

SYDNEY NORTH PLANNING PANEL

Panel Reference	PPSSNH-49
DA Number	DA/1049/2019
LGA	Hornsby Shire Council
Proposed Development	The construction of 8 buildings, carpark and landscaping for “New Hope School” to replace existing demountable buildings within the Pacific Hills Christian School. The permanent facilities would accommodate up to 72 students with 32 staff being teachers, therapists, youth workers and administration staff.
Street Address	Lot 32 DP 1223069, No. 9-15 Quarry Road Dural
Applicant	Ted Boyce, Pacific Hills Christian Schools
Owner	Pacific Hills Christian Education Ltd
Date of DA Lodgement	15 November 2019
Number of Submissions	2
Recommendation	Approval
Regional Development Criteria) (Schedule 7 of the SEPP (State and Regional Development) 2011)	Private infrastructure and community facilities over \$5 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 • State Environmental Planning Policy 64 Advertising and Signage • State Environmental Planning Policy No. 55 Remediation of Land • Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River • State Environmental Planning Policy (Koala Habitat Protection) 2019 • Hornsby Local Environment Plan 2013 • Hornsby Development Control Plan 2013
List all documents submitted with this report for the panel’s consideration	<ul style="list-style-type: none"> • Locality Plan • Architectural Plans • Landscape Plans • Acoustic Report • Flora and Fauna Report

	<ul style="list-style-type: none"> • Site Contamination Report • Traffic Management Plan
Report prepared by	Stephen Dobbs
Report date	27 August 2020

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.22)? **N/A**

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

Conditions

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

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves the construction of permanent facilities for “New Hope School” to replace existing demountable buildings within the Pacific Hills Christian School. The permanent facilities would accommodate up to 72 students with 32 staff being teachers, therapists, youth workers and administration staff.
- The proposal complies with *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *Hornsby Local Environmental Plan 2013*.
- 2 submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. DA/1049/2019 for the construction of permanent facilities for “New Hope School” to replace existing demountable buildings within the Pacific Hills Christian School at Lot 32 DP 1223069, No. 9-15 Quarry Road Dural be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

Pacific Hills Christian School has been in operation on site since 1983 with relevant development approvals listed below.

New Hope School operates within the confines of Pacific Hills Christian School from demountable classroom buildings that are located adjacent to the south of the school's sports courts. The school caters for students with a variety of disabilities including students with a moderate level of Intellectual delay or who have an Autism Spectrum Disorder. Currently, New Hope School has 26 students and 17 staff.

On 23 March 1982, DA/137/1982 was approved for the establishment of a school for 400 students.

On 26 October 1994, DA/219/1994 was approved for a four stage expansion of the school (Stage 1 - 826 students, Stage 2 - 980 students, Stage 3 - 1190 students and Stage 4 - 1360 students), including church services and sporting events.

On 18 December 2002, DA/1520/2002 was approved for demolition of an existing building/attached garage, removal of two shade structures and construction of new permanent junior school accommodation. Condition No. 3B of the consent limits student enrolments as follows: 1324 students for Year 2003, 1350 students for Year 2004 and a maximum of 1360 students thereafter.

On 18 April 2007, DA/3/2007 was approved for the removal of demountable buildings, construction of a new 3 storey senior student's building and alterations and addition to existing administration and library buildings.

On 11 May 2016, DA/1467/2015 was approved for subdivision involving a boundary adjustment of three allotments at Nos. 7, 7A and 9-15 Quarry Road, Dural.

On 11 May 2016, DA/1497/2015 was approved for additions to an existing senior school building within Pacific Hills Christian School.

On 31 November 2018, Pre-lodgement Advice PL/10/2018 was provided for the construction of a 52 space at grade car park and associated internal roads/driveway as well as 8 new single storey school buildings for a special needs school as a staged development.

APPLICATION HISTORY

On 15 November 2019, the subject application was lodged.

On 8 January 2020, Council requested an amended traffic study and traffic management plan incorporating the pick-up/ drop off times for the New Hope School Camps, a discussion regarding queuing on Quarry Road and traffic management. On 30 April 2020 the requested information was submitted.

On 31 January 2020, Council requested a detailed environmental site investigation, a construction management plan and an amended acoustic report. On 12 May 2020, the requested information was submitted.

On 3 February 2020, Council requested a construction management plan and a revised acoustic report. On 12 May 2020 the requested information was submitted.

On 4 February 2020 Council met with the applicant to discuss traffic and parking concerns. Amendments were requested to the traffic and parking report along with further details to address queuing of vehicles. On 30 April 2020, the requested information was submitted to Council.

On 7 February 2020, Council requested clarification regarding the extent of asset protection zone (APZ) requirements and any required vegetation management. On 11 February 2020, the requested information was submitted to Council.

On 7 May 2020, the applicant provided an amended bushfire report in response to General Terms of Approval (GTAs) provided by the NSW Rural Fire Service (RFS). The amended bushfire report was forwarded to the RFS who have issued amended GTAs.

On 12 May 2020, Council requested RL levels be placed on all elevation plans and requested further information regarding traffic and sewage management. On 12 May 2020, the requested information was submitted to Council.

On 19 June 2020, Council requested amendments to the CMP, further details of site contamination and an amended acoustic report with noise and data logging. On 15 July 2020, the requested information was submitted to Council.

SITE

The site comprises an irregular shaped allotment with an area of 10.1ha (by title) and is located on northern side of Quarry Road, Dural.

An educational establishment (Pacific Hills Christian School) occupies the site and comprises a variety of permanent and temporary buildings including a multi-purpose centre, administration buildings, classrooms and subject senior school building. In addition to these structures there are recreational facilities comprising basketball courts, playing fields and cricket practice areas.

The site also contains a dam and a macro pond for the purposes of managing the quality and quantity of stormwater runoff from the site.

The surrounding locality is predominately semi-rural in character, comprising of rural residential developments and agricultural land uses. Dural Business Centre is located approximately 400m west of the subject site.

There is a 38m fall towards the northern boundary of the site.

Remnant native bushland is located towards the northern part of the site. Tributaries of Tunks Creek traverses the north-west boundary of the site.

The northern and central portions of the site is mapped as bushfire prone.

The southern portion of the site contains restrictions (F) and (H) being a positive covenant and restriction on the use of land relating to bushfire controls.

PROPOSAL

The application proposes the construction of permanent facilities for “New Hope School” to replace existing demountable buildings within the Pacific Hills Christian School. The permanent facilities would accommodate up to 72 students with 32 staff being teachers, therapists, youth workers and administration staff.

Specifically, the following works are proposed:

- Construction a 68 space at-grade car park (including two accessible spaces) with associated internal roads/driveways, entry signage and landscaping in between parking rows;
- Construction of eight single storey school buildings as follows:

- Classrooms/teaching spaces;
 - Administration offices;
 - Staff rooms;
 - Assembly/sensory area;
 - Amenities;
 - Library and computer room;
 - Lunchroom;
 - Interconnecting paths and pergolas; and
 - The buildings would include 'colorbond' pitched gable roofs and fibre cement cladding painted in hammer grey.
- Landscaping of the site comprising 1,483 local and exotic trees, shrubs and plants that confirm to bushfire and school requirements.

The application states that the development would be completed in four stages as follows:

- Stage 1 – Carpark, internal driveways and drop-off area with associated earthworks, civil works, and servicing;
- Stage 2 – Construction of three buildings and ancillary works, including:
 - Building 1: Administration, staff room and offices;
 - Building 2: Classrooms and amenities; and
 - Building 3: Classrooms and amenities.
- Stage 3 – Three buildings and ancillary works, including:
 - Building 4: Lunchroom;
 - Building 5: Assembly/sensory area; and
 - Building 6: Classrooms and amenities
- Stage 4 – Two buildings and ancillary works, including:
 - Building 7: Classrooms and amenities (kindergarten); and
 - Building 8: Computer room and Library.

The application notes that Stages 1 and 2 would be undertaken concurrently and that a single Construction Certificate for the entirety of the proposed development would be sought.

ASSESSMENT

The development application has been assessed having regard to *the Greater Sydney Region Plan, 'A Metropolis of Three Cities'*, *the 'North District Plan'* and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan

A *Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

Part 3 of the strategy relates to "Infrastructure and Collaboration" and a key objective is to provide services and infrastructure to meet communities' changing needs. The strategy anticipates that an extra 270,000 students will need to be accommodated in Greater Sydney by 2036. The proposed development is consistent with *A Metropolis of Three Cities*, by providing additional educational facilities including job creation to support a growing population.

The *North District Plan* provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future. It is a guide for implementing *A Metropolis of Three Cities* - the Greater Sydney Region Plan at a District level and is a bridge between regional and local planning. Hornsby Shire has been grouped with Hunters Hill, Kuring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District.

Over the 20 years to 2036, projections show an expected increase of children and the need for increased educational facilities. New Hope School would be consistent with the objectives of the strategy by providing an additional 46 student places to support a growing population.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

2.1.1 Zoning of Land and Permissibility

The subject site is zoned part RU2 Rural Landscape and part E3 Environmental Management under the *HLEP*. The objectives of the RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;*
- *To maintain the rural landscape character of the land;*
- *To provide for a range of compatible land uses, including extensive agriculture;*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public;*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, service or facilities.*

The objectives of the E3 Environmental Management zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values;*
- *To protect the natural environment of steep lands and floodplains within the catchment of the Hawkesbury River.*

The proposed development is defined as an “*educational establishment*”. Educational establishments are permissible in the RU2 zone with Council’s consent and prohibited in the E3 zone. The proposed development would be wholly located within RU2 zone.

The development proposal would be generally consistent with the objectives of the zone as it is considered a compatible land use that would maintain the existing character of the area.

2.1.2 Suspension of Covenants, Agreements and Instruments

The subject portion of the site contains a restriction on the use of land (H) and a positive covenant (F) on the deposited plan.

The restriction on the use of land identified as (H) states the following:

“No dwelling and/or structure is permitted within that area designed (B) on the plan unless the area surrounding the foot print of any proposed dwelling is under scrubbed in all directions for a distance of 20 metres, all trees less than three (3) metres in height are to be removed and thereafter the lot maintained in a fuel reduced state to the satisfaction of Council’s Environment Division and Fire Control Branch so as to mitigate the impact of any bushfire, but not to guarantee that the property will not be affected by bush fire at some time”.

Positive covenant identified as (F) relates to construction standards and building materials.

The historical restrictions relate to bushfire controls and were applied to the site prior to its current use as an educational establishment. The restrictions are no longer current, and the development is subject to approval from the RFS as detailed in Part 2.9 of this report.

Council would raise no objections to the removal of these restrictions through the submission and approval of a separate “Execution of Legal Documents (ELD) application.

2.1.3 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 10.5m. The proposal complies with this control with a maximum height of 10m.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council. The site does not include a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

2.1.5 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The proposal requires both cut and fill to create a generally level building platform for the proposed car park, educational buildings and disabled pedestrian access. Cut at a depth of 1.5-3m would be required on the southern portion of the development site and fill of up to 3m would be required on the northern end. Sandstone retaining walls up to 2.7m high are proposed along the southern boundary, up to 1.5m along the western boundary and up to 3m along the northern boundary.

Council's assessment considers that the excavation is unlikely to cause detrimental impacts on the amenity of adjoining lands, is unlikely to disturb sensitive areas or relics and would not restrict future use of the land. Conditions are recommended with regards to retaining wall design, excavation and fill.

2.2 Flood Planning

Clause 6.3 of the *HLEP* applies to land at or below the flood planning level. Clause 6.3(3) states the following:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) is compatible with the flood hazard of the land, and*
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) incorporates appropriate measures to manage risk to life from flood, and*
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Tributaries of Tunks Creek traverses the north-west boundary of the site and the centre of the site contains a dam. Council's 2010 flood maps identify that portions of land surrounding the tributaries and the dam may overflow in a 1 in 100 year ARI storm event.

The proposed works would be located outside of the mapped overland flow paths and at substantially higher elevation. Accordingly, Council is satisfied that the proposal is compatible with the flood hazard of the land and consistent with Clause 6.3(3) of the *HLEP*.

2.3 State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (Education SEPP) commenced on 1 September 2017 and aims to facilitate the delivery of educational establishments. An assessment against relevant sections of the *Education SEPP* is provided below.

Development for the purpose of a school is permissible with consent within the subject RU2 Zone subject to Clause 35(1).

Clause 35(6) of the *Education SEPP* requires the consent authority to consider the design quality of the development in accordance with Schedule 4 and whether the development enables the use of school facilities (including recreational facilities) to be shared with the community. A discussion is provided below in regard to the requirements of Schedule 4.

Schedule 4 Schools - Design Quality Principles	
Design Principle	Council Comment
Principle 1 - context, built form and landscape	<p>The new school facilities have been designed in response to the surrounding built and natural environment. All buildings have been designed to be single storey with a “rural” appearance incorporating metal ‘colorbond’ pitched gable roofs and fibre cement cladding painted in hammer grey.</p> <p>Sufficient landscaping has been provided surrounding the carpark, driveway and throughout the school buildings.</p>
Principle 2 - sustainable, efficient and durable	<p>The open design of the proposed school facilities would allow for sufficient natural light for its users.</p> <p>Stormwater runoff would be treated and held within a bio-detention basin (dam) in order to limit the flow of water to the natural drainage catchment.</p>
Principle 3 - accessible and inclusive	<p>Appropriate wayfinding signs and paths of travel would be provided on site. Additionally, specific design levels have been incorporated to allow accessible travel for its users.</p> <p>Breakout spaces of different sizes have been included to allow children to have open discussions or retreat to more private personal spaces.</p>
Principle 4 - health and safety	<p>The proposed earthworks allow for safe accessible access throughout the development site. The openness of the campus allows for sufficient sight lines and passive surveillance.</p> <p>Conditions are recommended that all imported fill be certified as virgin excavated natural material.</p> <p>It has been demonstrated that the site is clear of contamination.</p>
Principle 5 - amenity	<p>The school facilities would not adjoin any main roads or offensive noise generating use.</p> <p>The school facility would provide sufficient separation between adjacent residential and agricultural land uses.</p>
Principle 6 - whole of life, flexible and adaptive	<p>The school facilities have been designed to allow for teaching a broad range of students. Providing open spaces and accessible pathways ensure the spaces are flexible and adaptive.</p>
Principle 7 - aesthetics	<p>The built form and scale of the proposed buildings respects the neighbouring rural residential context.</p>

	Materials are to be neutral in colour surrounding by soft landscaping.
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In summary, Council has assessed the development against the requirements of Schedule 4 and considers the proposal satisfactory. Additionally, in respect to Clause 35(6)(b), the development enables the use of school facilities (including recreational facilities) to be shared with the community.

Part 7 of the *Education SEPP* notes that development that will result in the educational establishment being able to accommodate 50 or more additional students and involves an enlargement or extension of an existing premise requires written notice to Transport for NSW (formally RMS). The proposal would result in a net increase of 46 students at the New Hope School and does not require notice to Transport for NSW.

Whilst the proposal was not lodged as a complying development, an assessment against the complying development standards for educational establishments has been undertaken as a guideline for the assessment of the proposal. The following table sets out the proposal's compliance with relevant standards as described within Schedule 2 of the *Education SEPP*.

Schedule 2 - Complying Development Standards		
Control	Proposal	Compliance
<p>Building Height</p> <p>The building height of a building (whether a new building, or an existing building as a result of an addition or alteration):</p> <p>(a) must not exceed 4 storeys, and</p> <p>(b) must not exceed 22m from ground level (mean).</p>	1 storey and max. 10m in height	Yes
<p>Setbacks</p> <p>A building (whether a new building, or an existing building as a result of an addition or alteration) or any part of a building (including a basement or any other part of a building that is constructed below ground):</p> <p>(a) that is 12m or less in height—must be located more than 5m from any side or rear property boundary with land in a residential zone</p>	Less than 12m in height and more than 5m from any side or rear boundary	Yes
<p>Design and Materials</p> <p>A new building or an alteration or addition to an existing building must comply with the following:</p> <p>(a) any new external walls or roof of the building must be constructed of non-reflective material,</p> <p>(b) any external walls of the building that face a public road or reserve must contain windows.</p>	<p>Non-reflective materials.</p> <p>Development does not directly face a road or reserve.</p>	<p>Yes</p> <p>Yes</p>

<p>Overshadowing</p> <p>A new building or an alteration or addition to an existing building must not overshadow any adjoining residential accommodation so that solar access to any habitable room or principal private open space on the adjoining property:</p> <p>(a) is reduced to less than 3 hours of solar access between 9:00 am and 3:00 pm at the winter solstice, or</p> <p>(b) is reduced in any manner if solar access to any habitable room on the adjoining property is already less than 3 hours</p>	<p>Development does not overshadow adjacent development.</p>	<p>Yes</p> <p>Yes</p>
<p>Privacy</p> <p>A window in a new building, or a new window in any alteration or addition to an existing building, must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if:</p> <p>(a) the finished floor level is more than 1.5m above ground level (mean), and</p> <p>(b) the window faces a building used for residential accommodation on an adjoining lot, and</p> <p>(c) the wall in which the window is located has a setback of less than 5m from the boundary of that adjoining lot.</p>	<p>Yes</p> <p>Yes (>60m building separation)</p> <p>No</p>	<p>No privacy screen required</p>

As detailed in the above table, the proposed development would comply with the abovementioned standards of the *Education SEPP*.

In summary, the development has been assessed to meet the overall aims of the *Education SEPP* and is considered acceptable.

2.4 State Environmental Planning Policy 64 Advertising and Signage

The proposed signs have been assessed against the requirements of *State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64)*. This Policy provides State-wide planning controls for advertising signs and prevails over other environmental planning instruments including the *HLEP*.

The aims of the Policy are to ensure that advertising and signage is compatible with the desired amenity and visual character of an area, to provide effective communication in suitable locations and to ensure signage is of high quality design and finish.

The proposal includes signage in the form of two small entry signs to identify the entry access points of New Hope School and the Pacific Hills Christian school. The signs would measure 1.6m (height) by 2m (width). The signs would be non-illuminated and be located adjacent to the entry on Quarry Road. The proposal's compliance with *SEPP 64* is detailed in the table below:

Assessment Criteria	Comment
Character of the area	
<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposal is compatible with the surrounding area of Quarry Road.</p> <p>It is considered that the appearance of the sign integrates well with the established locality.</p> <p>N/A</p>
Special areas	
<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The signage would not detract from the amenity of visual quality of nearby residential properties.</p>
Views and vistas	
<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>No important views would be obscured by the proposed signage.</p> <p>The proposed signage is compatible with the locality and would not dominate the skyline.</p> <p>The proposed signs would not obscure other authorised signage.</p>
Streetscape, setting or landscape	
<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The scale, proportion and form of the proposal would be appropriate for the surrounding environment.</p> <p>The scale, proportion and form of the proposal would be appropriate for the surrounding environment.</p> <p>N/A – no existing advertising.</p> <p>The proposed signage would provide clear identification for the schools.</p> <p>No, the proposal would not protrude above buildings, structures or tree canopies in the locality.</p>

Does the proposal require ongoing vegetation management?	No ongoing vegetation management would be required.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage would be compatible in scale and proportion with the elements of the site.
Does the proposal respect important features of the site or building, or both?	The proposed signage is designed to complement the entrance of the school.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are considered appropriate for the site.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The sign displays the school's logo, no lighting is proposed.
Illumination	
Would illumination result in unacceptable glare?	N/A – no illumination proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A – no illumination proposed.
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A – no illumination proposed.
Can the intensity of the illumination be adjusted, if necessary?	N/A – no illumination proposed.
Is the illumination subject to a curfew?	N/A – no illumination proposed.
Safety	
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce the safety for pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal is not considered to reduce the safety for pedestrians.

The evaluation of the application having regard to the assessment criteria contained within the policy indicates that the proposal satisfies the objectives of *SEPP 64*.

2.5 State Environmental Planning Policy No. 55 Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.

Council records and aerial photography indicate that the western portion of the site where the development is proposed had historically been used as a flower farm and nursery (The Green Gallery) before DA/1467/2015 was approved for subdivision involving a boundary adjustment of three allotments at Nos. 7, 7A and 9-15 Quarry Road, Dural.

The application was submitted with an environmental site assessment (ESA), prepared by Environmental Investigation Services (EIS). The results of the ESA indicated that one fill sample collected from the northern boundary reported a petroleum hydrocarbon TRH-F3 concentration with an exceedance of the relevant safety criteria for Urban Residential and Public Open Space (2,200 mg/kg vs. ESL criteria 1,300 mg/kg). In response to this exceedance, Council requested a Stage 2 Detailed Environmental Site Investigation (DSI).

A Stage 2 DSI prepared by Coffey, was subsequently submitted to Council. A total of 20 soil samples and 3 groundwater samples were collected and analysed as part of the DSI for laboratory analysis and soil classification. Based on the previous results within the ESA and the results provided in the DSI, the report by Coffey concludes that no unacceptable health or ecological risks attributable to land and groundwater contamination was identified at the site.

The DSI states that the original exceedance previously observed within fill at the northern portion of the site were not identified during subsequent soil and groundwater investigations. As the borehole and groundwater testing results were below the laboratory limit of reporting in each sample tested, the previous TRH result is not considered representative and was potentially a false positive.

The borehole testing identified that the site had fill to a depth of about 0.4m below ground surface across the site. The testing provided a preliminary classification of this fill as General Solid Waste (GSW CT1). The natural soils and weathered rock beneath the fill may have potential for reuse opportunities as either Excavated Natural Material (ENM) and or Virgin Excavated Natural Material (VENM).

The DSI recommends a Construction Environmental Management Plan (CEMP) be prepared prior to the commencement of works on site that includes an unexpected find protocol (UFP). Conditions are recommended in this regard.

In accordance with the findings contained within the DCI, Council considers that the site is suitable for use as an educational establishment as no contamination was identified during the Stage 2 assessment.

2.6 State Environmental Planning Policy (Koala Habitat Protection) 2019

State Environmental Planning Policy (Koala Habitat Protection) 2019 (KHP SEPP) commenced 1 March 2020 and applies to the Hornsby Shire. The aim of the policy is to encourage the conservation and management of areas of that contain natural vegetation that provide habitat for koalas.

As the rear of the site is identified on the “Koala Development Application Map”, and is more than 1 hectare in size, Clause 9(2) of the *KHP SEPP* applies which states the following:

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must take into account—

(a) the requirements of the Guideline, or

(b) information, prepared by a suitably qualified and experienced person in accordance with the Guideline, provided by the applicant to the council demonstrating that—

(i) the land does not include any trees belonging to the feed tree species listed in Schedule 2 for the relevant koala management area, or

(ii) the land is not core koala habitat.

In response to Clause 9(2)(b), the application includes a Prescribed Ecology Actions Report, prepared by Abel Ecology. The report notes that

‘The site is in Management Area 2 under the Approved Koala Recovery Plan 2008. The canopy trees in the area of survey include Eucalyptus pilularis, Eucalyptus piperita and, Eucalyptus resinifera. Red Mahogany resinifera is a Secondary Food Tree species less than 15% of the site.

The nearest koala record is 3.8km south in Cherrybrook, dated 30th October 2012. The most recent koala record is 7th March 2018, being 3.8km east in Westleigh. There was no evidence of koalas on the site surveyed. The site is not Potential Koala Habitat. We note that some local records are of escapees from the Pennant Hills Koala Park.’

Accordingly, Council is satisfied that the land is not core koala habitat and consent may be granted to the development.

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

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirements of the Policy.

2.8 Biodiversity Conservation Act 2016

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on the 25th August 2017 and includes the Biodiversity Offset Scheme (BOS), which provides for biodiversity assessment and biodiversity offsetting of a range of developments in NSW according to a new method, known as the Biodiversity Assessment Method or ‘BAM’.

BOS applies to local development assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* that is likely to significantly affect ecological communities or threatened species listed under Schedules 1 and 2 of the BC Act as determined by application of a five-part-test of significance.

The NSW *Biodiversity Conservation Regulation 2017* sets out thresholds for when the BOS would be triggered. The Prescribed Ecology Actions Report prepared by Abel Ecology has concluded that the BOS does not apply due to the following:

- Biodiversity Values Map - not triggered
- Area threshold limit - not triggered
- Likely to significantly affect threatened species - not triggered

Council's Bushland Branch has assessed the proposal and concurs with the findings of the independent ecology report. Accordingly, no further assessment is required under the *BC Act*.

2.9 Rural Fires Act 1997 - Integrated Development

Pursuant to Clause 66 of the *Environmental Planning and Assessment Regulations 2000*, the proposal constitutes an integrated development and requires approval under the *Rural Fires Act 1997*.

On 23 June 2020, Council received General Terms of Approval from the RFS with regard to asset protection zones, internal road construction, water and utilities, landscaping and building construction.

2.10 Clause 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Clause 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

Moreover, Clause 35(9) of *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017* states that a provision of a development control plan that specifies a requirement, standard or control in relation to development for the purposes of a school within a prescribed zone is of no effect, regardless of when the development control plan was made.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.11 Hornsby Development Control Plan 2013

The merit assessment of the proposal has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDCP – Part 7.1 Community Uses			
Control	Proposal	Requirement	Complies
Site Area	10.1ha	N/A	N/A
Building Height	10m	10.5m	Yes
No. storeys	1	2 + attic	Yes
Site Coverage	1.5% approx.	On merit	Yes

Setbacks			
- Rear (north)	38m-90m	30m	Yes
- Side (north-west)	6m	10m	No
- Side (south-west)	20m	10m	Yes
Open Space	>15m ² per student	15m ² per student	Yes
Car Parking	68 Spaces	Min. 47 Spaces	Yes

As detailed in the above table, the proposed development generally complies with the above prescriptive measures within the *HDCP* with the exception of the north-western side setback. A brief discussion on compliance with relevant performance requirements and Part 1C General Controls is provided below.

2.11.1 Setbacks

A discussion is provided below regarding the south-western and north-western side setbacks.

South-western

The south-western boundary adjoins the rear boundary of No. 7 and 7A Quarry Road.

All proposed buildings would exceed the 10m setback control within the *HDCP*, however the carpark and driveway would be located with a setback of between 1.5-3.6m.

The Statement of Environmental Effects (SEE) includes the following in support of the carparks' location and proximity to the two properties to the south:

The car park is set down below the existing finished ground level and due to the school's location on the PHCS campus, will generally not be viable from Quarry Road. As the car park is also not a 'built structure' it's setback from the southern and western boundary is not considered to be critical as there will not be any adverse impacts to adjoining properties (nearest dwelling approximately 45m to the south). Additionally, a proposed 1.8m high boundary fence will also ameliorate any potential land use conflict issues arising from the use of the car park.

Further,

The sensitive residential receptors to the south of the development site fronting Quarry Road will not be adversely impacted by the proposed development. The separation between the dwellings (including their private open space) and the proposal when combined with the site's topography, the proposed earthworks and acoustic mitigation measures as discussed in Section 6.3.10 above results in minimal conflict arising.

Council generally concurs with the above statement provided by the applicant. The proposed separation between the carpark and the dwellings of No.7 and 7A Quarry Road are considered acceptable. Further, the submitted acoustic report demonstrates that the subject location would not result in unreasonable noise impacts. Landscape separation would also be provided in the form of trees and shrubs as detailed in the submitted landscape plan.

North-western

The north-western boundary adjoins the side and rear boundary of No. 5 Quarry Road.

Buildings 6 and 7 would have a minimum north-western side setback of 6m which is contrary to the HDCP 10m setback recommendation. Additionally, the driveway and carpark would have a setback of 1.5-7m

The applicant has written the following justification in support of the proposal:

The classroom buildings with a proposed setback of 6m from the western boundary (4m shortfall) are considered to be suitably located taking into account the adjoining land uses and the site's topography, proposed finished ground levels, the site area and the proposed landscaping features. Overall, the desired outcomes of the HDCP are considered to be satisfied.

A site inspection and aerial photography indicate that a flower farm/nursery currently operates on No. 5 Quarry Road. The nursery comprises several greenhouses and enclosed structures. Council does not anticipate that the non-compliant setback would result in any loss of amenity or privacy for No. 5 Quarry Road given its commercial use. Additionally, an existing hedge provides visual separation between the land uses which is proposed to be maintained.

2.11.2 Landuse Separation

The HDCP encourages the siting of intensive plant agriculture and sensitive land uses in order to avoid conflict.

The HLEP defines 'intensive plant agriculture' as:

- a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),*
- (b) horticulture,*
- (c) turf farming,*
- (d) viticulture.*

Buildings 6 and 7 would have a minimum north-western side setback of 6m to an existing flower farm and nursery (The Green Gallery) at No. 5 Quarry Road which can be considered a horticultural landuse, and therefore meet the above definition of intensive plant agriculture

Council considers the separation distance satisfactory given the adjacent agricultural land use is predominantly contained within greenhouse structures, would be screened by a hedge, separated by a driveway and no land contamination was identified in the stage 2 DSI submitted with the application.

2.11.3 Acoustics

The application is supported by a Noise Impact Assessment (NIA) and data logging prepared by Cundall.

The NIA modelling is based on surveys undertaken between 31 July to 9 August 2019 and includes an assessment on the noise impact of the development to nearby residential receivers as well as noise incursion into the proposed educational establishment.

Noise impact from children

The NIA anticipates that the residential receivers closest to the school are Nos. 5, 7 and 7A Quarry Road and No 6 Vineys Road. The NIA sets a noise intrusive level of background noise + 5dBA measured over a 15minute period (40 dB LAeq). Current noise levels from the educational establishment are predicted to exceed the NPfl trigger criterion of 40 dB LAeq 15 min, with noise levels of up to 50dB LAeq predicted at one of the 7A Quarry Road residences as a result of noise from the outdoor sports field. The application notes however, that this is significantly below the Environmental Protection Authorities' *Noise Guide for Local Government* recommendation of 55-60 dB.

The NIA states that with the additional students and the new buildings in place, noise levels at the nearest residences are predicted to still slightly exceed the NPfl trigger levels but are reduced to approximately 45 dB LAeq at the facades of the Quarry Road residences, an overall reduction of 5 dB is predicted due to the new development.

Car parking and driveway

Regarding the car parking, the predicted noise levels would be an exceedance of 1dB at No. 5 Quarry Road based on the daytime 40Db LAeq15min criteria. Council considers this exceedance minor given the car parking would be located approximately 2m below the natural ground level.

Regarding the driveway, the acoustic report assumes of 180 vehicle movements in the morning and afternoon periods over a 1 hour timeframe (45 vehicles per 15min). The NIA anticipates that noise levels would be up to 45dB LAeq 15min to the closest residence at No. 7A Quarry Road which is a 4dB exceedance. The NIA states the following regarding the exceedance:

This must, however, be put into context with the results of our unattended noise monitoring at location NM01 (refer to Figure 1) which were 56dB LAeq, 15 min during the day period. Any noise level less than 10dB lower than the ambient noise levels is inaudible, meaning that over a 15 minute period, our conservative prediction of vehicle noise on the driveway indicates that there will be no increase in noise from the operation of the school due to vehicles at the residences. Our conclusion is that no additional acoustic treatment is required to control vehicle noise at this location.

Council raise no objection to the driveway and consider that 45dB LAeq 15min is not an unacceptable level. Further, the driveway's use would be limited to short time frames within the morning and afternoon.

Noise incursion

The NIA notes that certain construction standards are required to ensure that noise incursion into the classroom is at an acceptable level. Conditions are recommended in this regard.

Mechanical services

The NIA does not include an assessment on any proposed mechanical services. In order to ensure that the mechanical services are placed at an appropriate location, a condition is recommended that all mechanical services are certified by an acoustic consultant to not exceed background noises + 5dB at any property boundary.

2.11.4 Transport and Parking

The application is supported by a Traffic Impact Assessment (TIA) and a Traffic Management Plan (TMP), both prepared by ptc.

A discussion regarding parking, traffic and access is provided below:

Parking

The application proposes the construction of an additional 68 spaces (including 2 accessible spaces) to serve the New Hope School as well as an overflow for the existing Pacific Hills school. The carpark would be constructed in the first stage of the development and would be for teachers exclusively. Council raises no concerns with the provision of 68 car spaces given 47 car spaces are required in the *HDCP*.

Students will be dropped off and picked up within a dedicated zone with 4 parking bays. Based on surveys undertaken at other schools catering for children with disabilities, Council's Traffic Branch estimates that 4 pick-up and drop off bays are adequate for the proposed number of students.

Access

Currently, vehicle access to New Hope and Pacific Hills School's is via an entry point on the western portion of the site off Quarry Road. Two public exit points are provided to the east of the entry. Currently, the vehicle queue length within the site has a capacity of 230m which equates to approximately 33 vehicles.

The application proposes to separate the entry for the New Hope Campus, while retaining the existing entry to the Pacific Hills Christian School. The separation of the two entrances and re-direction of traffic would result in increased queue lengths (an additional 44 vehicles) within the school with alternative routes which can be switched by a dedicated traffic controller.

Vehicles exiting the New Hope campus would be redirected into main school's circulation road in an eastbound direction toward either of the existing Quarry Road exits.

The application states that the start/finish times for the two schools will also be staggered to ensure that New Hope School vehicles will leave the site prior to the finish time for the Pacific Hills School.

The application states that service vehicles will not access the campus and will occur via the main school.

Council's Traffic Branch raises no concerns with the proposed site access subject to a condition requiring no stopping restrictions (8:00am-9:30am and 2:30-4pm) on school days to be installed on the southern side of Quarry Road adjacent to the school to ensure vehicles enter the drop off/pickup zones rather than parking on Quarry Road. The no stopping restriction would be subject to approval from the Hornsby Local Traffic Committee.

Traffic Generation

The TIA relies on an existing traffic survey and analysis completed in August 2016 by SECORA for both Schools. The survey indicates a 62% parent drop off rate in the AM and a 46% drop off rate in the PM with a total of 7% of students driving.

Currently, the New Hope Campus accommodates 26 students, meaning that the net increase in the number of students is 46. Based on the abovementioned occupancy rates, the TIA estimates that the

net increase in vehicles will be approximately 21-29 trips in the AM and PM period. Council's Traffic Branch estimates that this number would likely be higher given the school is for special needs children. Notwithstanding, Council's Traffic Branch estimate that the traffic generated by the proposed development would be an acceptable increase subject to a condition requiring a cap on student numbers.

Council also questioned the applicant whether the current traffic assessment considered the potential seniors living development at No. 3 Quarry Road & 4 Vineys Road Dural. The applicant provided the following response:

In providing this response, PTC has reviewed the traffic impact assessment prepared by GTA and dated 04/03/19 (Reference N142021), which form part of the documents for the SCC application for the retirement village.:

The traffic impact assessment which was submitted with the application for the site compatibility certificate (SCC) for the proposed seniors housing development discusses the relationship between the school traffic and the traffic that might be generated as a result of the proposed retirement village. In Section 6.4 of the GTA assessment, the following is stated:

"With the minor increase in traffic from the development, only a minor increase in delay and queues could be expected on existing operation during the afternoon school peak. Further, it is expected that staff shift changeover times would be scheduled outside of the school peaks (as documented in the Plan of Management) and resident/ visitors that are familiar with local traffic conditions would avoid travelling during the short afternoon school peak. In reality, it is therefore likely that traffic generated by the proposed development during the afternoon school peak hour will be lower than the above 42 trips."

Additionally, in a letter dated 12 July 2019, which preceded the amended traffic report prepared in relation to a request for further information from Council for the Hope School DA, the following is stated:

"From a local traffic perspective, further assessment of existing traffic conditions on Quarry Road during the PM school peak during joint reporting identified that significant traffic queuing occurs for a short period (15-20 minutes). During this time, traffic queues can extend past the proposed site driveway location. It is expected that queued traffic would 'let in' right turning vehicles exiting the proposed development, noting this is an existing condition for other right-turn property egress movements. Vehicles exiting the proposed development during the PM school peak hour would also have the option of turning left and using Harris Road to join the back of the traffic queue or re-time their trip to avoid this brief period of congestion."

The New Hope development is anticipated to generate only 21 additional vehicle trips during the afternoon peak hour.

The overlap of the seniors housing development (should it proceed) and the current school operation can be assumed to be minimal based on the information provided in GTA's traffic assessment. Therefore, the proposed increase in 21 vehicle trips generated by the New Hope development is not anticipated to have a negative effect on the surrounding road network, as described in the traffic impact assessment submitted with the development application.

Council's Traffic Branch were provided with the response and no objections are raised in this regard.

2.11.5 Bushfire and Biodiversity

The Site

The site is predominantly cleared of trees however some remnant vegetation is located on the northern portion of the site. The Prescribed Ecology Actions Report (PEAR), prepared by Abel Ecology (dated 25 October 2019), has confirmed that this vegetation is Blackbutt Gully Forest. The report notes the presence of some hollow bearing trees that would provide potential habitat for bird species.

The site contains two mapped watercourses being upper tributaries of Tunks Creek. The site is also mapped as bush fire prone land.

Asset Protection Zone

The Bush Fire Assessment Report prepared by Building Code & Bushfire Hazard Solutions (14/11/2019) calculated the requirements for the asset protection zone (APZ) for the proposed school buildings. The school is categorised as a Special Fire Protection Purpose and as such requires an APZ that ensures radiant heat from a bushfire affecting the buildings does not exceed 10kW/m². Section 7.05 of the report notes that in order to achieve this, standard distances between the buildings and the hazard to the north must be 60 metres (T1 & T3) and 85 metres (T2). These distances have also been confirmed within the General Terms of Approval by the RFS, dated 23 June 2020.

Section 7.05 of the bushfire report goes on to state:

“The closest point of the proposed works was found to be located ≥60 metres from the ‘Forest’ hazard (T1), ≥85 metres from the ‘Forest’ hazard (T2), ≥60 metres from the ‘Forest’ hazard (T3) and ≥40 metres from the ‘Remnant’ hazard (T4).” And “The Asset Protection Zones consist of maintained land entirely within the subject site.”

In contrast, the ecology report submitted with the application described vegetation clearing requirements as “0.21 ha of Blackbutt Gully Forest”, meaning that the existing APZ is not sufficient to achieve the required separation distances.

Council queried this contradiction and in response, a supplementary bushfire and ecology report were submitted. The supplementary reports note that in order to achieve the required APZ distances, 0.21ha of vegetation at the outer limits of the APZ will require management. The supplementary ecology report notes that this would be satisfied by the removal of shrubs, slashing of groundcovers and some trimming of tree limbs 5-10m into the forests edge from the playing field. The report recommends a vegetation management plan (VMP) be prepared that includes the following:

1. Retention of two large native blackbutts (*Eucalyptus pilularis*) located adjacent to the playing field within the outer reaches of the APZ structure.
2. Marking of a continuous line for the limit of clearing along the APZ boundary prior to any APZ clearing.
3. Removal of saplings, understorey and *Pinus radiata* up to the APZ boundary.
4. Retention of some fallen timber and rocks within the APZ area as potential habitat for locally occurring Dural Woodland Snail.
5. Strict erosion control measures on account of the slope and the location above a creekline: spray grass to include native *Microlaena* seed and a soil binder, or rolled turf with pins for stability, or jute matting and bales pegged in place.
6. A weed control program to address the high threat weeds on site with potential to invade the adjacent creekline

7. Replacement trees from the locally occurring natives to be planted elsewhere on site.

Council also questioned whether the school buildings could be re-located further away from the vegetation, or the location switched with the carpark. The following response was provided by the applicant:

- *From discussions with Abel Ecology and Building Code & Bushfire Hazard Solutions, the intention is not to remove the 0.2ha of vegetation where possible. The intention is for the outer limits of the vegetation to be managed to achieve the required APZ. Management of this vegetation may consist of removal of shrubs, ground coverings and some trees / limbs. Abel Ecology would prefer reducing tree canopies and avoiding the removal trees if possible. This would be assessed further in the Vegetation Management Plan.*
- *The design of the carpark is as tight as possible and cannot be pushed back due to the requirement to comply with AS2890.1 and RFS swept paths / turning circles.*
- *Flipping the buildings and the carpark is not desirable for a number of reasons:*
 - *Mirror reversing the building would result in the New Hope School being isolated from the main PHCS campus;*
 - *Although New Hope School is independent to PHCS, some students spend a proportion of their time in classes with PHCS students. For example, music, drama, arts etc are often shared. Both schools want to ensure there is a strong connection for students to safely travel between the 2 campuses. Flipping the building would require New Hope students to cross a carpark / driveway to access the facilities at PHCS. This is clearly not desirable for safety reasons.*
- *In addition, the current layout of the New Hope School provides for a better outcome from an acoustic impact perspective, in that the classrooms and playgrounds will have reasonable separation from the nearby residential uses to the south.*

Council's Bushland Branch have reviewed the supplementary reports and consider the proposal acceptable on biodiversity grounds. Further, Council considers that the application has satisfactorily demonstrated the "Avoid, Minimise, Mitigate" biodiversity principles. Conditions are recommended that a VMP be prepared and approved by Council prior to the issue of the first Construction Certificate in accordance with the abovementioned requirements.

2.11.6 Landscaping

The Landscape Plans prepared by NBRS Architecture provides a planting schedule and species list with species proposed comprising a mix of locally occurring and other native species, totalling 1,483 plants. Additionally, native species are to be planted on the site as part of a sensory garden and bush tucker plantings. No objections are raised on landscaping grounds.

2.11.7 Waste Management

Part 1C.2.3 of the *HDCP* notes that a waste management plan should be prepared and submitted with development applications in accordance with Council's guidelines. A waste management plan prepared NBRS Architecture is included in the application detailing anticipated waste, objectives, mitigation measures and actions. Council considers that the submitted waste management plan meets the desired outcomes of Part 1C.2.3 of the *HDCP* and is considered acceptable.

A condition of consent is recommended requiring the waste management plan be adhered to throughout the duration of works.

2.11.8 Effluent Disposal

The application would rely on an existing pumping station located on the School campus and states the following regarding capacity:

In relation to the existing pumping station on the school campus, it has been calculated that the pumps would only take 3.5 hours per day to discharge the wastewater from a school of 1,200 students (for example). An increase of 50 students (noting a net increase of only 46 students) would only increase this time by 9 minutes per day. Therefore, it is determined that the pump capacity on the campus is adequate for the proposed Hope School.

Council's Environmental Protection Branch raised no objections in this regard. Additionally, the application states the following regarding the capacity of the local sewer system with consideration of future seniors living development at No. 3 Quarry Road and 4 Vineys Road Dural.

It is also noted that the potential seniors housing development at No. 3 Quarry Road & 4 Vineys Road, Dural is subject to an application for an SCC and no development consent has been issued. We consider it to be somewhat onerous for the New Hope proposal to take into account a potential development which is in no way certain or imminent. Should any future development application be made for development on No. 3 Quarry Road & 4 Vineys Road, the development would be required to take into consideration any approved/established developments in the context of Sydney Water's sewer system capacity.

2.11.9 Stormwater Management

The Hydraulic Services report, prepared by Niven Donnelly & Partners indicates that the proposal would result in an additional 2,626m² of roof area and 4,327m² of impervious areas. Stormwater collected from these areas via pits and guttering would be directed to the existing bio-retention basin (dam). Council's Development Engineers raise no objections to the proposal subject to conditions of consent in regard to water quality treatment and on-site detention.

2.12 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. An appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

As discussed within this report, Council anticipates that the development would not result in any significant impacts to the natural environment subject to the implementation a VMP to carefully manage the required APZ as well as water quality treatment.

The proposal would result in neutral impact on the built environment as majority of the development would not be visible from the public domain.

The school would result in a positive social and economic impact as it would provide improved school facilities for children with disabilities.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

Whilst portions of the subject site are identified as bushfire and flood prone the proposed development would fall outside of these areas. The site has been identified as clear of contamination and capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION



Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 25 November 2019 and 23 January 2020 in accordance with the requirements of the Hornsby Community Participation Plan. During this period, Council did not receive any submissions. 2 submissions were received outside of the formal notification period. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
<p>2 SUBMISSIONS RECEIVED OUT OF MAP RANGE</p>			

Two submissions were received by residence groups located outside of Dural. The matters raised in the submissions are discussed below.

5.1.1 Traffic

Submissions raise concern with increased traffic on Old Northern and New Line Road as a result of the development. As discussed in Part 2.11.4 of this report, Council’s traffic branch consider that the increased trip generation would have a minor impact on the existing local road network.

5.1.2 Land Use Separation

Submissions raise concerns with the distance between the proposed educational establishment and the existing flower farm and nursery (The Green Gallery) at No. 5 Quarry Road.

As discussed in Section 2.11.2 of this report, Council consider the separation satisfactory with respect to the *HDCP* which states, “*Intensive plant agriculture should be sited to limit the potential for landuse conflicts with neighbouring sensitive land uses*”.

The application has demonstrated that the site is clear of any harmful contamination and the proposed buildings and outdoor play area would be separated by a boundary fence, hedge and driveway.

5.1.3 Tree Preservation and Biodiversity

The submissions raise concerns that no arborist report was submitted with the application and that the PEAR did not complete a sufficient assessment of the Dural Land Snail.

Council’s Natural Resources Team did not consider the submission of an arborist report necessary given no trees would be directly removed or impacted by building works. Further, Council anticipates that vegetation removal to achieve APZ compliance would be limited to ground cover removal and tree limb removal. This matter is further discussed in Section 2.11.5 of this report.

Regarding the Dural Land Snail, the PEAR indicates that no species were recorded on site. Notwithstanding, recommended conditions in Schedule 1 require the VMP to consider the impact of the proposal on snail habitat including retaining some fallen timber and rocks. Council’s environmental assessment did not consider that the proposal was likely to have an adverse impact on the species.

5.1.4 Bushfire

The submission raises the following concerns regarding the bushfire hazard:

- Inconsistency in location of creek and APZ requirements.

Comment: This matter has been addressed through the submission of additional information and is discussed in Section 2.11.5 of this report.

- The development requires free vehicle access around the buildings

Comment: The NSW RFS have provided approval to the development through the issuance of a Bush Fire Safety Authority, under Section 100B of the *Rural Fires Act 1997*. The General Terms of Approval provided by the NSW RFS do not require an external perimeter road. Notwithstanding, the development would not physically block access to the rear of the site.

- There is the potential for aboriginal relics to be located within the bushland that requires management as an APZ.

Comment: The applicant has submitted a search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System). The search has shown that no known or recorded aboriginal sites are within the vicinity of the school. Notwithstanding, conditions are recommended that if any relics are encountered or identified during APZ management that works stop immediately and it is reported to Council.

- Carpark should be positioned on the northern side of the classrooms.

Comment: This matter is addressed in Section 2.11.5 of this report.

5.1.5 Plans

A submission raised concerns that RL levels were not included on all elevation plans. In response to this concern amended plans were lodged including RL levels on all elevations.

5.2 Public Agencies

The development application was referred to the following Agencies for comment:

5.2.1 Rural Fire Service

The application was referred to the RFS pursuant to the *Rural Fires Act 1997*. The RFS have provided General Terms of Approval.

5.2.2 Water NSW

The application was referred to Water NSW pursuant to the *Water Management Act 2000*. Water NSW confirmed in writing that no conditions of consent were required given no groundwater would be taken or impacted.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes the construction of permanent facilities for “New Hope School” to replace existing demountable buildings within the Pacific Hills Christian School. The permanent facilities would accommodate up to 72 students with 32 staff being teachers, therapists, youth workers and administration staff.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 2 submissions during the public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:

- The proposed development complies with the requirements of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, the Hornsby Local Environmental Plan 2013 and other relevant environmental planning instruments.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

Attachments:

1. Locality Plan
2. Architectural Plans
3. Landscape Plans
4. Acoustic Report
5. Flora and Fauna Report
6. Site Contamination Report
7. Traffic Management Plan

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

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 Council and/or other conditions of this consent:

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
17369-NBRS-AWD-DA-005/4	Proposed Site Plan	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-006/2	Proposed Site Plan	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-100/5	Overall Ground Floor Plan	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-101/4	Carpark Floor Plan (Stage 1)	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-102/4	Admin & Classroom Floor Plan (Stage 2)	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-103/4	Speciality Areas & Classroom Floor Plan (Stage 3 & 4)	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-104/2	Overall Basement Plan	NBRS Architecture	11/11/2019	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
17369-NBRS-AWD-DA-110/6	Overall Roof Plan	NBRS Architecture	12/05/2020	
17369-NBRS-AWD-DA-300/6	Overall Elevations	NBRS Architecture	12/05/2020	
17369-NBRS-AWD-DA-302/2	Admin & Classroom Elevations (Stage 2)	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-304/2	Speciality Areas * Classroom Elevations (Stage 3 & 4)	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-400/2	Cut & Fill Overall Section	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-401/2	Stage 1 Sections	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-402/2	Stage 2 Sections	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-403/2	Stage 3 & 4 Sections	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-600/1	External Finishes	NBRS Architecture	11/11/2019	
17369-NBRS-AWD-DA-900/1	Signage Plan and Elevations	NBRS Architecture	11/11/2019	
LDA100 - B	Landscape Arrangement Plan 01	NBRS Architecture Landscape	17/07/2019	
LDA101 - B	Landscape Arrangement Plan 02	NBRS Architecture Landscape	17/07/2019	
LDA200 - B	Landscape Sections	NBRS Architecture Landscape	17/07/2019	
LDA300 - B	Planting Palette	NBRS Architecture Landscape	17/07/2019	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Bush Fire Safety Authority - DA20191210001390-CL55-1	NSW Rural Fire Service	23/06/2020	D07940554
Detailed Site Investigation - Proposed New Hope School - 754-NTLEN272143-R01b	Coffey	15/07/2020	D07955463
Noise Impact Assessment - 1019745-AS-RPT01 – Rev F	Cundall	14/07/2020	D07955460
Prescribed Ecology Actions Report - AE19-REP-2072-ISS 1	Abel Ecology	25/10/2019	D07805113
Prescribed Ecology Actions Report – Addendum - AE20 2136 LET 01	Abel Ecology	12/05/2020	D07955134
Sediment and Erosion Control Plan - SY180686	ACOR Consultants	10/02/2020	D07914550
Traffic Impact Assessment – V3	Ptc	19/03/2020	D07908230
Traffic Management Plan V2	Ptc	23/04/2020	D07908221
Waste Management Plan	NRBS Architecture	17/07/2019	D07805125
Stormwater/Hydraulic Plans- 219020 - DAH01-DAH04	Niven Donnelly & Partners	16/08/2019	D07805120
Civil Engineering Services - SY180686	ACOR Consultants	12/08/2019	D07805110
BCA & Access Review - 17369	NBRS & Partners	11/09/2019	D07805107
Water Sensitive Urban Design Strategy – 19189 V2		01/08/2019	

2. Section 7.12 Development Contributions

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029*, **\$123,831.65** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$12,383,165**.
- (b) The value of this contribution is current as of 3 August 2020. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

3. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Subdivision Works Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the

National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

5. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application. The schedule shall distinguish between existing and proposed fire safety measures.

6. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) An unexpected finds protocol if any soil contamination is encountered during excavation.
- c) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
 - v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
 - vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or

- stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - ix) Swept path analysis for ingress and egress of the site for all stages of works.
 - x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
 - xi) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - xii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
 - xvi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xvii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- d) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601–2001 – 'The Demolition of Structures'*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.

- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
 - vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.

7. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Plans submitted with the application for the Construction Certificate must demonstrate that stormwater runoff is connected to the existing internal drainage system, being the existing on-site detention basin.

8. On-Site Stormwater Detention

An on-site stormwater detention system must be designed by a suitably qualified civil engineer and constructed generally in accordance with Drawing No. 2019020-DAH01 Rev A, 2019020-DAH02 Rev B, 2019020-DAH03 Rev A and 2019020-DAH01 Rev A by Niven Donnelly & Partners Pty Ltd and the following requirements:

- a) Have a capacity of not less than 93.0 cubic metres, and a maximum discharge (when full) shall be restricted to the 5 year ARI storm pre-development site discharge rate. Detailed calculations shall be submitted to the Principal Certifying Authority.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) The existing security fence is to be retained and 'pool type' warning signs are to be installed.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the occupation of any building.

9. Water Quality Treatment

Stormwater quality treatment measures shall be designed generally in accordance with the Water Sensitive Urban Design Strategy Report Reference No. 19189 Revision 2 dated 1 August 2019 by Sparks & Partners. A qualified engineer shall prepare a validation report using MUSIC-link for Hornsby Council and a design certificate shall be submitted to the principal certifying authority certifying that the design meets the stormwater quality targets outlined in Table 1.C.1.2(b) in Hornsby Council's Development Control Plan 2013.

10. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) The driveway and parking areas must be a rigid pavement;
- b) Prior to the issue of a construction certificate, a certificate from a qualified engineer shall be submitted to the principal certifying authority certifying that the access driveway, parking and services areas have been designed in accordance with *Australian Standards AS 2890.1 and AS 2890.2*.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

11. Vegetation Management Plan

- a) A vegetation management plan (VMP) must be submitted to Council's Natural Resource Branch via email NaturalResources@hornsby.nsw.gov.au for review and written approval prior to issue of the construction certificate.
- b) The VMP must be prepared in accordance with the recommendations contained within The Prescribed Ecology Actions Report (PEAR), prepared by Abel Ecology (dated 25 October 2019).

12. Retaining Walls

To ensure the stability of the site, structural plans and details of all required retaining walls must be submitted with the application for the Construction Certificate. The plans must be prepared by a suitably qualified engineer.

13. Sydney Water – Approval

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

14. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

15. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place; and/or
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

16. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

17. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual *'Soils and Construction 2004 (Bluebook)'*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

18. Garbage receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
- b) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- c) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- d) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

19. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

20. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)'* and the *Protection of the Environment Operations Act 1997*.

21. Street Sweeping

To protect the surrounding environment, street sweeping must be undertaken following sediment tracking from the site along Quarry Road, Dural during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

22. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

23. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

24. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licenced waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

25. Landfill

- a) Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.
- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

26. Compliance with Construction Management Plan

The Council approved Construction Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

27. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.

28. Waste Management

All work must be carried out in accordance with the approved waste management plan.

29. Maintenance of public footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

30. Car Park

The carparking area as identified as “Stage 1” of in the overall ground floor plan, ref 17369-NBRS-AED-DA-100, dated 11/11/2018 must be completed prior to the issuance of an Occupation Certificate for any other building.

31. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council’s assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of the Occupation Certificate, or sooner, as directed by Council.

32. Creation of Easements

The following matter(s) must be nominate on the Certificate of Title relating to Lot 32 DP1223069 under s88B of the *Conveyancing Act 1919* prior to issue of the Occupation Certificate:

- a) The creation of an appropriate *“Positive Covenant”* and *“Restriction as to User”* over the constructed on-site detention/retention systems, stormwater quality improvement devices and outlet works, within the lots in favour of Council in accordance with Council’s prescribed wording. The position of the on-site detention system and stormwater quality improvement devices is to be clearly indicated on the title.
- b) To register the OSD easement, the restriction on the use of land *“works-as-executed”* details of the on-site-detention system and stormwater quality improvement devices must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site detention system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *“works-as-executed”* plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

33. Preservation of Survey Marks

Prior to the issue of the Occupation Certificate, a certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or

displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 - "Preservation of Survey Infrastructure".

34. Construction of engineering works

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the issue of the Occupation Certificate, as relevant.

35. Retaining Walls

Prior to the issue of the Occupation Certificate, all retaining walls must be constructed as part of the development in accordance with the structural details submitted with the application of the Construction Certificate.

36. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the final Occupation Certificate.

37. Parking Restrictions

- c) Written approval from the Local Traffic Committee (LTC) must be obtained for the installation of "No Stopping" restrictions (8:00am-9:30am and 2:30pm-4:00pm, School Days) along the southern side of Quarry Road Dural, along the length of the existing "School Zone" at Pacific Hills Christian School.
- d) If approval is obtained, the signs must be installed prior to the issuance of the final Occupation Certificate.

38. Completion of Landscaping

- e) Landscaping within each stage of the development as identified in the overall ground floor plan, ref 17369-NBRS-AED-DA-100, dated 11/11/2018 must be completed prior to the issuance of each relevant Occupation Certificate.
- f) A certificate by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans must be submitted to the PCA.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

39. Asset Protection Zone

The extent of the asset protection zone must be permanently marked using a tubular metal post standing a minimum of 400mm above ground. The markers must include a notation stating: 'Asset Protection Zone'.

40. Fire Safety Statement – Final

In accordance with the *Environmental Planning & Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

41. Mechanical Services - Acoustic Certification

To ensure that mechanical services do not create nuisance for neighbouring residential properties, an acoustic assessment undertaken by a suitably qualified acoustic consultant must be submitted to the PCA prior to the issue of an Occupation Certificate. The assessment must outline the location and extent of the mechanical services installed and certify that operational noise levels from the mechanical services do not exceed background levels (RBL) + 5dB when measured at all site boundaries.

OPERATIONAL CONDITIONS

42. Student Numbers

The New Hope School facility approved under this consent must be limited to a maximum of 72 children.

43. Noise

The cumulative noise generated from the use of the school (including mechanical services) must be attenuated to prevent levels of noise exceeding background noise levels by more than 5dB(A) when measured at the boundary of any residential receiver, no greater than 30 m from a dwelling.

44. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' certifying each essential service installed in the building.

GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

45. Asset Protection Zones

- a) At the commencement of building works and in perpetuity the property around the building shall be managed in accordance with the drawing titled Hope School Site Bush Fire PBP -2006 SFPP APZ Setbacks, revision B, dated 13/09/2019 and drawn by IT and as follows:
 - i) Northeast (T1) for a distance of 60 metres as an asset protection zone (APZ);
 - ii) North/northeast (T2) for a distance of 85 metres as an APZ;
 - iii) North (T3) for a distance of 60 metres as an APZ; and

- iv) Northwest to the property boundary as an APZ.
- b) The APZ is to be maintained as an inner protection area (IPA) as detailed in Appendix 2 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service document *Standards for Asset Protection Zones*.

46. Construction Standards

New construction must comply with Sections 3 and 5 (BAL 12.5) *Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) '*National Standard Steel Framed Construction in Bushfire Areas - 2014*' as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

47. Access – Internal Roads

Internal roads shall comply with following requirements of section 4.2.7 of '*Planning for Bush Fire Protection 2006*':

- a) Internal roads are two wheel drive, sealed, all weather roads
- b) Traffic management devices are constructed to facilitate access by emergency services vehicles.
- c) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- d) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- e) The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- f) Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- g) Crossfall of the pavement is not more than 10 degrees.
- h) Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- i) Roads are clearly signposted and bridges clearly indicate load ratings.
- j) The internal road surfaces and bridges have a capacity to carry fully-loaded fire fighting vehicles (15 tonnes).
- k) That 'No Parking' signs be installed along the two-way section of the new access road.

48. Water and Utility Services

Water, electricity and gas must comply with the following:

- a) Fire hydrant design, spacing, sizing and pressures must comply with *AS2419.1*. Fire hydrants must not be located within any road carriageway.
- b) Fire hose reels must be constructed and installed in accordance with *AS/NZS1221* and *AS2441*.

- c) All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- d) Electrical transmission lines should be located underground where possible.
- e) Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
- f) Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

49. Landscaping Assessment

Landscaping of the site should comply with following principles of Appendix 5 of *'Planning for Bush Fire Protection 2006'*:

- a) Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- b) Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- c) Planting is limited in the immediate vicinity of the building.
- d) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- e) Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- f) Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- g) Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- h) Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- i) Climbing species are avoided to walls and pergolas.
- j) Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- k) Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- l) Low flammability vegetation species are used.

50. Emergency and Evacuation Planning Assessment

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with *'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'*.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

Fines may be imposed for non-compliance with the *Hornsby Development Control Plan 2013*.

Note: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3m). (HDCP 1B.6.1.c).

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.