SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	PPSSNH-60
DA Number	DA0528/19
LGA	Ku-ring-gai
Proposed Development	Partial demolition and alterations and additions to existing school and associated site works (St Edmund's College)
Street Address	60 and 60A Burns Road, Wahroonga
Applicant/Owner	The Trustees of Sir Edmund Rice Education Australia C/- DFP Planning
Number of Submissions	29
Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011)	School (private infrastructure) and has a capital investment value of more than $5 million
List of all relevant s4.15 matters	• State Environmental Planning Policy No. 55 • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River • Draft State Environmental Planning Policy (Remediation of Land) • Draft Environment State Environmental Planning Policy; • Ku-ring-gai Local Environmental Plan 2015 (LEP) • Ku-ring-gai Development Control Plan (DCP) • Ku-ring-gai S94A Contributions Plan 2015 • Environmental Planning and Assessment Regulation.
Is a Clause 4.6 variation request required?	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Have draft conditions been provided to the	Yes

applicant for comment? **Have any comments been considered by council in the assessment report?**	Yes
List all documents submitted with this report for the Panel's consideration	Attachments: A. Locality/Submitters map B. Zoning map extract C. Demolition plans D. Architectural plans E. Landscape plans F. Engineering plans G. Traffic report H. Preliminary site investigation (contamination) I. Acoustic Assessment J. Arborist report K. Geotechnical report L. Access report M. Planning Circular N. School plan of management O. Ecological sustainable design report
Recommendation	Approval
Report prepared by	Scott McInnes
Report date	June 2020

PURPOSE OF REPORT

To determine Development Application No DA0528/19 for the partial demolition and alterations and additions to an existing school (St Edmund's College) and associated site works.

Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, this matter is reported to the Sydney North Planning Panel (SNPP), as the consent authority, for determination as the application relates to a school (private infrastructure) that has a capital investment value of more than $5 million ($16,300.000).

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

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

EXECUTIVE SUMMARY

Issues:	Resident concerns On-site car parking
Submissions:	29
Land and Environment Court:	N/A
Recommendation:	Approval

HISTORY

Site history:

The site has an ongoing use as an educational establishment, specifically as a co-educational secondary college catering for students in Years 7-12, with a wide range of disabilities, including sensory disabilities, mild to moderate intellectual disabilities and autism.

The school was established in 1951 catering for blind boys, over the years the enrolment composition has broadened to include both male and female students who have sensory impairments other than vision, as well as students with other special needs.

The school has been altered and extended overtime in response to population growth and changes to educational requirements. Recently, the school acquired 60A

Burns Road, an 1163m^2 residentially zoned lot accommodating a large two storey dwelling and detached garage, which forms part of this development application.

Previous applications history:

Two Pre-DA consultation meetings (PRE0162/18 and PRE0084/19) were held with Council prior to the lodgement of the subject development application. They were held on 6 February 2019 and 24 September 2019.

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

Type	Application	Description	Decision	Date
DA	111/05/DQ	Refurbishment of entry to existing building. New porch with cover.	APPROVED	24/03/2005
DA	112/05/DB	Alterations and additions to front entry of special needs school	APPROVED	24/03/2005
CC	05/00441/C2	CC issued by PCA for DA 112/05	APPROVED	08/06/2005
DA	1516/02/DQ	Refurbishment inside existing building	APPROVED	31/12/2002
CDC	35/03/CB/	Alterations	APPROVED	21/05/2003
DA	4527/95	St Edmund's School for the blind-Swimming pool enclosure-	APPROVED	21/07/1995
DA	4744/95	2 Additional classrooms, ramp & amenities for the disabled	APPROVED	28/03/1996
DA	4827/96	Installation of satellite dish to St Edmund's School	APPROVED	23/04/1996
DA	831/03/DK	St Edmund's School food and wine festival 2- November 2003	WITHDRAWN	12/12/2003
CC	CCPCA0370/09	Heritage Property - School - additions and alterations to existing facilities, new pool enclosure plus external works	APPROVED	21/05/2003
DA	DA0371/08	Heritage Property - School - additions and alterations to existing facilities, new pool enclosure plus external works	REFUSED	08/07/2008
S. 4.55	MOD0459/08	Modification of DA0371/08 proposing additions, alterations to heritage listed school including new classrooms, specialist facilities, pool enclosure and external works	APPROVED	27/03/2009
Pre-DA	PRE0162/18	Alterations and additions to the various school buildings and other facilities - St Edmund's College Wahroonga	COMPLETED	06/02/2019
Pre-DA	PRE0084/19	Follow up to PRE0162/18 - Alterations and additions to school buildings and other facilities (St Edmund's College Wahroonga) - heritage item within heritage conservation area	COMPLETED	24/09/2019

Current DA

Date	Action
17 December 2019	Application lodged.
9 January 2020	The application was notified to neighbouring property owners during the extended holiday notification period ending 17 February 2020.

	29 submissions were received.
16 April 2020	A letter was sent to the applicant seeking additional information in relation to: • tree impacts associated with proposed stormwater drainage and construction staging • the design quality statement • staged construction • documentation to meet schedule 1 of the EP & A Regulation
29 April 2020	Council conducted a teleconference briefing with the SNPP
15 May 2020	Amended plans and supporting documentation were received.
22 May 2020	A further assessment letter was sent to the applicant, seeking a driveway long section for the proposed carpark accessing Braeside Street
25 May 2020	Additional driveway long section was received.

THE SITE

Aerial photograph

Figure 1: Aerial image of 60 and 60A Burns Road (site delineated in blue)

Site description:

The site comprises three allotments, Lot 1 and Lot 6 in DP19875 commonly known as 60 Burns Road, Wahroonga and Lot 2 in DP 19875, known as 60A Burns Road, Wahroonga. The site has a total site area of 9,170m^2 (**Attachment A**).

St Edmund's College currently operates as an educational establishment at 60 Burns Road, Wahroonga and is a locally listed heritage item. 60A Burns Road was recently acquired by the school and maintains a residential land use and does not form a part of the locally listed heritage item.

The site is highly irregular in shape, having an 88.5 metres primary frontage to Burns Road on the southern boundary, 63 metres secondary to Wahroonga Avenue on the western boundary, 31.67 metres to Braeside Street on the northern boundary and five other boundaries varying from 38.7 metres to 152 metres with residential properties to the east and west. The site currently contains buildings and structures generally confined to the south-west and central areas of the site.

The south-western corner of the site contains its original building known as Midhope, being a former two storey dwelling house now utilised by the school for administration and learning spaces.

Attached to the south and south-eastern part of Midhope is a later mid-20th century single storey addition which contains office space and classrooms. To the north of Midhope, the site contains a large two storey building with office space, classrooms and general learning areas on the lower level and offices and classrooms on the upper level. The eastern portion of the site contains a more recently constructed one and two storey school building. These additions contain general purpose learning areas, classrooms and an indoor swimming pool.

Vehicular access to the site is via Burns Road of the site's south-western corner, providing access to the existing 13 spaces car park adjacent to Wahroonga Avenue. Egress from the car park is to Wahroonga Avenue.

Vehicular access to the school's playground area is via an access point from Braeside Street located at the site's northern boundary.

The site also located within the Wahroonga Heritage Conservation Area.

Constraint:	**Application:**
Visual character study category	Pre - 1920.
Easements/rights of way	Nil, according to Council's records
Heritage Item – Local	Yes, 'Midhope' (local listing), Federation Queen Anne style mansion
Heritage Item – State	No
Heritage conservation area	Yes, Wahroonga Heritage Conservation Area
Within 100m of a heritage item	Yes, 53,70 Burns Road and 50 Braeside Road
Bush fire prone land	No
Natural Resources Biodiversity	Yes, frontage of 60A Burns Road
Natural Resources Greenweb	Yes, frontage of 60A Burns Road
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development:

The surrounding area is predominately characterised by low-density, large-scale, single detached dwellings. Thirty metres to the south-east of the site is Wahroonga Public School, the Wahroonga town centre is located approximately 930 metres to the south-west (**Attachment B**).

THE PROPOSAL

The application proposes the partial demolition, alterations, additions to an existing school and associated site works. Specific details of the proposed works include:

1. demolition of the:
    - existing single storey addition to the southern side of Midhope
    - existing two storey addition to the northern side of Midhope
    - existing running track

2. partial demolition of:
    - the general purpose learning building and ancillary rooms located to the west of the indoor swimming pool
    - the single storey additions to the north-eastern side of Midhope and
    - bathrooms attached to the northern elevation of the indoor swimming pool

For detailed demolition plans refer to **Attachment C.**

3. additions to the school involve the following:

    - the southern façade of the Midhope building, which faces Burns Road will be reinstated with internal alterations proposed to provide for improved office space and administrative areas for staff
    - the existing single storey buildings to the north-east of Midhope will undergo an internal fit out for science labs and learning spaces
    - a new office area and a fire booster pump room are also proposed to be located in this building
    - a two storey addition to the northern side of Midhope comprising:

        - ground level:
            - a new main school entry orientated to Wahroonga Avenue
            - external cantilevered awning opposite a new pedestrian entrance gate
            - entry foyer and lobby
            - reception and staff administrative areas on the western side of the building
            - a new library, music room and school hall with associated amenities, offices storage space and circulation space
            - two lift shafts and accessible elevators

        - first floor level:
            - general learning areas and staff offices with associated amenities, storage space and circulation space extending partially over the existing swimming pool

4. external design elements involve the following:

    The additions will have a contemporary external appearance, utilising a mix of

materials and built form elements such as vertical blades, acid etched pre-cast concrete, large glazed areas, steel and pre-finished fibre-cement sheet cladding.

Two temporary demountable classrooms will be required throughout the construction. The classrooms will be located on the school's playground area and accommodate students throughout the construction stages of the project. The classrooms will be removed upon the completion of works.

A new 16 space car park, including one accessible parking space. Fourteen spaces are to be dedicated to employees and 2 spaces for the schools taxi van fleet.

Vehicular access is achieved via 3 metres wide single lane driveway and 3 metre wide crossover onto Braeside Street.

Stormwater from all roof water is managed through the collection and discharge into a belowground on-site detention tank located between the replacement running track and the swimming pool building.

Stormwater from the proposed carpark is managed through on-detention tank and a 1 metre wide bio-retention garden running adjacent to the southern end of the car park to collect oils, metals, rubbers and treat nutrients from runoff.

The overflow from the roof water and carpark detention systems is directed over 60A Burns Road via proposed drainage easement to a proposed junction pit on Burns Road.

The dwelling at 60A Burns Road will remain tenanted under a residential lease agreement and maintained as a residential land use consistent with its R2 low density residential zone. The application does not propose a change of use on this property and only includes stormwater works, which is permissible under Clause 33(f) prescribed zones of the Education SEPP, permitting development for the purpose of a school with development consent.

Tree removal – 2 x trees of low retention value (T54 Jacaranda and T85 Camellia).

Tree retention – 99 trees of low to high retention value.
Landscaping, including the reinstatement of a federation styled garden adjacent to the southern elevation of Midhope.

Kiosk substation set back 1.2 metres from the Braeside Street frontage and realignment of 1.8 metre high palisade fencing to accommodate the structure.

A hydrant booster on the corner of Wahroonga Avenue and Burns Road frontage.

For architectural, landscaping and engineering plans refer to **Attachments D, E and F,** respectively.

5. student and staff numbers:

The school has an enrolment capacity of 132 students. There is no change to the

school's population or staffing numbers proposed as part of this proposal.

6. construction staging:

   The above works are to be built over three main construction stages with three minor sub-stages. It is important to note the proposal is not a 'staged concept' DA under Part 4 Division 4.4 of the EP&A Act. The sub-staging is required to ensure the continued operation of the school during works and accordingly, a series of Occupation Certificates would be required for each of the sub-stages listed with the exception of Stage 3b which will be the final construction stage.

   All architectural, landscape, engineering and supporting documents provide detailed construction staging details (**Attachments C, D, E and F**). A summary of the stages are as follows:

   - Stage 1a: early works, site establishment, earthworks and the installation of temporary demountable classrooms
   - Stage 1b: construction of main building to the north of Midhope
   - Stage 2a: construction of the central courtyard
   - Stage 2b: construction of the rear section of the main building accommodating the hall, music rooms and general learning areas. Including demolition of the old gym and associated areas around the pool
   - Stage 3a: internal reconfiguration of the new technology and science building to the east and southeast of Midhope
   - Stage 3b: demolition of the administration addition attached to the southwest corner of Midhope, reinstatement of the historic façade, landscaping works adjacent to Burns Road and removal of the demountable classrooms to enable the construction of the playing field

Amended plans and information dated- 22 May and 25 May 2020

The amended plans and information submitted are:

- removal of stormwater pit 6A to ensure the protection of Tree T62
- amending the method to install the stormwater drainage line from trench excavation to underground directional drilling adjacent to the eastern boundary (60A Burns Road) to ensure the protection of Trees T61,T62,T70,T71 and T75
- maintaining existing pavement and hardstand area around Trees T21,T22,T88, to ensure their protection
- relocating the hydrant booster to the outer edge of tree protection zones for Trees T15 and T83 to ensure their protection
- amendments to the tree protection plan to ensure it reflects each construction stage
- amendments to architectural plans to meet Schedule 1 of the EP & A Regulation
- amendments to the design quality statement
- driveway long section of the Braeside Street carpark

CONSULTATION

Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were notified of the application. In response, 29 submissions (**Attachment B**) from the following persons were received.

	Name	Address	
1	Doctor R B & Mrs T Chard	58 Burns Road	Wahroonga
2	Mr AJ Gibson & Mrs S Gibson	48 Braeside Street	Wahroonga
3	Doctor JE Gill & Mrs V Gill	3 Wahroonga Avenue	Wahroonga
4	Mr WJ Stanwell & Mrs LG Stanwell	2A Wahroonga Avenue	Wahroonga
5	Doctor VC Bourke	46 Braeside Street	Wahroonga
6	Doctor L Salem	46 Braeside Street	Wahroonga
7	Nicola McFarlane	62 Burns Road	Wahroonga
8	Mr D Dewez	76A Braesdie Street	Wahroonga
9	Mr B Wang & Ms X Liu	53 Burns Road	Wahroonga
10	Ms Martha McFarlane	62 Burns Road	Wahroonga
11	KC Short	24 The Crest	Hornsby Heights
12	Mr JM Klockmann & Mrs MJ Klockmann	10A Wahroonga Avenue	Wahroonga
13	Mr JA McFarlane	1 Charles Street	Leichhardt
14	Mrs VM Smithyman	30 Braeside Street	Wahroonga
15	M Yao	48 Burns Road	Wahroonga
16	Mr RA Giddings & Mrs HB Giddings	51A Burns Road	Wahroonga
17	W Zhai	57B Burns Road	Wahroonga
18	Mrs PM Pointon	45 Braeside Street	Wahroonga
19	Mrs V Gill	3 Wahroonga Avenue	Wahroonga
20	Doctor JE Gill	3 Wahroonga Avenue	Wahroonga
21	Mr DM Hillerman	57A Burns Road	Wahroonga
22	Mrs VM Hillerman	57A Burns Road	Wahroonga
23	Doctor WT Stanley & Mrs MT Stanley	36 Braeside Street	Wahroonga
24	Mr R Clare	49A Burns Road	Wahroonga
25	Mr D Hillerman & Mrs V Hillerman	57A Burns Road	Wahroonga
26	Ms MJ St Clair & Mr RSC Kennard	50 Burns Road	Wahroonga
27	Mr PJR Jenkins	49B Burns Road	Wahroonga
28	Mrs J A Leslie	64 Burns Road	Wahroonga
29	Petition c/- Nicola McFarlane	19 signatures from Burns Road, Wahroonga Avenue and Braeside Street residents	

The submissions raised the following issues:

Any extra parked vehicles, particularly trucks associated with a large construction project will greatly impact on this already unacceptably heavy traffic on the local roads during peak periods. The project should not be permitted to have any heavy vehicles or work related vehicles parked on Burns Road or Wahroonga Avenue.

Condition 10 is recommended requiring a detailed construction traffic management plan (CTMP) to be prepared to the satisfaction of Council. The core commitments established at the DA stage have been established and incorporated into the above condition, which will regulate the movement of large vehicles and prohibit construction vehicle movements from occurring on Braeside Street and Burns Road during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days. As recommended, this CTMP needs to be approved by Council prior to

any work commencing.

Council finds these measures appropriate to minimise impacts upon pedestrian and road users during the construction phase.

The proposed built form is not in character of the heritage conservation area

Council's Heritage Advisor has found the proposal acceptable with regard to its impacts on Midhope, the Wahroonga Heritage Conservation Area and the setting of the heritage items within the vicinity of the subject site.

Unreasonable impacts associated with on site and off-street parking

The proposed development results in a substantial increase in the availability of on-site parking. The existing car park on-site, located adjacent to Wahroonga Avenue will remain unchanged. This car park currently provides 13 spaces. The proposed development entails the construction of a new 14 spaces carpark for staff which will be accessed from Braeside Street, providing for a total of 27 car spaces and is an improvement from the existing parking arrangements. The development will not intensify the use of the site in terms of student numbers or staffing levels.

The proposal will generate additional traffic congestion

There is no proposed intensification of the use of the site. Council's Development Engineer is satisfied that applicant's traffic impact assessment report (**Attachment G**) has successfully demonstrated the relevant intersections are performing at the highest level of service with minimal delays and queuing.

Given that the proposal does not involve increasing the student or staff numbers, there should be no material change to the overall traffic generation at the site. Increased traffic resulting from construction will be appropriately managed by condition and will only be a short-term impact. Therefore, the development will have no significant long-term impact on the existing conditions of the surrounding road network and is acceptable.

Excessive building height

There are no height provisions prescribed by the Education SEPP. Notwithstanding, the proposed building to the north is 1.9 metres lower than the height of the existing Midhope building so as not to not detract from the heritage significance of the site. Further, the replacement building is similar in bulk and scale to the existing building. As a result, there will be no unreasonable impacts associated with the bulk of the building such as visual and overshadowing impacts.

Private property will be damaged during construction

Prior to any demolition or excavation commencing, **Condition 8** is recommended which will require a dilapidation report to be undertaken on all adjoining structures within the zone of influence of the excavation prior to the issue of any Construction Certificate. This will provide a record of the status of the surrounding built structures prior to any works in order for any future civil action should damage occur as a result of the development of the subject site.

Unreasonable privacy impacts on the eastern elevation

Visual privacy for properties adjoining the site will be maintained through the design

of the proposed development assisted by the retention of 99 trees located on the periphery of the site.

The fenestration is specifically arranged along the eastern and northern elevations to minimise overlooking impacts. The design has also utilised the floor layout and design elements to assist in mitigating opportunities for overlooking. Windows to classroom areas along the building's northern elevation utilise vertical blades attached to the exterior of the building to obscure lines of site. The retention of 99 trees, many of them canopy trees, also assist with view filtering sight lines from the upper level. Windows on the ground floor adjacent to the northern boundary to No. 3 Wahroonga Avenue have a 1.8m sill height, minimising opportunities for overlooking.

The location of storage areas and other less frequently used spaces (gymnasium and existing swimming pool) along the eastern elevation without windows will remove any opportunity for overlooking. The upper level contains the general learning areas that are set back 14.5 metres from the eastern boundary with window sill heights of 1.7m above the finished floor level.

The landscaping and architectural mitigation measures described above are acceptable in minimising opportunities for overlooking and maintaining the current level of privacy enjoyed by residents sharing boundaries with the school.

Unreasonable overshadowing impacts on 62 Burns Road

Based on the horizontal shadow analysis and survey plan, part of the tennis court, swimming pool and one north facing window at 62 Burns Road will be overshadowed from 2.45pm on June 21. However, the adjoining development will receive over 5 hours of sunlight between 9am to 2.45pm to the private open space and north facing windows and the main living room. This exceeds the minimum of 4 hours required in Council's DCP for low- density residential development prescribed by Part 4C.5 of the KDCP. Consequently, the impact is acceptable.

Unreasonable acoustic impacts associated with students congregating outside the administration entrance adjacent to 3 Wahroonga Avenue

The primary administrative entry point to the school is not changing as a result of the proposal. The hardstand area proposed adjacent to the common boundary of 3 Wahroonga Avenue is simply a covered walkway for pedestrians, which will provide some weather protection and it is not intended to be used as a congregation area. As a result, the proposal is acceptable in this regard.

Unreasonable overshadowing impacts on 3 and 3A Wahroonga Avenue

The proposed additions are located to the south and east of the above properties and, based on survey plans and shadow diagrams, the proposal will not overshadow them on the winter solstice (21 June).

Proposed use of the assembly hall will enable functions to 10pm. Not in keeping with a residential area

There will be minimal use of the hall outside of normal school hours. Like all schools, however, there are mid and end of year events (which already take place) that may extend into evening hours which are infrequent. It is unlikely the use of the hall will generate unreasonable amenity impacts.

The size and number of students of the school appears to us to be too large for

the current site

There is no proposed increase to the student or teacher numbers. The applicant has demonstrated that there will be no increase in traffic and noise generation impacts as a result of maintaining the current student and teacher numbers. The works seek an improvement in educational facilities only with no intensification of its use.

Amended plans and information dated 22 and 25 May 2020

The amended plans and information were not required to be notified to surrounding residents in accordance with Council's Community Participation Plan (CPP), as the Team Leader formed the opinion that the proposed amendments do not result in a greater environmental impact than the original proposal.

Internal Referrals

Heritage

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

Heritage status

KLEP 2015	*Yes*
Local Heritage Item	*Yes*
Heritage Conservation Area	*Wahroonga Heritage Conservation Area (C1)*
Immediate vicinity of a heritage item	*Nos; 53 and 70 Burns Road; and No 50 Braeside Road, Wahroonga*

Statement of significance
Council's heritage inventory sheet has the following statement of significance for the Heritage Conservation Area

"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 were 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. 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 (Midhope)

The following statement of significance for the Heritage Conservation Area is from the Statement of Heritage Impact by NRBS Architecture heritage:

"Midhope is a fine Federation Queen Anne style mansion constructed by James a Murdoch. Murdoch was a successful retailer at the turn of the Twentieth Century, a leader in his field and a favourable innovator in staff management. Unusually, the house was built in two stages over a short period, reflecting the increasing fortune of its owner. The first floor addition is in matching Federation style using light-weight construction, clad with timber shingles. The house features fine materials and craftsmanship, including the ground floor brickwork, windows, lead work glazing, floor tiling, stair, internal joinery, pressed metals ceiling and replacement slate roof. The garden retains the early gate posts, some fencing and large trees. Several features of the original grounds remain in nearby properties subdivided from the original."

Description
From the Statement of Heritage Impact by NRBS Architecture heritage:

"Description of the exterior
The subject site is a heritage item because of the Federation mansion, Midhope, which remains among substantial but altered grounds. The mansion includes a full brick ground floor with face brick external walls and a timber-framed first floor with timber shingle external walls. The major facades face west, south and east. The northern section of the mansion includes the remains of the single-storey wing that has been incorporated into the two-storey college buildings.

The external masonry of the ground floor is made of good quality light red-brown bricks with shaped plinth bricks used near floor level and regular brick for the various stringcourses and segmented arches. Cheaper light brown bricks are used under the eastern verandas and the rear sections of the house. Openings are typically spanned with segmented arches in brick. A small number of semi-circular arched openings exist in the mansion.

The first floor is clad with timber shingles on the principal south and east facades, and the eastern bay. The remainder of the east façade has horizontal timber boards, typical of the mid-twentieth century. Original windows are timber-framed sliding sash type, frequently with smaller panes in the upper sashes. This is typical of the Federation Queen Anne style. The stair hall window has lead coloured glass. The roof is clad with slates capped by terra cotta, a recent reconstruction of the early roof cladding.

The two-storey buildings built for the College 1959-79 lie on the northern side of the remaining Federation mansion, and extend east. The single-storey wing attached to the south of Midhope in 1979 extends east, offset from the Burns Road boundary. This allows for a grassed courtyard on the eastern side of the Federation mansion.

Description of the interior
The internal layout of the remaining major section of the Federation mansion is largely intact. The formal original entry (no longer used) is near the south-west corner of the mansion, protected by a shingled porch. The entry hall leads to the north-south corridor and the stair hall visible in the west façade. The rooms are large, as befits a mansion. The wall placement is similar on both levels. The interiors contain substantial intact fabric, including profiled joinery to doors, windows, architraves, skirtings, picture rails and the stair; marble mantelpieces and pressed metal ceilings. The joinery is scaled for large spaces and contains profiles typical of the Federation period. It is now largely painted. The house retains no early services spaces such as bathrooms, kitchen or product-specific storerooms."

Controls

The following relevant objectives and controls apply:

19B.1 Demolition within HCAs	
Development Controls	***Complies***
3 In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess: *i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;* *ii) its contribution to the streetscape;* *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;* *iv) opportunities for adaptive re-use of the building*	 ***YES*** ***YES*** ***YES*** ***YES***
Archival recordings	
5 In a situation where demolition is approved, Council may require an archival and photographic record of the building and grounds (in accordance with the NSW Heritage Branch guidelines) before and during works.	***YES, Condition 7***
19B.2 Demolition related to a Heritage Item	
Partial demolition of a Heritage Item	
3 In considering applications for partial demolition of a Heritage Item (including parts of buildings and other structures, trees and landscape features), Council will assess: *i) the significance of the building part or structure and/or landscape features and whether its retention is considered necessary;* *ii) its contribution to the significance of the Heritage Item as a whole;* *iii) whether all alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable*	 ***YES*** ***YES*** ***YES***
Archival recordings	
4 If development consent is granted for demolition of whole or part or all of a Heritage Item, Council may require an archival and photographic record of the building and grounds (in accordance with the NSW Heritage Branch guidelines) before and during works.	***YES, Condition 7***
19C DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS	
Development Control	***Complies***
19C.1 Local character and streetscape	
Built form	
1. Alterations and additions are to respect the heritage significance and predominant architectural character of the HCA.	***YES***
3. Proposed works to contributory buildings are to retain the original character of a building.	***YES***
Corner sites and secondary street frontages	
4. Consider the impact of proposals on both street frontages.	***YES***
5. Landscaping is required to both street boundaries.	***YES***
6 New development or additions are to be located to minimise impact on existing prominent trees.	***YES***
7. New side fences should be designed and located to maintain the streetscape character.	***YES***

19C.2 Building setbacks	
Front and side	
1 Maintain the established streetscape.	***YES***
2. Respect the established built pattern	***YES***
19C.3 Gardens and landscaping	
1. The established landscape character is to be retained.	***YES***
2. Original garden features to remain.	***YES***
3 Limit new paving and hard surfaces.	***YES***
4 Front gardens are to have a minimum of 70% landscaped area.	***N/A***
5 Materials for new garden paving or pathways are to be appropriate.	***YES***
19C.4 Access and parking	
Driveways	
2. Retain original and existing rear lane or side entry vehicle access.	***YES***
3 Concrete wheel strips to be retained.	***N/A***
4 New parking areas, garages and driveways are not to dominate.	***YES***
5 The siting of new driveways are to be consistent with streetscape pattern.	***YES***
6 Finishes matching original driveway finishes or be appropriate to HCA.	***YES***
19C.5 Building design	
Materials, colours and details	
1. Materials board and details of the colour scheme to be submitted.	***YES***
2 Significant unpainted surfaces not to be rendered, coated or painted.	***YES***
3 The removal of later layers of paint from original face brickwork and stonework is encouraged.	***YES***
4 Natural and recessive colour schemes are encouraged for rendered and painted finishes.	***YES***
5 Significant materials and finishes are to be retained and repaired.	***YES***
6 Significant materials, finishes and details are to be retained.	***YES***
7 Contemporary materials are permitted for new work where they blend in.	***YES***
Repairs, maintenance and restoration	
8 The repair and maintenance of contributory buildings is encouraged.	***YES***
9 The reconstruction of original features, details and elements is supported.	***YES***
10 In repairing the fabric of external surfaces use matching materials.	***YES***
11 The removal of intrusive later additions is encouraged.	***YES***
Doors and windows	
15 Original doors and windows to principal and secondary elevations of contributory buildings are to be retained.	***YES***
16 The repair and restoration of original doors and windows to principal and secondary elevations of contributory buildings is encouraged.	***YES***
17 New doors and windows in additions and alterations are to be compatible existing doors and windows.	***YES***
18 New windows to principal and secondary elevations of contributory buildings are to be appropriate in form and material for the style of the house.	***YES***

19C.6 Roof forms and structures attached to roofs	
Roofs, chimneys, dormers, and skylights	
1 Fireplaces and chimneys in HCAs and are to be retained.	***YES***
2 Roof forms and details to be retained.	***YES***
3 The roofs of alterations and additions are to match the existing roof in form, height and eaves, and be in proportion with the existing building.	***YES***
6 New or replacement roof materials are to match, existing roof materials. **Refer to discussion below*	***Partial****
7 Slate roofs are to be conserved, repaired and retained.	***YES***
New front fences	
7 Where no evidence is available to guide reconstruction of missing fences to contributory properties, new front fencing is to match the architectural style of the house, the period of construction and the character of the immediate streetscape.	***YES***
8 No metal panel fencing is to be constructed within an HCA.	***YES***

The following Controls refer to the building "Midhope"

19E HERITAGE ITEMS	
Development Controls	***Complies***
19E.1 Building design	
Alterations and additions – external	
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.	***YES***
2 Development applications for works to a Heritage Item require a materials board and details of the colour scheme and finishes to be submitted.	***YES***
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.	***YES***
4 All significant built features of a Heritage Item are to be retained and conserved.	***YES***
5 Original materials, finishes and details are to be retained and their repair using traditional techniques in encouraged.	***YES***
6 Alterations and additions are to respect the scale, form, height, materials and colours of the Heritage Item.	***YES***
7 Alterations and additions are be located at the rear or side of the building to maintain the integrity of the prominent elevations and streetscape contribution.	***YES***
8 Extensions, alterations and additions are not to visually dominate or compete with the original scale of the existing building.	***YES***
9 The re-instatement of missing elements and details, where known, and the removal of past unsympathetic changes, is encouraged.	***YES***
Alterations and additions – internal	
10 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.	***N/A***

11 All significant interior spaces and fabric of Heritage Items are to be retained and conserved.	***YES***
12 Original materials, finishes and details are to be retained and their repair using traditional techniques in encouraged.	***YES***
13 The re-instatement of missing elements and details, where known, and the removal of past unsympathetic changes, is encouraged.	***YES***
19E.3 Gardens and landscaping	
1 Trees, and garden elements and structures, which contribute to the significance of the Heritage Item, are to be retained and conserved.	***YES***
2 New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.	***YES***
3 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	***YES***
4 High solid hedges that screen the dwelling from the street are not permitted.	***YES***

DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Development Controls	***Complies***
19F.1 Local character and streetscape	
General *1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.*	***YES***
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*** ***YES*** ***YES*** ***YES*** ***YES*** ***YES*** ***YES***
Views	
4 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***
19F.2 Building setbacks	
Setbacks	
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***

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 within an HCA, is to comply with the following: *i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if setback requirements are not met within the 12m) as per Figure 19F.2-2;* *ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades.*	 ***N/A*** ***YES***
19F.3 Gardens and landscaping	
Gardens, setting and curtilage	
1 Development in the vicinity of a Heritage Item or an HCA is to: *i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting* *ii) retain the established landscape character of the Heritage Item or HCA* *iii) include appropriate screen planting on side and rear boundaries*	 ***YES*** ***YES*** ***YES***
19F.4 Fencing	
Fences on adjoining sites	
1 New front fences on adjacent sites are to be no higher than the front fences of the adjoining Heritage Item or HCA. Open and transparent front fences such as timber or metal picket are preferred.	***YES*** ***YES***
2 No metal panel fencing is to be constructed on any boundary of a Heritage Item.	***YES***

19D DEVELOPMENT WITHIN HCAS;NEW BUILDINGS	
Development Control	***Complies***
19D.1 Local character and streetscape	
Built Form	
1 Scale and massing of any new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to incorporate design elements such as the roof forms, façade and parapet heights, door, window and veranda proportions of contributory buildings in the HCA, particularly neighbouring buildings from the same key development period.	***YES***
2 The design and character of any new buildings are to be informed by the: *i) date and style of contributory buildings* *ii) scale and form of contributory buildings* *iii) street and subdivision patterns of the HCA* *iv) setbacks of neighbouring contributory buildings* *v) materials, building techniques and details used in the HCA* *vi) views, vistas and skylines in the HCA.*	***YES***
3 Façades are to be modulated to break down the scale of new development.	***YES***
4 The height of new buildings is not to be higher than contributory buildings.	***YES***
5 New roofs visible from the street are reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory buildings and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA.	***YES***

6 New buildings may be contemporary in design, however, their scale, form and detail is not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.	***YES***
19D.2 Building setbacks	
Location and setback of new buildings	
1 The siting of new buildings is to be consistent with the established pattern of built elements in the HCA, including the main dwellings, garages, carports and garden structures.	***YES***
2 Where there is a uniform building setback from streets, new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. Side setbacks are to be consistent with historic patterns.	***YES***
3 New buildings are not to be orientated across sites contrary to the established alignment pattern.	***YES***
4 The location of new buildings is to ensure that significant views to and from places within the HCA are retained.	***YES***
19D.3 Gardens and landscaping	
1 New, traditionally designed gardens that enhance the historic and aesthetic character of the streetscape and the HCA as a whole are encouraged. *2 New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.*	***YES*** ***YES***
3 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	***YES***
4 High solid hedges that screen the dwelling from the street are not permitted.	***YES***
19.4 Building design	
1 Materials and details used for new buildings are to be similar to, or compatible with, the original buildings in the HCA.	***YES***
2 Development applications are to provide a material board and details of the colour scheme and finishes.	***YES***
3 Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA	***YES***
4 New buildings are to incorporate architectural language such as massing, proportions, detailing, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA.	***YES***
5 Colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory buildings in the HCA. Recessive colours and traditional materials are preferred.	***YES***

An assessment of the partial non-compliance with the heritage controls is provided below:

19C.6 Roof Forms and Structures Attached to Roofs
6 New or replacement roof materials are to match, existing roof materials.

The existing roof of the heritage item (Midhope) is slate and is to be retained. The proposed roof material for the replacement buildings will be standing seam, colorbond roof finished in monument matt colour, which will have a muted contemporary character which will be sympathetic with the existing slate roof and is acceptable. The proposed building's roof pitch will be much lower than the ridges of Midhope so that it remains the dominant building on the site.

General comments

Midhope

The 1970s staff room wing located at the front of Midhope will be demolished and the existing southern facade will be reconstructed according to remnant physical and photographic evidence.

The interiors of Midhope will be retained and conserved.

The garden on the south side of Midhope will be landscaped to be sympathetic to the period of the heritage item.

1950's-70's buildings

The 1950's-70's school buildings are average educational buildings of their time, and not architecturally distinct from other buildings of similar period and purpose. The removal of these buildings from the site will not have any adverse heritage impact on Midhope.

Replacement buildings

The replacement buildings will have a two-storey scale similar to the current post-war buildings and Midhope. There will be a recessed link between Midhope and the new contemporary building. The roof of the new building will be lower than Midhope so Midhope will remain the dominant building on the site. The proposed sunshade devices facing Wahroonga Avenue will give a strong vertical element, in a facade that otherwise has a horizontal emphasis. This is a helpful device in graduating the more vertical character of elements in Midhope, with the more horizontal character of the new work.

The proposed materials, architectural form and colours have been selected to have a subdued contemporary character, respecting the contribution of Midhope to the conservation area.

Proposed car park

A proposed 14 space, at-grade car park with an additional 2 spaces for the school's taxi vans will be constructed adjacent to the northern boundary of the site. The new parking area will be accessed from Braeside Street.

The carpark would be set back from the boundary, with a landscape buffer of approximately 4 metres. The exiting trees and shrubs will provide further screening to reduce its impact.

Views

All existing views to and from the heritage items in the vicinity will be retained.

Conclusion and recommendation

The proposed development will have a minimal impact on the heritage item, heritage conservation area and items in the vicinity and is acceptable on heritage grounds subject to recommended ***Condition 7.***

Landscaping

Councils Landscape and Tree Assessment Officer commented on the proposal as follows:

“

SEPP (Vegetation in Non-Rural Areas) 2017		
Part 3 Aims	***Proposed***	***Satisfies***
To protect the biodiversity value of trees and other vegetation and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.	***Trees to be removed*** *Tree 54 Jacaranda mimosifolia (Jacaranda)* *Removal required for access to proposed substation. It is a small tree, heavily pruned under wires.* *Tree 85 Camellia sasanqua* *Removal adjacent existing vehicular exit.* *Removal of these 2 trees is acceptable as these are small trees/ shrubs, which have been assessed by the applicant's arborist as having low landscape retention value. There is agreement with this conclusion.* ***Tree impacts*** *<u>Stormwater installation impacts:</u>* *A directional drilled /thrust bored 300 millimetres diameter stormwater line is proposed adjacent to Trees 61, 62,70,71,75 graded as having high landscape retention value.* *The amended stormwater plans now confirm the pipe will be installed at a depth of 1 metre or greater below ground. This is satisfactory, subject recommended **Condition 66,** which relates to thrust boring and directional drilling.* *A location for the drilling rig has been indicated and is clear of any tree protection zones and is acceptable.* *The stormwater pit 6A adjacent Tree 62 Acmena smithii has been deleted and this will ensure the protection of this tree.* *<u>Tree impacts on adjacent properties:</u>* *Trees 22 Jacaranda mimosifolia and* *Tree 88 Phoenix canariensis* *The proposed new paved pedestrian entry forecourt area adjacent to the Wahroonga Avenue frontage will result in a major encroachment within the Tree Protection Zones (TPZ) of Tree 88 and Tree 22, both are located close to the side*	***YES***

	boundary and within the adjacent property at 3 Wahroonga Avenue. An existing concrete slab currently encroaches within the tree protection zones of these trees. *Provided the paving is retained during construction and then removed by hand within the TPZ then the impacts should be no greater than that of the existing pavement. The amended arborist statement indicates the hardstand will be retained, but if removed, ground protection measures will be installed, consequently this is acceptable.* *The use of this area as a construction compound is potentially damaging for these trees if the existing pavement is not retained.* ***Condition 16** is recommended to ensure the root zones are protected from any form of compaction.* *<u>Tree impacts on street trees:</u>* *Tree 21 Cinnamonum camphora* *The proposed temporary vehicular crossing on Wahroonga Avenue is located within the TPZ of the above street tree. **Condition 16** is recommended to ensure ground protection measures are installed.* *Tree 52 Syncarpia glomulifera* *This tree is located adjacent to the existing vehicular crossing from Braeside Street. The proposed carpark access will affect the root zones of this tree. To minimise any impact the proposed carpark pavement within the root zone will need to be at or above existing levels. **Condition 18** is recommended to ensure a project arborist is engaged prior to works commencing to oversee the requirement (**Condition 16**) to ensure the pavement is at the same level.* *Root mapping has been undertaken to the line of the carpark access within the structural root zone of this tree , revealing a number of roots of between 70 -180mm in diameter between 100mm – to 220mm below existing ground.* *An amended carpark plan was provided indicating a 150 millimetres concrete slab with a proposed level approximately 150 millimetres above existing ground ("slab on ground") at the boundary crossing to "limit excavation and compaction". The project arborist has endorsed*	

	*this approach and subject to recommended **Condition 16** this is acceptable.* *As no driveway construction details or methodology have been provided, **Condition 32** is recommended requiring the appointed project arborist (**Condition 18**) and Certifier endorse a driveway paving prior to the issue of any Construction Certificate.* *Tree 15 Liquidambar styraciflua and Tree 83 Camellia sp.* *The proposed temporary hydrant booster has been relocated outside of the TPZ of Tree 15 and Tree 83 and this is acceptable.* *<u>Environmental site management plans:</u>* *The environmental site management plans (ESMP) are not numbered in accordance with the arborist report and do not adopt the tree protection measures from the tree protection plan. **Condition 4** is recommended, requiring the ESMP to be amended prior to the issue of any Construction Certificate to show tree protection measures consistent with the tree protection plans for each stage.* ***Tree protection plans*** *Amended tree protection plans were provided in the addendum to the Arboricultural Impact Assessment report considering the various stages of construction and are acceptable.*	

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Complies***
Part 4A.4 Landscaping and Part 13 Tree and vegetation preservation		
Landscape proposals are to retain existing trees where possible	*A total of 99 trees are proposed to be retained, of which 66 are considered to be significant trees.*	***YES***
Part 19 Heritage Items and Heritage conservation areas		
19E.3 Gardens and Landscaping – Heritage Items	*The landscape objectives have been addressed as follows:* *The proposed landscape works are considered to be generally appropriate and sympathetic to the heritage item and the landscape setting and streetscape character.*	***YES***
Part 21 General site design		
21.1 Earthworks and Slope	*Cut and fill is minimal across the site.*	***YES***

Landscape cut or fill should not be more than 600mm above or below natural ground line. *A minimum 0.6m width is required between retaining walls.* *Existing ground level is to be maintained for a distance of 2m from any boundary.* .		
21.2 Landscape Design *To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.*	*The amended landscape plans include the reinstatement of planting and turf on the Burns Road frontage and tree protection fencing within this area and this is acceptable.* *The proposed Eleaocarpus reticulatus has been replaced with a Pyrus sp, which is reflective of the heritage streetscape character.*	***YES***

Recommendation:

The proposal is acceptable from a landscape perspective, subject to recommended ***Conditions 1,4,14,15,16,17,18,19,32,60,61,62,63,64,65,66,67*** *and* ***79.****"*

Engineering

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

Water management

The design collects and conveys all stormwater captured by the new works to rainwater tanks which then feed into a new subsurface drainage line which runs adjacent to the eastern boundary of the site. This drainage line then runs into 60A Burns Road and along its eastern boundary to ultimately dispose of stormwater to the drainage system in Burns Road. An easement on the title of 60A Burn Road will need to be established over an inter-allotment drainage line, to the benefit of 60 Burns Road (St Edmund's College).

To contribute to Water Sensitive Urban Design (WSUD) principles, all stormwater captured on the proposed car park will drained to a stormwater management facility to collect oils, metals, rubbers and treat nutrients from runoff. This treated water along with other captured hardstand and landscape run-off (collected via pits) will also connect to the proposed inter-allotment drainage system discharging to Burns Road.

A completed OSD calculation sheet has been submitted. The OSD has been designed based on 100% of the carpark area. This leads to an OSD volume requirement of 21.8m^3 of basin storage and a PSD of 4.1l/s with an orifice diameter of 40 millimetres. The stormwater management plans show a volume provided of 21.9m^3.

Twin 12,500 litres (25,000 litres total) rainwater reuse tanks are proposed. The stormwater plans also refer to 10,000 litres of existing rainwater tank storage onsite. According to the stormwater plans, all roof areas are to drain to the rainwater tanks for non-potable use including: irrigation, pool top-up, and toilet flushing.

The proposed stormwater arrangement is satisfactory and will lead to a major improvement over the existing situation.

Vehicular access and accommodation arrangements

The existing car park, located adjacent to Wahroonga Avenue will remain unchanged. This car park currently provides 13 spaces. The traffic engineer has observed the current drop-off and pick-up arrangements for the school and found current arrangements to be suitable with minimal impacts arising on the local road network. The school proposes to continue with current drop-off and pick-up operations.

This existing parking arrangement has a number of non-compliant elements, however, as there is no proposed change to this arrangement, Council is not in a position to request upgrade of this part of the college.

Part 22 of Council's DCP provides for the following parking rates:

- *1 space per equivalent full-time employee plus 1 space per 8 Year 12 students.*
- *accessible car parking shall be provided at a rate of 2-3%*

As it is not expected that any students will be driving to this school, the parking requirement for year 12 students can be waived. Based on Council's parking rates, this equates to a parking requirement of 50+ spaces. However, considering that this development does not propose to increase the staff or student numbers, Council has considered a variation to this requirement, as discussed below.

The proposed development entails the construction of the new 14 spaces carpark which will be accessed from Braeside Street, providing for a total of 27 car spaces on-site. The new parking area will also provide 2 spaces for St Edmund's College's taxi vans.

There is a net increase in parking spaces of 14 spaces on the site, with no increase in student or staff numbers. This is an improvement on the existing parking arrangement and is acceptable.

The new at-grade car park will be restricted to staff parking and will allow access for emergency vehicles. The spaces have been designed in accordance with the requirements for a Class 1A facility.

The traffic report has recommended that a traffic management advisory plan is developed to notify the preferred route for accessing the College to drivers, in order to improve the traffic condition at the Burns Road/Wahroonga Avenue intersection

and minimise the impact of the existing sharp right turn manoeuvres from Burns Road into the College's entry. This recommendation is supported and contained in proposed ***Condition 77.***

The submitted SIDRA analysis demonstrates that there are no major traffic issues with the existing conditions. The intersections are performing at the highest level of service, with minimal delays and queuing.

On the basis that the development proposal does not involve increasing the student or staff numbers, there should be no material change in overall traffic generation at the site. Therefore, the development will have no adverse impact on the existing conditions of the surrounding road network.

Waste collection

Operational general waste and recycling is currently collected by Ku-ring-gai Council, and this arrangement will continue throughout and following completion of the development.

Construction management

*An indicative construction traffic management plan (CTMP) has not been provided. However, given the staging of the works, some flexibility is required and is acceptable in this instance. However, once a detailed design is completed a detailed CTMP (****Condition 10****) will need to be submitted prior to any works commencing showing the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.*

The submitted traffic report has not indicated whether a works zone is required. Council has formed a view that a works zone will be required, ***Condition 11*** *is recommended to reflect this.*

Impacts on Council infrastructure

Access into the new at-grade car park will be via a new driveway to Braeside Street. The driveway is proposed to be 3 metres wide, which will allow one-way flow in/out of the car park. This is considered to be acceptable considering that the car park will be restricted to staff members. As such, it is expected that majority of vehicles will enter in the morning and exit in the afternoon. Demand for two-way flow at this driveway is expected to be minimal. Stormwater discharge is to the kerb and no Roads Act approval is required.

Geotechnical investigation

The proposed earth works forming part of this application are generally 'routine' in nature. This site's ground levels will not be significantly altered with minor retaining wall works (approximately 600 millimetres in height) proposed to the south of the proposed car park.

Geotechnical investigations have been previously completed for the site (2008) which identify relevant design considerations for future structural engineering designs. No excessive cut or fill is required to facilitate the proposal.

Dilapidation (building condition) reports should be undertaken on surrounding properties that may be affected by the excavations prior to commencing work on the

site to document any existing defects so that any claims for damage due to construction related activities can be accurately assessed.

Recommendation

The proposal is acceptable form an engineering perspective, subject to recommended ***Conditions 1,8,9,10,11,12,13,23,30,31,34,35,36,51,57,58,59,77,83,84,85,86,87*** *and* ***88****.*

Environmental Health

The application was referred to Council's Environmental Health Officer who did not raise a concern with the development, subject to Conditions. The recommended Conditions are satisfactory and incorporated into the recommended consent Conditions (**Conditions 21,22,26,33,37,38,39,48,50,70,71,72,74,75,76,80,89,91,92, 93,94,95,96** and **97**).

Building

The application was referred to Council's Senior Building Surveyor who did not raise a concern with the development, subject to Conditions (**Conditions 44, 90 and 100**).

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The applicant has submitted a Stage 1 Preliminary Site Assessment prepared by EBG (Environmental Geoscience) which has made the following recommendations:

> ***6.2 Recommendations***
>
> ***6.2.1 Suitability of the site for the proposed development***
>
> *EBG considers the investigation as detailed within this report, adequate to form the opinion that significant historical site contaminating activities have not impacted the site.*
>
> *"Considering the above points it is the opinion of EBG that a Detailed Stage 2 Environmental Site Assessment as defined in the EPA NSW Guidelines for Consultants Reporting on Contaminated Sites (2011) and SEPP 55, is not considered necessary.*
>
> *EBG considers the land is suitable for the proposed development (construction of new buildings on site)."*

The proposal has satisfactorily addressed the provisions of SEPP 55 and the site is considered suitable for the proposed use (**Attachment H**).

Draft State Environmental Planning Policy (Remediation of Land)

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

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

As noted above, an assessment has been undertaken on the site and it has been found to be suitable for the proposed use.

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

The SEPP commenced on 25 August 2017 and replaced clause 5.9 of Ku-ring-gai Local Environmental Plan 2015, which aimed to preserve trees and vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal seeks the removal of 2 exotic tree specimens with low retention value. None of the trees to be removed have biodiversity significance or value. The proposed tree removal will not result in significant amenity impacts within the area as the site will maintain the majority of trees (99 retained) located on the site.

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

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism. The proposal is not inconsistent with the provisions of the SREP.

State Environmental Planning Policy (Infrastructure) 2007

The development site is not in, or immediately adjacent to, the North Shore rail corridor or a Classified Road. Further, the applicant has elected to include the proposed kiosk substation in the application and not use the approval pathway available under Division 5 electricity transmission or distribution of the SEPP.

Recent amendments made to the policy on 31 August 2018 introduced new provisions for correctional services, emergency and police services facilities and bushfire hazard reduction, ports and roads infrastructure, including facilities for electric vehicles, and other operational and housekeeping improvements. These amendments have been considered and do not apply.

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

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Compliance with the aims is determined through the detailed application of the requirements of the SEPP, which in this case, are for an Educational Establishment (or works associated with an existing Educational Establishment). The following controls are of relevance to the assessment of the application:

Clause 35 Schools—development permitted with consent

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

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

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

Clause 39 and 40 of the SEPP relates to complying development for schools and childcare centres. Complying development is not proposed or sought as part of this application nor is a childcare centre included in this application.

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

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

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

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

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

Consent is not sought for any use other than partial demolition, alterations and additions to an existing school.

(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

The development is considered to represent a building of high design quality as assessed against the criteria established in Schedule 4 below.

St Edmund's College currently shares its facilities with a range of community groups. These community groups will continue to be able to utilise the proposed hall space without impact to the current levels of amenity enjoyed by residents in the locality.

It is intended that the following community groups will use the proposed hall:

- as an occasional Rotary community group meeting space
- for seasonal influenza vaccination centre for senior citizens, duration is typically Saturdays 2-3 times per year during flu season
- for father support group meeting space, for family's/fathers with special needs children organised in conjunction with St. Lucy's School. This is occurs once during each of the 4 terms

(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.

N/A.

(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than $50 million.

N/A.

(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

N/A. The Ku-ring-gai DCP does not have any controls that specifically contradict subclauses (1), (2) (3) or (5).

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

N/A.

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

N/A.

57 Traffic-generating development

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

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

(b) that involves:

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

(ii) new premises, on a site that has direct vehicular or pedestrian access to any road.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and

(b) take into consideration the matters referred to in subclause (3).

(3) The consent authority must take into consideration:

(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(b) the accessibility of the site concerned, including:

(i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(ii) the potential to minimise the need for travel by car, and

(c) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

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

Schedule 4 Schools—design quality principles

<u>Principle 1—context, built form and landscape</u>
Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to

recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

The majority of the proposed building works are located generally within the footprint of the existing buildings, with new two storey elements being located predominately towards the centre of the site and as such will have minimal impact upon the neighbouring properties. Where an increase in the footprint is proposed towards the rear of the property between the indoor swimming pool and playground, the following mitigation measures have been proposed:

- ground floor setback is consistent with the existing setback pattern
- first floor is stepped in from the level directly below to reduce the apparent mass and bulk of the new buildings and to mitigate any overshadowing impacts

Retaining 99 trees adjacent to all boundaries assists in minimising the impacts of the proposed development by softening and filtering the built form and car parks. The landscaping treatment proposed for the Braeside Street car park takes particular note of the sensitivity and scenic quality of its location and incorporates a 4 metres wide landscaped buffer screen between it and the street. There is also a variable 1.8 metres to 2.8 metres buffer to side boundaries. The proposed landscaping design takes its cues from the established landscape and residential character of the area, retaining all but two (T54 Jacaranda and T85 Camellia) of the existing trees to assist in maintaining the landscape character of the street.

The proposed kiosk substation will form a break in this vegetation but when the planting is established, only glimpses of parking and the school playing field beyond will be visible from the street. The resulting outcome being a non-obtrusive parking area, with complimentary landscaping that makes a visual contribution to the Braeside streetscape and low-density residential character of the area.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

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

- *The School intends to install solar panels to provide energy for the school and reduce energy charges.*
- *Rainwater storage is already provided on site for flushing toilets and watering landscaping and will be upgraded with additional storage.*
- *The building construction materials selected include metal roofing, metal and FC cladding and panels of Acid Etched pre-cast concrete walling. All of these materials are durable and require minimum maintenance and ongoing energy inputs as a result.*
- *The building frame will be concrete slab and column construction.*
- *The roof will be a steel roof structure, with insulated metal deck roof. Lightweight internal walls will be used to make modification of all internal*

spaces as easy as possible, extending the useful life of the structure.

- *The intent is to make the building as flexible as possible to allow for future changes in educational requirements.*
- *The central shared space / corridor between the classrooms on the first floor have been designed to incorporate large feature windows with views to landscaped areas and enable light and cross ventilation. Many of these key feature windows contain vertical louvered screens to control views and privacy but to also manage solar gain. The building will be well insulated and oriented, fitted with ceiling fans and sufficiently ventilated that operation without air conditioning will be a viable option for much of the year.*

Further, to ensure the above commitments are implemented, the proposal has been supported by an ecological sustainable design report, which includes a commitment to achieve an equivalent 4 Star Green Star standard building (**Attachment O**) (**Condition 29**).

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

The proposal has been supported by a detailed access report (**Attachment L**) which confirms that the buildings, carparks and surrounds are accessible and that its passive design can accommodate a range of users for school based and extra-circular activities.

Principle 4—health and safety

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

Some of the students using the school have mobility issues and, in order to help them move more freely and safely around the school, the following design measures have included:

- The ground floor level has been raised from existing to reduce ramps and provide access to existing rooms.
- The first floor level is proposed to be constructed to match the existing upper floor level in Midhope removing the need for any internal sets of stairs.
- Proposed lift No. 2 is a 2 door lift allowing for the change in the ground floor finished floor level to be made accessible.
- Access and mobility have also been improved with the provision of wide external access pathways to provide adequate circulation space for students to move around the school grounds.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also

considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

The proposed alterations and additions represent a high level of amenity for both students and ancillary users of the school. The large general learning areas are an efficient use of floor space, provide flexibility and can accommodate future changes in educational requirements.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

The proposed buildings will incorporate an open column and slab structural frame with lightweight internal walls to enable future adaption. Changing education requirements have resulted in costly remodelling of many existing school structures in order to enable new pedagogy requirements to be implemented. These new buildings will avoid these issues and make it easier to keep up with changing requirements into the future.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

The proposed design of the buildings and landscape areas will achieve a contemporary aesthetic through a selected palette of materials, shapes, textures, and colours while maintaining an appropriate scale to the adjacent heritage item, surrounding developments and neighbourhood.

Draft Environment SEPP

An explanation of intended effect for the Environment SEPP was exhibited between 31 January 2018 and 13 April 2018. The draft Environment SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating a number of SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposed development has been considered against the exhibited documents and the proposal is not inconsistent with the aims and intentions of the draft Environment SEPP.

Ku-ring-gai Local Environmental Plan 2015

Consolidating LEPs Planning Proposal

The Planning Proposal was publically exhibited between 25 October 2019 to 22 November 2019. The purpose of the Planning Proposal is to consolidate the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015. The Planning Proposal is an amendment to KLEP 2015 and will correct site specific mapping errors, resolve the status of deferred areas, remove an existing land reservation in Gordon and amend heritage listings. The Planning Proposal does not seek to amend the zoning and development standards that apply to the subject site. The proposal is consistent with the Planning Proposal.

Zoning and permissibility:

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

Zone objectives:

The objectives of this zone seek to:

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

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

Development standards:

There are no development standards applicable to this development as the zoning of the site being SP2 – Infrastructure – Education Establishment does not nominate a maximum building height, FSR or any other standards that restrict or guide development.

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The extent of works proposed in this application are those that require development consent pursuant of Clause 5.10(2) of the KLEP.

As required by Clause 5.10(4), the effect of the proposed development on the heritage listing of the site, HCA and adjoining heritage items was considered by

Council's Heritage Advisor. The proposed building works are assessed as having an acceptable heritage impact, subject to conditions. It is noted that this heritage impact has been quantified through a detailed heritage assessment submitted to Council in accordance with Clause 5.10(5) of the KLEP.

Part 6 Additional local provisions

Clause 6.1 – Acid sulphate soils

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

Clause 6.2 - Earthworks

The application involves earthworks, including excavation up to a depth of 1.49 metres for the on-site detention tanks. The perimeter of the site is to retain existing ground levels.

The proposed excavation facilitates the provision of footings for structures, buildings and the on-site detention tanks. The proposed earthworks have been assessed against the relevant matters and are consistent with these provisions for the following reasons:

- The earthworks do not cause disruption of drainage patterns and soil stability or impacts on any waterway, drinking water catchment or environmentally sensitive area.
- The earthworks facilitate alterations and additions of the land for the continued use of an educational establishment.
- The earthworks do not adversely impact on the existing amenity of adjoining properties, assisted by the retention of 99 trees that are predominantly located adjacent to all site boundaries.
- Given the developed residential context and development of the site, it is unlikely that the proposed excavation will disturb relics.

It is considered that the development is consistent with the objectives of the clause to ensure earthworks do not have a detrimental impact, subject to conditions relating to control of soil and erosion (**Conditions 12** and **13).**

Clause 6.3 - Biodiversity protection

The south-eastern corner of the site is mapped as land comprising biodiversity significance. The proposed works are located well away from the mapped part of the site, consequently there will not be any impact to this area. Further, there are site management conditions (**Conditions 14, 15, 16, 17, 18, 19, 60, 61, 62, 63, 64, 65, 66** *and* **67**) that will protect existing vegetation, fauna and habitat as per the requirements of the LEP.

Clause 6.5 - Stormwater and water sensitive urban design

Council's Development Engineer has given consideration to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The stormwater design adequately manages water quality and

control discharge volumes and frequency, subject to **Conditions 23, 30, 82, 83, 84,** and **85.**

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the DCP

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

Part 2: Site analysis

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

Part 3: Land consolidation and subdivision

The proposed development requires the consolidation of Lot 1 and Lot 2 in DP19875 known as 60 Burns Road (**Condition 78**) which accommodates the existing school buildings including the proposed alterations and additions. It is important to note that 60A Burns Road is to continue as a separate lot with its low density residential land use; however will be burdened with a 1 metre wide drainage easement to convey the schools stormwater to a legal point of discharge in Burns Road and is not included in the above lot consolidation.

The consolidation of Lot 1 and 2 in DP19875 will not result in any irregular lot configurations will not result in any isolated sites or result in the creation of remaining allotments that cannot be reasonably developed due to constraints. Therefore, the application is assessed as consistent with this Part of the DCP.

Part 13 - Tree and vegetation preservation

Council's Landscape and Tree Assessment Officer has reviewed the proposal against the provisions of the DCP and considers it to be acceptable, subject to conditions as referred to in the landscape referral comments.

Part 15 – Land contamination

The application has been accompanied by a Stage 1 Preliminary Site Assessment, which has concluded that the site is suitable in relation to the development and consequently the land use in respect of land contamination.

Part 18 – Biodiversity

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

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

Part 19 – Heritage Items and Heritage Conservation Areas

The site is heritage listed, in the vicinity of other heritage items and is located in a heritage conservation area. Council's Heritage Advisor has raised no objection to the proposal in relation to the controls contained in Part 19 of the DCP, subject to the recommendations made in the referral comments noted earlier in this report.

Section C

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
Development consider site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by: • Stepping buildings down the site • Locate finished ground level as close to the natural ground level as practicable • Level changes to occur primarily within building footprint • Minimum 0.6 metres width between retaining walls • Maintain existing ground level within 2m from any boundary • Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation) • No fill and excavation within sensitive environments • Minimise altered groundwater flows	The sites ground levels will not be significantly altered with minor retaining wall works (600 millimetres in height) proposed to the south of the proposed car park. Further, the excavation required for the OSD tanks is relatively minor and limited. Ground levels will remain the same for the most part within 2 metres from the boundary.	**YES**
21.2 – Landscape design		
Appropriate and sensitive site planning and design Existing appropriate screen planting is retained	Yes, 99 trees are to be retained, the majority of the trees are located on the periphery of the site and currently screen the school.	**YES**
Part 22 - General access and parking		
22.1 – Equitable access		
Compliance with DDA demonstrated Entry access ramps located within the site and does not dominate the front façade Access ways for pedestrians and for vehicles are separated	A detailed access report submitted detailing compliance.(**Attachment L**)	**YES**

22.2 – General vehicle access		
• Minimise width and number of vehicle access points • Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances • Vehicle and pedestrian access to buildings clearly distinguished and separated at l • Vehicle crossing width is acceptable for intensity of use proposed • Vehicles must exit in a forward direction • Vehicle entries are integrated into the external façade and are finished in a high quality material • Retaining walls associated with driveways maximum height of 1.2m • No driveways are longer than 30m unless a passing bay is provided	Driveway and pedestrian access comply with the requirements of the DCP and meets the satisfaction of Council's Development Engineer.	**YES**
22.4 – Visitor parking		
At least one visitor space is accessible and designed in accordance with AS2890.6	1 An existing accessible parking space is provided.	**YES**
22.5 – Parking for people with a disability		
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift	An accessible space is provided in the employee car park and accessible path of travel to ground floor and lifts.	**YES**
22.6 – Pedestrian movement within car parks		
Pathways designed in accordance with AS1428.1	Pedestrian movements within the car parking area are suitably arranged to ensure no conflict between vehicle and pedestrian movements and satisfy AS.1428.1.	**YES**
22.7 – Bicycle parking and facilities		
Bicycle parking and storage facilities satisfy AS2890.3	A bike parking facility is provided adjacent to the Wahroonga Avenue frontage and is capable of meeting AS2890.3.(**Condition 36**)	**YES**
Bicycle access paths have a minimum	1.5 metres	**YES**

width of 1.5 metres		
22R.1- Car parking rates		
46 car parking spaces based on 1 space per equivalent full-time employee plus 3 student car spaces based on 1 space per every 8 year 12 students *Refer to discussion below	27 spaces total (shortfall of 22) for full time equivalent staff and 2 spaces provided for 2 taxi vans. *Refer to discussion below	**NO***
Provision for an onsite set down / pick up of students and a set down / pick up management plan is required.	The existing student drop-off and pick-up is to remain. This arrangement has been formalised through a plan of management (**Attachment N**) (**Condition 99**).	**YES**
Part 23 – Building design and sustainability		
23.2 – Green buildings		
For all non-residential development: • 2000-5000m^2 GLA must achieve a four star rating or equivalent if GBCA rating tool is not available *Refer to discussion below	Proposal incorporates ESD requirements	**NO***
23.3 – Sustainability of building materials and 23.4 – Materials and finishes		
External walls constructed of high quality and durable materials	Compliant materials are proposed.	**YES**
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Compliant use of materials and colours is proposed.	**YES**
23.6 – Building services		
Services and related structures are appropriately located to minimise streetscape impact	Services are appropriately located.	**YES**
In mixed use precincts substations and fire hydrants are not visible from the primary and principal street frontages	Utilities are compliant.	**YES**
Air-conditioning units are well screened and do not create adverse noise impacts	Satisfied subject to **Recommended Condition 96.**	**YES**

23.7 – Waste management		
Efficient, effective and sustainable waste management practices	Existing arrangement to remain.	**YES**
23.8 – Acoustic privacy		
Design minimises impact of internal and external noise sources	Yes, subject to conditions referred to earlier in the report within the Environmental Health Officer's comments.	**YES**
23.9 – Visual privacy		
Visual privacy maintained for occupants and for neighbouring dwellings	Proposed development does not create any unreasonable visual privacy impacts for the reasons discussed earlier in the report.	**YES**
23.10 – Construction, demolition and disposal		
Satisfactory Environmental Site Management Plan	A satisfactory plan was provided which details each construction stage.	**YES**

Part 24 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to suitably manage urban stormwater run-off as per the requirements of the DCP, subject to **Conditions 23, 30, 82, 83, 84 and 85**

An assessment of the variations to the above controls is provided below:

Part 22R.1 Car-parking rates

The DCP specifies that parking for schools is to be provided at a rate of 1 space per full time equivalent (FTE) employee and 1 space per every 8 Year 12 students. With 46 FTE staff and 27 spaces. A total of 46 spaces would need to be provided on site. It is important to note that due to the nature of the school, no Year 12 parking is required to be provided and has been discounted from the total for the reason given earlier in the report. Subsequently, the school will have a parking shortfall of 19 spaces. To justify this departure, the traffic impact assessment report (**Attachment G**) has found the parking provision to be appropriate for the proposed development for the following reasons:

'As aforementioned, the development proposal will not involve the increase in student and staff numbers. As such, there will be no additional parking demand generated as a result of the development.

It is also evident that the DCP makes the assumption that all staff drive to work at a car usage ratio of 1:1, whereas the survey results (discussed in Section 5) indicates that only 80% of staff drive to the College and therefore the actual parking demand is in fact less than that stipulated by the DCP.

The new at-grade car park off Braeside Street will also provide a degree of balance between the College parking needs without compensating the College's open space requirements of the students and operational needs for meeting the DCP compliance.

It should also be noted that the existing site accommodates a limited number of staff parking spaces. As such, majority of the staff parking demand is currently absorbed by the on-street parking spaces in the adjacent local roads. The new at-grade car park will bring back a proportion of the staff parking on-site and relieve more spaces to local residents in the vicinity.'

To this end, the proposed parking is considered to provide a substantive improvement to the local on-street parking and traffic conditions whilst also maintaining the required open space needs for St Edmund's College. Therefore, a variation to Council's DCP controls is not considered unreasonable'

Council's Development Engineer raises no objection with the applicant's justification and has stated that the proposal represents an improvement to the existing parking arrangement and is acceptable.

Part 23.2 Green buildings

The DCP requires, new, non-residential buildings with a gross floor area >2,000m^2 are to be constructed to achieve 4 Star Green Star ('best practice') design rating under the GBCA Green Star – Design & As Built rating tool. An ecologically sustainable design (ESD) report has been submitted with the application (**Attachment O**) (**Condition 29**). The report describes how the proposal will incorporate ESD initiatives, which result in the proposal achieving an equivalent 4 Star Green Star standard in lieu of formal registration and Green Building Council of Australia and will satisfy the intent of this control and is a satisfactory outcome.

Ku-ring-gai Contributions Plan 2015

The development attracts a section 7.12 contribution of **$163,000.00,** which is required to be paid prior to the issue of any Construction Certificate (**Condition 42**).

THE REGULATION

The development has been considered against the Environmental Planning and Assessment Regulation 2000 and is considered to be acceptable, subject to **Conditions 24** and **44.**

LIKELY IMPACTS

The likely impacts of the development have been considered 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 considered to be satisfactory.

RECOMMENDATION

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

That The Sydney North Planning Panel, as the consent authority, being satisfied that the proposed development will be in the public interest, grants development consent to DA0528/19 for partial demolition and alterations and additions to an existing school (St Edmund's College) and associated site works at 60 and 60A Burns Road, Wahroonga, subject to the following conditions.

Pursuant to Section 4.53(2) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

The conditions of the consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
Architectural Plans		
A-000,A-300,A-0301,A-0302,A0400,A0401,A-0402,A-0500,A0501,A-0502,A-1100,A-1101,A-1102,A-1103,A-1104,A-1105,A-1106,A-1200, A-1201,A-1202,A-1203,A-1300,A-1301,A-1302,A-7200,A-7201,A-7300,A-9300	Glendenning Szoboszlay Architects	14 May 2020
Landscape Plans		
103.20(19)/363Á, 103.20(19)/375A, 103.20(19) 376A	iScape Landscape Architecture	14 May 2020
Stormwater Management Plans		
1931C01-100C, 1931C01-300C,	Cohort engineering	25 May 2020

Document(s)	Dated
Ecologically Sustainable Design Report by Wood & Grieve Engineers Ref. 45243	03/12/2019
Accessibility Report prepared by BCA Logic Ref: 110924	09/12/2019

Accessibility Review prepared by Funkton	06/12/2019
Environmental Noise Assessment prepared by Day Design Ref: 6802-1.1R	06/12/2019
Arborist Report prepared by Naturally Trees	09/12/2019
Addendum Arborist Report by Naturally Trees	11/5/2020
Building Code of Australia Assessment Report prepared by BCA Logic Ref: 110924	9/12/2019
Stage 1 Preliminary Site Investigation Report prepared by EBG Environmental Geoscience Ref: EBG-02811.Stage1.PSI.11.19	27/11/2019
Geotechnical Report prepared by JK Geotechnics Ref: 22402LPrpt	26/09/2008
Plan of Management- School Operation prepared by St Edmund's College	31/10/2019
Plan of Management School -School driveway, parking and pedestrian prepared by St Edmund's College	Not dated
Traffic Impact Assessment prepared by PTC	05/12/2019
Waste Management Plan prepared by St Edmund's College	06/12/2019
Operational Waste Management Plan by Waste Audit	12/2019

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

2. Inconsistency between documents

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

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

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

3. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

Reason: To ensure public safety.

4. Amendment of environmental site management plans to show tree protection

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the Environmental Site Management Plans A-0500,A-0501,A-0502 revision 4, by Glendenning Szoboszlay Architects, have been amended to incorporate tree protection fencing and ground protection measures consistent with the approved Tree Protection Plans and conditions of this Development Consent.

Reason : To ensure the protection of existing trees.

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. Archival recording of buildings

Prior to the commencement of any works, the Principal Certifier shall be satisfied that an archival report of "Midhope" has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for *"Photographic Recording of Heritage Items Using Film or Digital Capture (2006)"* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. The report shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include a archival quality DVD, CD or USB of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

A written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Certifier, prior to the issue of any Construction Certificate.

Reason: To ensure there is a historical record of buildings to be altered or demolished and their context.

8. Dilapidation survey and report (private property)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private property/ires below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

Address:

- 3 Wahroonga Avenue Wahroonga
- 37 and 41 Braeside Street Wahroonga
- 62 and 64 Burns Road Wahroonga (western side)

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report**.**

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

9. Structural adequacy (alterations and additions)

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

Note: 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.

10. Construction traffic management plan

A construction traffic management plan (CTMP) is to be submitted to Council and approved by Council prior to the commencement of any works.

The plan is to consist of a report with traffic control plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development. The report is to contain the following:

- construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles
- a site plan showing entry and exit points
- swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle
- swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent) these plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict
- show locations for site offices and materials storage areas which are to be located outside the tree protection zones

The traffic control plans are to be prepared by a RMS accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

I. demolition
II. excavation
III. concrete pour
IV. construction of vehicular crossing and reinstatement of footpath
V. 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 Braeside Street, Wahroonga Avenue, and Burns Road during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

No loaded trucks on Treatts Road or Park Avenue railway bridge will be permitted. Other railway bridges will require the applicant to provide approval from Transport for NSW (TfNSW) for all vehicles over 4.5t gross vehicle mass as well as obtaining a permit under the National Heavy Vehicle Regulator (NHVR) if required by Heavy Vehicle National Law (HVNL)

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

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

11. Work zone

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

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

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

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

12. Sediment controls

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

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

13. Erosion and drainage management

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

Reason: To protect the natural environment.

14. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees.

15. Tree protection signage

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

The words:

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

and the following information:

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

Reason: To protect existing trees.

16. Ground protection - avoiding soil compaction

Prior to the commencement of any works, measures, to avoid root damage and soil compaction are to be installed for Trees 21 and 52 in accordance with Section 4.5.3 (figure 4) of the current version AS4970 Protection of trees on development sites within the locations and radii specified below. In order to protect the roots of Trees 22 and 88, the existing concrete paving is to be retained within the builder's compound during Stage 1 until the new paving works are installed within the

locations and radii specified below:

Tree/Location
T21*Cinnamomum camphora* (Camphor laurel)/Wahroonga Ave/within the footprint of the construction access crossing to Wahroonga Ave.
T22*Jacaranda mimosifolia* (Jacaranda)/adjacent stage 1 compound within adjoining property 4m
T88 *Phoenix canariensis/*adjacent stage 1 compound within adjoining property 4m
Tree 52*Syncarpia glomulifera* (Turpentine) 4m

Reason: To protect existing trees.

17. Inspection of tree protection measures

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

Reason: To protect existing trees.

18. Project arborist

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifier with a copy provided to Council.

Reason: To protect of existing trees.

19. Tree protection plan

Prior to the commencement of any works, tree protection works shall be carried out in accordance with the following approved tree protection plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

Plan no.	Drawn by	Dated
TMP01 Stages 1,2,3	Naturally Trees	11 May 2020

Reason: To protect existing trees.

20. Construction waste management plan

Prior to the commencement of any works, the Principal Certifier shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with the waste management controls in the Ku-ring-gai Development Control Plan or Ku-ring-gai Local Centre Development Control Plan.

The plan shall address all issues identified in the DCP, including but not limited to:

the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Principal Certifier.

Reason: To ensure appropriate management of construction waste.

21. 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.

22. Swimming pool maintenance

Prior to the commencement of any works the Principal Certifier is to be satisfied that, if any water is held within the swimming pool:

a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and

b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and

c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

Reason: To ensure the swimming pool does not present a risk to health or safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE:

23. Drainage easement

Prior to issue of the Construction Certificate, documentary evidence shall be submitted to Council, demonstrating that the property benefits from a registered drainage easement over the downstream property as far as the public drainage system in Burns Road. This documentation must include evidence that the easement has been registered with NSW Land Registry Services.

Reason: To ensure that provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

24. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

25. 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. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

26. Outdoor lighting

Prior to the issue of any Construction Certificate, 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.*

Note: 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.

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

The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

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

28. Access for people with disabilities (commercial)

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act* and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

29. Green star certification

Prior to the commencement of works:

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

2. The plans for the development must achieve an equivalent 4 star Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Design & As Built certification as evidenced by a letter from an independent GBCA Greenstar accredited professional certifying the design.

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

30. Inter-allotment drainage design

Prior to issue of any Construction Certificate, full hydraulic design documentation for the required inter-allotment drainage system from the subject property to the approved point of discharge to the public drainage system must be submitted for approval by the Certifier. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with the Ku-ring-gai

Development Control Plan and AS3500.3 (2003) Plumbing Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the inter-allotment line.

The following engineering details must be included:

a. plan view of inter-allotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
b. the contributing catchment calculations and supporting pipe sizing information
c. longitudinal section, showing existing ground levels and proposed pipe invert levels, grades and flow capacities
d. surrounding survey detail, including all trees within 7 metres of the proposed inter-allotment drainage system
e. means to preserve the root systems of trees within 7 metres of the drainage system

Reason: To ensure the design of the inter-allotment drainage is in accordance with relevant codes and Australian Standards.

31. Excavation for services

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

Reason: To protect existing trees.

32. Paving near trees

Prior to the issue of any Construction Certificate, the Certifier shall be provided with and approve a paving design endorsed by an arborist with a minimum AQF Level 5 qualification.

Further detailed design for the carpark to Braeside Street is to be provided including detailed levels within the Tree Protection Zone (TPZ) of 8.4m radius of the trunk of Tree 52, demonstrating that no excavation other than minor levelling of no more than 75mm depth is required for the installation of the driveway slab. Details of the construction and specification within the TPZ are to be provided ensuring no compaction of the existing ground is required. Where levelling is required a sand bed of 25 -50mm depth is to be laid on existing ground under the slab. The slab design is to be of such a type that no compacted subgrade/ base course is required and that the natural ground surface does not require compaction. Details of levels for the reconstructed road reserve crossing are also to be provided.

The paving works within the specified radius of the trunk/s of the following tree/s shall be constructed above existing grades to ensure the tree/s root system is maintained:

Tree/Location	**Radius in metres**
T52*Syncarpia glomulifera* (Turpentine)	8.4m

Reason: To protect existing trees.

33. 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 proposed as part of the development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the Predicted Cumulative Noise Levels as indicted in Environmental Noise Assessment prepared by Day Design Pty Ltd, Report Number 6802-1.1F dated 6 December 2019 are not exceeded and compliance with Project Specific Noise Criteria will be achieved.

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 residential acoustic amenity.

34. Driveway crossing levels

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

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

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

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

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

35. Car parking allocation

Car parking within the development shall be allocated as follows:

staff parking spaces (Wahroonga Avenue and Braeside carparks combined)	27
school taxi van spaces (Braeside carpark)	2
total spaces	**29**

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with any Construction Certificate application.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

36. Number of bicycle spaces

The car park shall be adapted to provide 9 bicycle spaces in accordance with the Ku-ring-gai DCP. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifier prior to the issue of any Construction Certificate.

Reason: To provide for alternative modes of transport to and from the site.

37. Design and construction of mechanical ventilation

Prior to the issue of the Construction Certificate plans and specification complying with the requirements of the National Construction Code Volume 1 Part F4 and the Australian Standard 1668 parts 1 and 2- The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings shall be submitted to and approved by the Certifier.

Reason: To ensure compliance with standards for mechanical ventilation.

38. Garbage and recycling facilities

An enclosed garbage storage area shall be provided on the property that adequately contains the garbage and recycled waste bins. The floor of the garbage storage is to be graded and appropriately drained to the sewer with a tap located in close proximity to facilitate cleaning. Details of the waste storage area demonstrating compliance with the above shall be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To protect amenity and to prevent environmental pollution.

39. Design and construction of food premises - Canteen

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 include the following:

a. floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
b. elevations and sections showing floor, wall and ceiling construction and finishes

c. elevations and sections showing the installation of fixtures and fittings
d. cool room/freezer construction
e. all proposed mechanical ventilation systems

Note: The "Food Premises Design, Construction and Fit-out Guide" is available on Council's website.

Reason: To ensure compliance with standards for food premises.

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

40. Infrastructure damage security bond and inspection fee

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

(a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

(b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

(c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.

(d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

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

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

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

(f) In this condition:

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

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

Reason: To maintain public infrastructure.

41. 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.

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

42. Section 7.12 development contributions

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai S94A Contributions Plan 2015, **$163,000.00** based on development costs of **$16,300,000.00** shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s94A Contributions Plan. (Sections of the Environmental Planning and Assessment Act have been renumbered and former s94A is now known as s7.12).

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai S94A Contributions Plan 2015 and inflated by the Consumer Price Index (All Groups Sydney). Inflation is applied on all the Ku-ring-gai Contributions Plans on the same date, being the day after the release of the Residential Property Prices Index by the Australian Bureau of Statistics (ABS). Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

The monetary contributions shall be paid to Council prior to the issue of the first Construction 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 S94A Contributions Plan 2015 may be viewed at www.kmc.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.

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

43. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

44. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

1. the work must be carried out in accordance with the requirements of the Building Code of Australia
2. in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence
3. if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    (a) protect and support the building, structure or work from possible damage from the excavation, and
    (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

45. 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.

Note: 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.

46. 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.

47. Combustibility of external walls and cladding

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

Prior to the issue of any Construction Certificate the Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of partial Occupation Certificate for stage 1b, 2b, and 3a and Occupation Certificate for final stage 3b the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Reason: To ensure the safety of occupants.

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

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

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

49. Site notice

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

The site notice must:

I. 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
II. display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
III. be durable and weatherproof
IV. 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
V. be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

50. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

Reason: To protect the environment and the amenity of surrounding properties.

51. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

I. appropriate excavation method and vibration control
II. support and retention of excavated faces
III. hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by J&K.

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

Reason: To ensure the safety and protection of property.

52. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

53. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.

1. Each toilet must:
    a. be a standard flushing toilet connected to a public sewer, or
    b. have an on-site effluent disposal system approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>, or
    c. be a temporary chemical closet approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>.

Reason: Statutory requirement.

54. 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.

55. Garbage receptacle

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

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

56. 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^2
- are removed within 14 days of the completion of all construction works

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

57. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) “Manual for Uniform Traffic Control Devices for Work on Roads”. If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

58. 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.

59. Driveway trench drain at boundary

A 200mm wide grated drain, with heavy duty removable galvanised grates, is to be located within the site at the intersection of the driveway and Council's footway on Braeside Street to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

60. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of AS4970 - Protection of trees on development sites during and after completion of development works to ensure their long term survival.

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

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

Tree/location	Time of inspection
T52*Syncarpia glomulifera* (Turpentine)	Ground preparation for driveway from Breaside St, and carpark within the Tree Protection Zone, installation of formwork for driveway, concrete pour for driveway.
T39, 39A, 51, 61, 62, 70, 71, 75	During selection of the location for the drilling rig access pit(s) and during the excavation of drilling access pit(s), during drilling, during excavation of the exit pit(s).

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

Reason: To ensure protection of existing trees.

61. Landscape works near trees

To avoid tree impacts, all landscape works such as soil preparation, soil spreading, mulching and planting shall be carried out by hand within the specified radius of the following trees:

Tree/location	area
T9, 15, 18, 19, 52, 77, 80, 81, 83, 84	Within canopy spread

Reason: To protect existing trees.

62. Trees on nature strip

Removal and pruning of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor and or arborist holding public liability insurance amounting to a minimum cover of $20,000,000. All pruning works shall be undertaken by an experienced arborist/horticulturist, within a minimum AQF Level 3 qualification as specified in the current version of AS 4373 - Pruning of amenity trees. :

Tree/location	Tree Works
Tree 54*Jacaranda mimosifolia* (Jacaranda) / Breaside St	Removal

Reason: To protect existing trees.

63. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/location	Radius in metres
T33-37 & 38 *Syncarpia glomulifera* (Turpentine	6
T52 *Syncarpia glomulifera* (Turpentine)	8.4
T57 *Nyssa sylvatica*	3
T59/59A *Melaleuca stypheloides*	3.6
T61*Cedrus deodara*	9.6
T62 *Acmena smithii*	7.2
T70 *Quercus robur*	7.8
T71 *Araucaria cunninghamiana*	14.4
T75 *Syzigium sp.*	5.4

Reason: To protect existing trees.

64. Approved tree works

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

Tree/location	Approved tree works
T85 *Camellia sp*	Removal

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any

tree/s .
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 - Pruning of Amenity Trees.

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

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

65. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be supervised by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist /horticulturalist shall provide a report to the Principal Certifier confirming compliance with this condition:

Tree/Location	**Radius in metres**
Tree 52*Syncarpia glomulifera* (Turpentine)	6

Reason: To protect existing trees.

66. Thrust boring/directional drilling

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise the thrust boring or directional drilling method:

1. The tunnelling shall be carried out at least 600mm beneath natural ground level.
2. The launching pit for the tunnelling machine shall be located outside the tree protection zone (defined in the current version of AS4970-Protection of trees on development sites) of any tree unless approved in writing by the project arborist.

Tree/location	**Radius in metres**
T59/59A *Melaleuca stypheloides*	3.6
T61*Cedrus deodara*	9.6
T62 *Acmena smithii*	7.2
T70 *Quercus robur*	7.8
T71 *Araucaria cunninghamiana*	14.4
T75 *Syzigium sp.*	5.4

Reason: To protect and minimise damage to existing trees

67. 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.

68. 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.

69. 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.

70. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

71. 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

72. Swimming pool maintenance

During demolition, excavation or construction if water is held within the swimming pool:

a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and

b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and

c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

Reason: To ensure the swimming pool does not present a risk to health or safety.

73. 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:

74. Food premises (canteen) notification

Prior to an Occupation Certificate for stage 1b being issued, the food premises (canteen) shall be registered with Ku-ring-gai Council by completing and submitting the Food Business Notification Form available on Council's website.

Reason: To ensure compliant food premises

75. Acoustic attenuation measures - building construction

a) Prior to the issue of the partial Occupation Certificate for stage 2b, the Principal Certifier shall be satisfied of the following:

1. The doors to the music room are constructed with 10.38 mm thick laminated glass with acoustic seals as specified in Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd.

2. The doors to the multi-purpose room should be constructed with 6.38mm thick laminated glass with acoustic seals as specified in Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd.

3. A sound barrier wall is constructed to all four sides of the central roof top plant area, being 2.4 metres high on the northern side, and 2.1 metres high on the eastern, southern and western sides and of materials as indicated in Part 5.3.2 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd.

Written confirmation from an acoustic engineer that the building elements have been installed as specified above is to be submitted to the Principal Certifier.

b) Prior to the issue of the partial Occupation Certificate for stage 3a, the Principal Certifier shall be satisfied of the following:

1. External windows to General Learning Areas - 7.1, 7.2, 9.1, 9.2, 5, 6, 8, 9, 10, 11, 12, Art, and Science Labs 1, and 2 are to be of fixed frame construction with 6.38mm thick laminated glass installed Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd.

Written confirmation from an acoustic engineer that the building elements have been installed as specified above is to be submitted to the Principal Certifier.

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

76. Acoustic control measures

a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier, confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.

b) Prior to the issue of an Occupation Certificate for Stage 2a, the Principal Certifier shall be satisfied that the acoustic attenuation measures and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.

c) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.

d) Prior to the issue of an Occupation Certificate for Stage 3a, the Principal Certifier

shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.

e) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that the acoustic attenuation measures and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1F, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.

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

77. Traffic management advisory plan

In accordance with the recommendations of the traffic report endorsed at Condition 1, a traffic management advisory plan is to be developed to notify the preferred route for accessing the College to drivers, in order to improve the traffic condition at the Burns Road/Wahroonga Avenue intersection and minimise the impact of the existing sharp right turn manoeuvres from Burns Road into the College's entry.

A copy of this report shall be submitted to Council prior to the issue of an Occupation Certificate for final Stage 3b.

Reason: Driver information.

78. Consolidation of lots

Prior to issue of an Occupation Certificate for Stage 1b, the Applicant must consolidate the existing Lots 1 and Lot 6 in DP19875, which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

79. Completion of landscape works

a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

b) Prior to the issue of an Occupation Certificate for Stage 2a, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

c) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

d) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

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

80. Outdoor lighting

a) Prior to the issue of an Occupation Certificate for Stage 1b, 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.

b) Prior to the issue of an Occupation Certificate for Stage 2a, 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.

c) Prior to the issue of an Occupation Certificate for Stage 2b, 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.

d) Prior to the issue of an Occupation Certificate for final Stage 3b, 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.

81. Accessibility

a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2

- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

b) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: To facilitate disabled access.

82. Retention and re-use positive covenant

Prior to issue of an Occupation Certificate for Stage 1b, the a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.2 of the relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate.

Reason: To ensure appropriate storm-water management.

83. Works as executed plans for stormwater management and disposal

Prior to issue of an Occupation Certificate for Stage 1b, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and

management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

I. as built (reduced) surface and invert levels for all drainage pits
II. gradients of drainage lines, materials and dimensions
III. as built (reduced) level(s) at the approved point of discharge to the public drainage system
IV. as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
V. the achieved storage volumes of the installed retention and detention storages and derivative calculations
VI. as built locations of all access pits and grates in the detention and retention system(s), including dimensions
VII. the size of the orifice or control fitted to any on-site detention system
VIII. dimensions of the discharge control pit and access grates
IX. the maximum depth of storage possible over the outlet control
X. top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

Reason: To ensure appropriate stormwater management.

84. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate for Stage 1b, a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifier prior to issue of an Occupation Certificate.

Reason: To ensure appropriate stormwater management.

85. Easement drainage line construction

Prior to issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the required inter-allotment drainage system has been installed and

surveyed under the supervision of a designing engineer and or equivalent professional.

Note: At the completion of the inter-allotment works, the following must be submitted to the Principal Certifier for approval:

1. Details from the supervising engineer that that the as-constructed works comply with the approved inter-allotment design documentation.
2. A full works as executed drawing of the as built inter-allotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).

Reason: To ensure appropriate stormwater management.

86. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the on-site detention system prior to the issue of an Occupation Certificate for Stage 1b.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

87. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate for final Stage 3b, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian. Standard 2890.1 - 2004 “Off-Street car parking" and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - “Off-street car parking”,

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

88. Reinstatement of redundant crossings and completion of infrastructure

works

Prior to issue of an Occupation Certificate for final Stage 3b, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. New concrete driveway crossing in accordance with levels and specifications issued by Council.
2. Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
3. Full repair and resealing of any road surface damaged during construction.
4. Full replacement of damaged sections of grass verge to match existing.
5. Reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site.

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the public infrastructure.

89. Mechanical ventilation

a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

b) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

c) Prior to the issue of an Occupation Certificate for Stage 3a the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

d) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

90. Fire safety certificate

a) Prior to the issue of an Occupation Certificate for Stage 1a, 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.

b) Prior to the issue of an Occupation Certificate for Stage 2b, 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.

c) Prior to the issue of an Occupation Certificate for Stage 2b, 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.

d) Prior to the issue of an Occupation Certificate for Stage 3a, 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.

e) Prior to the issue of an Occupation Certificate for final Stage 3b, 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.

91. Construction of food premises (canteen)

Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the construction of the food premises and all food storage areas is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National Construction Code.

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

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

Reason: To ensure compliance with standards for food premises.

92. Garbage and recycling facilities

Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that the external waste storage area has been installed and adequately contains the waste bins, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

Reason: To protect residential amenity and prevent environmental pollution.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

93. Ground Maintenance

All ground maintenance such as leaf blowing, grass cutting or the like that may be required on the grounds of St Edmund's College are to be carried out between the hours of 7.00am and 6.00pm Monday to Friday only.

Reason: To protect the amenity of the surrounding area.

94. Use of the hall and music room

The doors to the music room and multi-purpose room be closed when musical instruments are being used to mitigate potential noise transmission to adjoining residential properties.

Reason: To protect the amenity of adjoining residents.

95. 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.

96. Screening of air conditioning condenser units

The air conditioning condenser units located on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

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

97. Noise control - plant and machinery

Noise levels associated with mechanical exhaust ventilation or other noise generating plant installed on the premises shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and evening when measured at the boundary of the nearest potentially affected residential occupancies and shall not operate at a noise level that is audible in habitable rooms of any adjoining residences at night (10pm and 7am). The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

98. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

99. Plan of management

The two plans of management as endorsed at **Condition 1**of this Development Consent for the operation of the school must be implemented during all stages of construction and at the completion of all works. A copy must kept onsite in the main office.

Reason: To ensure the operation of the facility minimises impact on neighbouring residents.

100. 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.

Scott McInnes
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Team Leader Development Assessment

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Manager Development Assessment Services

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Director Development & Regulation