item or building in the HCA (more if setback requirements are not met within the 12m) as per Figure 19D.3-1;</i></p> <p><i>ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades;</i></p> <p><i>iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19D.3-1;</i></p> <p><i>Where variations in setbacks exist the larger setback will apply</i></p>							
<p><b>4. Any new development is to provide the following building separation to the building eaves or wall, whichever is closest, of:</b></p> <p><i>i) a neighbouring Heritage Item building; or</i></p> <p><i>ii) a neighbouring building within a Heritage Conservation Area</i></p> <table border="1"> <thead> <tr> <th>New Development Height</th><th>New Development Height</th></tr> </thead> <tbody> <tr> <td>1 or 2 levels</td><td>Minimum 6m</td></tr> <tr> <td>3 or more levels</td><td>Minimum 12m</td></tr> </tbody> </table> <p><i>Refer to Figure 19F.2-1</i></p>	New Development Height	New Development Height	1 or 2 levels	Minimum 6m	3 or more levels	Minimum 12m	<b>YES</b>
New Development Height	New Development Height						
1 or 2 levels	Minimum 6m						
3 or more levels	Minimum 12m						

<b>Development Control</b>	<b>Complies</b>
<b>19F.3 Gardens and Landscaping</b>	
<b>Gardens, Setting and Curtilage</b>	
<p><b>1. Development in the vicinity of a Heritage Item or an HCA is to:</b></p> <p><i>i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting. In particular, garden settings in the vicinity are not to be adversely affected in terms of overshadowing or physical impacts on significant trees;</i></p> <p><i>ii) retain the established landscape character of the Heritage Item or HCA including height of the tree canopy and density of boundary landscape plantings or otherwise reinstated them in the new development;</i></p> <p><i>iii) include appropriate screen planting on side and rear boundaries.</i></p>	<b>YES</b>

### **Comments**

*The revisions have addressed the issues raised previously.*

### **Conclusion and Recommendation**

*The proposal will have a minimal impact on the Heritage Conservation Area and the heritage item and is acceptable from a heritage perspective.*

## **Engineering**

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

### **Recommendations**

*The proposal is acceptable, subject to conditions.*

<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 24A. Site Design for Water Management</b>		
<b>24A.1 Development Type 1</b>	<p><i>Alteration and Addition</i></p> <p><i>The increase in built-upon area is &lt; 20m<sup>2</sup></i></p>	<b>YES</b>

24A.2 Location A	Gravity discharge to existing on-site disposal system.	<b>YES</b>
<b>Part 24C.6 Stormwater Quality Control</b>		
<b>Part 24C.6 Stormwater Quality Control</b>	No OSD is required for a Type 1 Development.  Any uncontrolled surface runoff can be directed to rainscaping.	<b>YES</b>
<b>Part 22 General Access and Parking</b>		
<b>Part 22.2 General Vehicle Access</b>		
22.1 Equitable Access	Knox Grammar School have appropriate access and parking clearly visible from the street(s).	<b>YES</b>

## Environmental health

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

### **Noise impact assessment**

*A Noise Impact Assessment (prepared by Rodney Stevens Acoustics, dated 7 November 2023) was submitted.*

*The report mentions that it did not include mechanical ventilation as part of its assessment as it was not part of the upgrade at this stage. However, in discussions with the Project Manager and staff overseeing the potential works, as well as the mechanical service plans prepared by Drew Dickson Architects dated 9 February 2024, it was understood that upgrades and additional air conditioning units are proposed. There is currently a location on the ground floor near the staff car park (along the eastern side) where the air conditioning units are currently housed. It is proposed that the concrete platform that they are located on, will be extended to accommodate the additional units. This location is approximately 41 metres east of the nearest 'affected residence' at 7 Sutherland Avenue Wahroonga. There is also a solid acoustic wall installed along this boundary as well as an additional outbuilding in direct path of travel to act as a buffer to the air conditioning noise.*

*Conditions are recommended, which require compliance with the best practice standards for acoustic amenity.*

### **Hazard building materials**

*A Hazardous Building Materials Survey (prepared by JK Environments Pty Ltd and dated 26 October 2023) was submitted.*

*The report advises that there are buildings as part of the refurbishment that contain bonded-asbestos material, including the tuckshop and possibly the electrical backing board. To ensure public safety, conditions are recommended, which require all works involving asbestos products and materials to be carried out in accordance with the guidelines for asbestos works, published by Safework NSW.(Condition 4).*

## STATUTORY PROVISIONS

### State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 3

The Sustainable Buildings SEPP was made in August 2022 and applies to development applications submitted on the planning portal from 1 October 2023. The Sustainable Buildings SEPP encourages the design and construction of more sustainable buildings across NSW. Chapter 3 ‘Standards for non-residential development’ of the SEPP applies to the following development types:

- (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or*
- (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.*

These provisions apply to the development, as it is for alterations with an estimated development cost of more than \$10 million.

Section 3.2(1) ‘Development consent for non-residential development’ states:

- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
  - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
  - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
  - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
  - (d) the generation and storage of renewable energy,*
  - (e) the metering and monitoring of energy consumption, the minimisation of the consumption of potable water.*

The proposal achieves the objectives through the following measures:

- i. minimisation of demolition and the reuse of existing building materials and fabric
- ii. water efficient plumbing fixtures
- iii. energy efficient air conditioning units and appliances
- iv. natural ventilation
- v. rainwater collection and re-use for toilet flushing
- vi. high performance glazing
- vii. roof insulation and sarking
- viii. energy efficient LED lighting with timers and sensors

Section 3.2(2) ‘Development consent for non-residential development’ states:

- (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

The NABERS Embodied Emissions form submitted with the application quantifies the embodied emissions attributable to the development. The requirements of section 3.2(2) are satisfied.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

### Chapter 3 – Educational Establishments and Child Care Facilities

Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) facilitates the effective delivery of educational establishments and early education and care facilities across the State.

<b>COMPLIANCE TABLE</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 3.4 Schools – specific development controls</b>		
<b>3.36 Schools – development permitted with consent</b>		
1) Development for the purpose of a school may be carried out by any person with development consent on the land in a prescribed zone.	The development site is zoned SP2 Infrastructure which is identified as a prescribed zone.	<b>YES</b>
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.	Ewan House Building will continue to be used for educational and administrative purposes. No other uses are proposed.	<b>YES</b>
6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration -	The proposed development is consistent with the requirements of Schedule 8.	<b>YES</b>
a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and	Ewan House is currently shared with the community. The building is used to host events throughout the year which are organised in collaboration with neighbouring schools, community organisations and community providers. The proposed development will allow Ewan House to continue to be a shared facilities with the community.	<b>YES</b>
b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.		
<b>Part 3.7 General development controls</b>		
<b>Schedule 8 – Design Quality Principles in schools – Chapter 3</b>		
<b>Principle 1 – context, built form and landscape</b>		



COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<p>The proposal has been designed to enhance the heritage qualities of the site and surrounding area. The development is designed in accordance with the existing site conditions and does not result in significant adverse impacts.</p> <p>The existing landscaping is to be retained as part of the development. The proposal does not result in adverse impacts on the amenity of neighbouring properties or the streetscape.</p>	<p><b>YES</b></p> <p><b>YES</b></p>
<p><b>Principle 2 – sustainable, efficient and durable</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</li> </ul>	<p>The proposal enhances light and natural cross ventilation across the building, reducing the need for heating and cooling. Bricks, timber, metals and fill will be cleaned and separated where possible for reuse or to enhance resource recovery. The design of the proposal combines positive environmental, social and economic outcomes.</p> <p>The proposed materials and finishes are durable, resilient and adaptable to meet the evolving future needs of the school facility.</p>	<p><b>YES</b></p> <p><b>YES</b></p>
<p><b>Principle 3 – accessible and inclusive</b></p> <ul style="list-style-type: none"> <li>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</li> </ul>	<p>Satisfactory BCA and Access Reports have been provided and listed under Condition No. 1 of the recommended</p>	<p><b>YES</b></p>





The proposal is also found to be consistent with the requirements of Clause 6.7 as it is unlikely to impact on aquatic ecology and appropriate erosion and sediment control measures are proposed. Subject to recommended Conditions, Council's Development Engineer has no objection to the proposed development.

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

### **Clause 1.2 Aims of the Plan**

The proposal has been assessed against the relevant Aims of the Plan. The proposal is consistent with the Aims for the reasons given within this report.

### **Zoning and permissibility:**

The site is zoned SP2 Infrastructure - Educational Establishment. The proposed development for alterations and additions to an educational establishment are a permissible form of development within the zone.

The objectives of the zone are:

- *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 consistent with the objectives of the SP2 Infrastructure - Educational Establishment, as it supports the functioning of the educational establishment on site.

## **Part 5 Miscellaneous provisions**

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

The subject site includes "Ewan House," a federation style mansion which is heritage listed. The site is also located within 100m of the Heritage Items at No. 10 Cleveland Street, 21 Cleveland Street ("St Lucys School") and Nos. 12, 19, 30 and 34 Billyard Avenue. The property is located within the Heritage Conservation Area C1.

The proposed works within the Ewan House building do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance. The application has been considered against the provisions of Clause 5.10 of the KLEP 2015 by Council's Heritage Advisor. The proposal is acceptable on heritage grounds as the works will have a minimal impact on the Heritage Conservation Area and the Heritage Item.

## **Part 6 Additional local provisions**

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

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 Acid sulfate soils. Development consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposal is not subject to this clause as the works are more than 500m of adjacent Class 1, 2, 3 or 4 land.

### **Clause 6.2 – Earthworks**

The Waste Management Plan estimates 113m<sup>3</sup> of excavation material. The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics. Additionally, the fill to be removed will be disposed of appropriately.

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

The site is mapped as land comprising biodiversity significance.

The proposed development is confined to the Ewan House building and will not result in disturbance to any areas mapped as containing biodiversity. The proposal is consistent with the requirements of this clause.

### **Clause 6.5- Stormwater and water sensitive urban design**

Council's Development Engineer considered the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. Council's Development Engineer advises that the existing system is to be utilised and is acceptable.

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

### **Section A**

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

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

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

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

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

### **Section B**

#### **Part 15 – Land Contamination**

The site is not mapped as being contaminated and has a history of an educational establishment use and as such, it is unlikely to contain contamination. Further investigation is not warranted in this case.

#### **Part 18 – Biodiversity**

The site is mapped as land comprising biodiversity significance.

Based on the extent of the works being confined to the Ewan House building, the development will not result in additional disturbance to any areas mapped as containing biodiversity. The proposed development will not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat.

## Part 19 – Heritage and Conservation Areas

The subject site includes “Ewan House,” a federation style mansion which is heritage listed. The site is also located within 100m of the Heritage Items at No. 10 Cleveland Street, 21 Cleveland Street (“St Lucys School”) and Nos. 12, 19, 30 and 34 Billyard Avenue. The property is located within the Heritage Conservation Area C1.

Council’s Heritage Advisor assessed the proposal against the provisions of Part 19 of the KDCP. The proposal is supported on heritage grounds, as the works will have a minimal impact on the Heritage Conservation Area and Heritage Item.

## 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>		
Development must be accommodated within the natural slope of the land. Level changes across the site area to be primarily resolved within the building footprint.	The proposed earthworks have been minimised where possible. The proposed works are primarily within the existing building footprint. Significant level changes are not proposed.	<b>YES</b>
Excavation and tilled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.	The proposed earthworks will not result in the redirection or concentration of stormwater onto adjoining properties.	<b>YES</b>
<b>Part 22 - General access and parking</b>		
<b>22.1 – Equitable Access</b>		
Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA) and the Disability (Access to Premises – Buildings) Standards 2010.	The submitted BCA and Access Reports have been reviewed and are considered to be acceptable by Council’s Building and Compliance Officer.	<b>YES</b>
<b>Part 23 – Building Design and Sustainability</b>		
<b>23.1 – Social Impact</b>		
Proposals are to consider the impacts of the development on nearby residents and users of the site.	The proposed development relates to minor alterations and additions to the Ewan House building, located within the existing educational	<b>YES</b>

	establishment. Accordingly, the proposal will have minimal impacts on nearby residents, whilst improving the amenity and facilities for the users of the site.	
<b>23.2 – Green Buildings</b>		
All non-residential buildings are required to incorporate Ecologically Sustainable Design measures as stated in Control 1 and to achieve Green Star rated buildings to Green Building Council of Australia (GBCA) standards.	The proposed development incorporates adequate ESD measures. A Green Star Rating is not required for the proposal.	<b>YES</b>
<b>23.4 – Materials and Finishes</b>		
Where additions and alterations are proposed, external materials and finishes are to complement the existing building	The proposed development incorporates high quality materials that respond to the heritage significance of the building.	<b>YES</b>
<b>23.6 – Building Services</b>		
Services and related structures are appropriately located to minimise streetscape impact	The air conditioning units have been appropriately located and will not be visible from the street.	<b>YES</b>
Air conditioning condensers are to be located within the basement or within the roof structure of the upper most roof. Air conditioning condensers are not to be located on: <ul style="list-style-type: none"> <li>i. the building façade;</li> <li>ii. the top of a flat roof;</li> <li>iii. terraces;</li> <li>iv. private or communal open spaces; or</li> <li>v. balconies</li> </ul>	Air conditioning units and associated works proposed to the side (eastern) elevation of Ewan House.	<b>NO</b>
<b>23.7 – General Acoustic Privacy</b>		
Development is to be designed to minimise the impact of external noise sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants.	This has been addressed in the satisfactory Noise Impact Assessment and the recommended conditions.	<b>YES</b>
<b>23.10 – Construction, Demolition and Disposal</b>		
Satisfactory Environmental Site Management Plan	A satisfactory Environmental Management Plan has	<b>YES</b>

	been submitted.	
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## Section C

### Part 23 – General Building Design and Sustainability

#### 23.6 – Building Services

Control 7 in Part 23.6 of the DCP states air conditioning condensers are to be located within the basement or within the roof structure of the upper most roof. Air conditioning condensers are not to be located on:

- i. the building façade;
- ii. the top of a flat roof;
- iii. terraces;
- iv. private or communal open spaces; or
- v. balconies.

The objectives of this provision include:

1. *To ensure visually intrusive service elements are located away from the streetscape.*
2. *To ensure that proposed or future service provision does not detract from the visual or general amenity of the building users.*

Existing air conditioning units are located on the side (eastern) elevation of Ewan House (**Figure 3**). The proposal seeks to extend the concrete platform the air conditioning units are currently located on along with a new 2 metres high acoustic screen around the perimeter of the platform.

The air conditioning units are adequately set back and screened from the Sutherland Avenue streetscape. The structures are located approximately 22.5m from the eastern property boundary. Furthermore, the proposed acoustic screen, band building and established tree canopy on the eastern boundary will provide a visual buffer between the structures and the public domain.

The proposal is an improvement to the visual and general amenity of the building. The proposed acoustic screen will mitigate noise impacts to those within and outside Ewan House. The screen will also aid in concealing the air conditioning units, improving the visual aesthetics of the building.

The proposal meets the objectives of the control.





**Figure 3: location of existing air conditioning units and the band building in the foreground**

## **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. **(Condition 38)**

## **Ku-ring-gai Contributions Plan 2023**

The development attracts a Section 7.12 contribution of \$106,907.44 which is required to be paid prior to the issue of any Construction Certificate.

## **REGULATION**

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition works will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works. A condition **(Condition 10)** to this effect has been included in the recommendation section of this report.

## **LIKELY IMPACTS**

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

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

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

## CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is 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 would be in the public interest, grants development consent to eDA0134/24 for alterations and additions to the Ewan House building at Knox Grammar Preparatory School at 1-3 Billyard Avenue, Wahroonga, 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 conditions of the consent are set out as follows:**

#### 1. Approved architectural plans and documentation (alterations and additions)

The development must be carried out in accordance with work shown in colour on the plans and as described or depicted in the documentation listed below and endorsed with Council's stamp, except as amended by other conditions of this Development Consent.

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA-002, Revision 7 – Site Plan	Drew Dickson Architects	21/03/2024
DA-00, Revision 5 – Environmental Site Management Plan	Drew Dickson Architects	21/03/2024
DA-020, Revision 7 – Removal Plan – Ground floor	Drew Dickson Architects	21/03/2024
DA-021, Revision 7 – Removal Plan – First Floor	Drew Dickson Architects	21/03/2024
DA-022, Revision 7 – Removal Plan - Roof	Drew Dickson Architects	21/03/2024
DA-023, Revision 7 – Removal Elevations – North and East	Drew Dickson Architects	21/03/2024
DA-024, Revision 7 – Removal	Drew Dickson Architects	21/03/2024

Elevations – South and West		
DA-025, Revision 7 – Removal Elevations - Courtyard	Drew Dickson Architects	21/03/2024
DA-100, Revision 8 – Proposed Ground Floor Plan	Drew Dickson Architects	21/03/2024
DA-101, Revision 7 – Proposed First Floor Plan	Drew Dickson Architects	21/03/2024
DA-102, Revision 7 – Proposed Roof Plan	Drew Dickson Architects	21/03/2024
DA-103, Revision 7 – Proposed Elevations – North and East	Drew Dickson Architects	21/03/2024
DA-104, Revision 7 – Proposed Elevations – South and West	Drew Dickson Architects	21/03/2024
DA-105, Revision 7 – Proposed Elevations - Courtyard	Drew Dickson Architects	21/03/2024
<i>Stormwater Management Plans</i>		
C101-001, Revision B	Acor Consultants Pty Ltd	23/11/2023
C101-101, Revision B	Acor Consultants Pty Ltd	23/11/2023
C103-001, Revision B	Acor Consultants Pty Ltd	23/11/2023
C103-101, Revision B	Acor Consultants Pty Ltd	23/11/2023
C108-001, Revision B	Acor Consultants Pty Ltd	23/11/2023
C109-001, Revision B	Acor Consultants Pty Ltd	23/11/2023

<b>Document(s)</b>	<b>Dated</b>
BCA Capability Statement prepared by Design Confidence	13/02/2024
Heritage Fabric Survey prepared by Weir Phillips Heritage	November 2023
Construction Traffic and Pedestrian Management Plan prepared by Traffix – Traffic	November 2023
Stone Specification	undated
Roof tile specification prepared by Hagertys	7/11/2023
Noise Impact Assessment prepared by Rodney Stevens Acoustic Consultants	7/11/2023
Waste Management Plan	16/01/2024
Letter prepared by Drew Dickson Architects 'Response to Sustainable Buildings SEPP 2022'	12/07/2024

**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. No demolition of extra fabric**

Alterations to, and demolition of, the existing building shall be limited to that part of the existing building as documented on the approved plans (by way of notation or otherwise). No approval is given for removal and/or rebuilding of any part of the existing building which is shown to be retained by the approved plans.

**Reason:** To ensure compliance 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. 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 form shall be submitted to Council.

**Reason:** Statutory requirement.

#### **6. Notification of builder's details**

Prior to the commencement of any works, the Principal Certifier 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.

#### **7. Structural adequacy (alterations and additions)**

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the approved works.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

**Reason:** To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

#### **8. 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
- 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 an 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
- 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 Cleveland Street, Billyard Avenue and Sutherland Avenue during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

When a satisfactory CTMP is received and the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

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

## **9. 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. 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 A CONSTRUCTION CERTIFICATE:**

### **10. Statement of compliance with Australian Standards**

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

**Reason:** To ensure compliance with the Australian Standards.

### **11. Long service levy**

A Construction Certificate 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. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au).

**Reason:** Statutory requirement.

### **12. Outdoor lighting**

Prior to the issue of any Construction Certificate, the Certifier 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.

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

### **13. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, lifts 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 shall not be issued unless the Certifier 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.

### **14. Utility provider requirements**

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

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

### **15. Design and construction of renovated tuckshop**

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 prior to the issue of any Construction Certificate. Plans and specifications shall address the following:

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

- all proposed mechanical ventilation systems
- staff, accessible and public toilet facilities

**Note:** 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 ANY CONSTRUCTION CERTIFICATE, OR PRIOR TO DEMOLITION, EXCAVATION OR BUILDING WORKS (WHICHEVER COMES FIRST):**

**16. 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 manner:

- (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 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 by Council of an Occupation Certificate, 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 by Council of the final occupation certificate, 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.

## **17. Construction Certificate plans**

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent, as modified by any conditions of consent.

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

## **18. Section 7.12 fixed development consent levy contributions**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, \$106,907.44 based on development costs of \$10,690,744.00, shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

- (a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (b) prior to the issue of the first Construction Certificate where the development is for building work; or
- (c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (d) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at [www.krg.nsw.gov.au](http://www.krg.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

**Reason:** To cater for the increased demand for upgrades in the public domain resulting from cumulative developments in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

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

### 19. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve (excluding where a Driveway Application and Roads Act Approval is required) shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

### 20. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. 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:

#### **Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)**

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

## Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Reason:** Statutory requirement.

## 21. 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.

## **22. 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 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.

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

## **23. 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.

## **24. 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.

## **25. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the

like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

**Reason:** To ensure safety and amenity of the area.

## **26. 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. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. 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.

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

During demolition and construction, the Principal Certifier 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.

## **28. 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.

## **29. 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 take actions to stop work, which may include the bringing of proceedings.

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

### **30. 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.

### **31. 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.

### **32. 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.

### **33. 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.

### **34. 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

### **35. 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:**

### **36. Ecologically sustainable development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the ecologically sustainable development measures outlined in the letter prepared by Drew Dickson Architects 'Response to Sustainable Buildings SEPP 2022' listed in Condition 1 have been incorporated into the completed development.

**Reason:** To ensure that the development incorporates measures to achieve the requirements of SEPP (Sustainable Buildings) 2022.

### **37. Mechanical noise control**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, lifts 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 must 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.

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

### **38. Outdoor lighting**

Prior to the issue of the Occupation Certificate, the Principal Certifier 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.

### **39. Certification of drainage works (alterations and additions)**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 and the Building Code of Australia.
2. The stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans, and Ku-ring-gai DCP Part 24 'Water Management'.

Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this condition is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

### **40. Fire safety certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

### **41. Construction of renovated tuckshop**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the construction of renovated tuckshop and all food storage areas within the tuckshop are 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.

If a private certifier is to be used, the final inspection of the food premises fit out must be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.

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



## CONDITIONS TO BE SATISFIED AT ALL TIMES:

### 42. 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.

### 43. Noise control - mechanical plant

Noise levels associated with mechanical plant (including but not limited to air conditioning units) installed on the premises must not be audible within any habitable room in any other neighbouring 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 must 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.

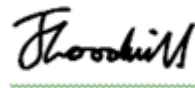
### 44. Annual fire safety statement

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.



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Services



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