

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-54
<b>DA Number</b>	2019-1129
<b>LGA</b>	Hunters Hill
<b>Proposed Development</b>	MEMORIAL POOL REDEVELOPMENT: DEMOLITION OF EXISTING SWIMMING POOL AND ANCILLARY BUILDINGS, CONSTRUCTION OF NEW SWIMMING POOL, MULTI- PURPOSE BUILDING AND LANDSCAPING.
<b>Street Address</b>	Lots 1 & 2 DP 527024 Mark Street, Hunters Hill
<b>Applicant/Owner</b>	St Joseph's College, Hunters Hill
<b>Date of DA lodgement</b>	18 November 2019
<b>Number of Submissions</b>	One (1) - Objection
<b>Recommendation</b>	Deferred Commencement - Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	CIV > \$5million – Private Infrastructure and Community Facility - Educational Establishment
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Hunters Hill LEP 2012 – Zone SP2 Infrastructure (Educational Establishment)</li> <li>• Hunters Hill DCP 2013</li> <li>• SEPP (Educational Establishments and Child Care Facilities) 2017.</li> <li>• SEPP (State and Regional Development) 2011</li> <li>• Heritage Listed – Yes</li> <li>• Heritage Conservation Area – Yes</li> <li>• Vicinity of Heritage Item – Yes</li> <li>• Local Infrastructure Contributions – Yes</li> <li>• Resident Objection – Yes (1 x submission)</li> <li>• Consistency of Plans</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Amended Plans Lodged 15 April 2020</li> <li>• Indicative Usage Profile Revision 2, dated 20th March 2020;</li> <li>• Copy of submission from Mr Rory Steinle-Davies.</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Insufficient traffic and parking facilities for the current proposal. RMS and NSW Police at a 2019 traffic advisory committee requested pick-up and drop-off areas be provided;</li> <li>• Visual bulk streetscape impact and on heritage wall;</li> <li>• Visual privacy; and</li> <li>• Solar impact.</li> </ul>
<b>Report prepared by</b>	John McFadden
<b>Report date</b>	9 July 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**

### Clause 4.6 Exceptions to development standards

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

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*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**



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The original proposal involved removing the existing 7 lane, 50m 'Olympic size' pool and replacing it with a shorter, 8 lane, 25m swimming pool in addition to a water polo pool with movable boom between the two pools. The new 'L' shaped configuration of the pools would result in an increased useable pool area so that swimming practice and water polo training could be conducted simultaneously.

A new two storey multi-purpose building with basement was also proposed between the new pool and the Luke Street boundary and a 4m street setback was proposed. This building would contain plant and storage space in the basement, gym space, changing rooms and office space on the ground floor with an indoor running track, additional gym space, physiotherapy room, office and bathroom facilities at first floor level.

Landscaping works, including the removal of a number of large trees was proposed to allow the siting of the new pool and 2 storey building.

Following a preliminary assessment, the following concerns were raised by Council and advised to the applicant:-

1. *Amended plans should be submitted to Council demonstrating a 10m setback to Luke Street which would retain three significant trees Nos. 20, 57 and 58, and provide an increased area for screening planting to soften the streetscape impact of the development;*
2. *Alternatively, the applicant should provide additional justification including an amended arborist report detailing that the Brush Box tree No. 20 would still be unduly impacted by this increased setback and a minimum setback provided to match the existing, adjoining sports/gymnasium building to the south, including the retention of tree Nos. 57 and 58;*
3. *The provision of details for the increased community use of the new swimming pool and indoor sports facility (in the form of a schedule of activities) be provided to Council as part of this DA together with updated traffic and acoustic reports;*
4. *Confirmation be provided to Council indicating that no capacity for the intensification of student enrolments, or employment of staff exists. In addition, please provide confirmation of both existing and approved student and staff numbers that have been relied upon for the purposes of this DA;*
5. *Additional streetscape perspectives and/or a scale model be provided in order to enable Council to properly assess the streetscape impact of the proposal;*
6. *A construction traffic management plan be submitted to Council outlining how the impacts during construction will be mitigated in order to reduce the impact on surrounding residential amenity;*
7. *Construction Management Plan be submitted to Council outlining how the impacts during construction will be mitigated in order to reduce the impact on surrounding residential amenity;*
8. *Additional matter – Outdoor lighting.*

On 15 April 2020, the applicant lodged amended plans and additional supporting information which included a reduction in the size of the new swimming pool and an increase in the street setback of the multi-purpose building from 4m to 7m. This increased setback would enable the retention of two large trees which currently have significant streetscape value.

## **Issues**

- Resident objection – one (1) x submission received in response to the amended proposal.

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- Non-compliance with community use requirements of the new facility as required by clause 35(6) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ISEPP);
  - Request for contribution to be waived under *Hunters Hill Council Section 7.12 Local Infrastructure Contribution Plan 2020*;
  - Street setback of the multi-purpose building – amended proposal has increased the setback of the proposed multi-purpose building; and
  - Tree removal/landscaping – amended proposal will retain two trees of streetscape value.

### Submissions

One (1) objection was received during the notification period associated with the amended proposal with the main issues raised as follows:-

- Insufficient traffic and parking facilities - 2019 Traffic Committee required drop-off/pick-up area;
- Visual bulk - streetscape impact on heritage wall;
- Visual privacy; and
- Solar impact.

**Recommendation: -**

### Deferred Commencement

The amended application is generally acceptable for the following reasons:

1. The proposal is permissible under the zoning;
2. It generally complies with ISEPP (with the exception of community use);
3. It complies with the relevant planning objectives contained in *Hunters Hill Local Environmental Plan 2012* and *Hunters Hill Consolidated Development Control Plan 2013*;
4. It will not have any significant adverse effects on the amenity of adjoining properties;
5. It will not have an unreasonable impact on the heritage significance of the site, or nearby heritage items.

However, notwithstanding the above,

- a) Insufficient information has been provided to satisfy compliance with clause 35(6) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, which requires that (emphasis in **bold**):-

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

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- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) **whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.**

It is considered from the information provided, little to no community use is proposed **(Refer to attachment 1 - Indicative Usage Profile Revision 2, dated 20 March 2020).**

- b) Furthermore, the engineering plans currently submitted conflict with the amended design of the swimming pool and increased setback of the multi-purpose building, and therefore, require amendment.

**It is considered a Deferred Commencement Consent could be granted subject to the applicant satisfying a) & b) above.**

## **2. DESCRIPTION OF PROPOSAL**

It is proposed to demolish the existing swimming pool and adjacent buildings and construct a new swimming pool, two storey multi-purpose building and landscaping (involving the removal of trees).

## **3. DESCRIPTION OF SITE AND LOCALITY**

The site is known as "St Joseph's College" Mary St, Hunters Hill and is legally described as Lots 1 & 2 DP 527024.

The site is located within the street block bounded by Mark Street to the north, Gladesville Road to the south, Luke Street to the east and Mary Street to the west. The site comprises an area of 7.4 hectares.

The existing school site comprises a number of school buildings, an Olympic size, 50m swimming pool, playing fields and landscaped areas. The entire site is heritage listed however the four-storey main school building, chapel and sandstone boundary walls have the most significance.

Surrounding development comprises the Villa Maria Primary School and church buildings to the north, whilst the Holy Name of Mary Parish buildings, Church and park are to the south. To the east and west of the site are residential neighbourhoods characterised by single and two storey dwellings.

The portion of the site subject to the current application is located on the eastern side of the site adjacent to Luke Street. Whilst a number of other heritage listed properties are in the neighbourhood, two heritage listed dwelling houses in particular (3 & 5 Short Street - items i298 and i299) are in the close vicinity of the proposed development.

## **4. PROPERTY HISTORY**

On 23 October 2019, the application was subject to a Preliminary Consultation meeting.

Issues discussed in the meeting included the following:-

- Plans should show indicative layout and information on the proposed uses for the basement, ground floor and Level 1 spaces in the multi-purpose building;
- Provide advice on the timing for construction of the approved PESPP and SJC memorial pool redevelopment;
- Existing buildings (to be demolished) are to be shown in elevation and plan, overlaid onto the proposed plans;
- Photomontages should be prepared illustrating the proposal from nominated viewpoints in Luke Street and Short Street;
- Provide a Construction and Construction Traffic Management Plan;
- Provide details on potential community usage (or explain why community usage is not an option in the circumstances);
- SJC should consult Luke Street residents before lodgement of the DA.

## 5. STATUTORY CONTROLS

### Relevant Statutory Instruments

#### Environmental Planning and Assessment Act, 1979

#### Local Environmental Plan 2012

Zone:	SP2 – Infrastructure Educational Establishment
Conservation Area:	Yes
River Front Area:	No
SREP (Sydney Harbour Catchment 2005):	No
Development Control Plan 2013:	Yes
Listed Heritage item:	Yes
Contributory Building:	N/A
Vicinity of Heritage Item:	Yes

## 6. POLICY CONTROLS

*Hunters Hill Consolidated Development Control Plan 2013*

## 7. REFERRALS

### 7.1 External Approval Bodies

Not applicable.

### 7.2 Health & Building

The application was referred to Council's Environmental Health and Building Surveyor who advised there are no building objections to the development subject to compliance with standard conditions:-

GEN0 GEN1 GEN3 GEN5 GEN6 GEN7

PCC0 PCC1 PCC2 PCC3 PCC4 PCC5 PCC16 PCC17 PCC18 PCC20 PCC21

PCW0 PCW1 PCW2 PCW4

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CS1

CON0 CON1 CON2 CON3 CON5 CON7 CON10 CON18 CON43 CON44

POC0 POC1 POC8 POC25

### 7.3 Heritage

As stated within the body of the report, the property is a heritage item and is located in a Conservation Area under *Hunters Hill Local Environmental Plan 2012*. The proposal is also within the vicinity of two other heritage items, a pair of cottages at 3 & 5 Short Street, Hunters Hill.

On 11 December 2019, the original proposal was considered at the Hunters Hill Conservation Advisory Panel (CAP) meeting where the following issues were raised:-

- *The proposal in its current form involves excessive removal of trees, including Brush Box, Swamp Cypress and a Black Bean, some of which have a substantial canopy and contribute positively to the character of the Conservation Area. Their loss will have detrimental effects, particularly in views from the east;*
- *The proposed change rooms/multi-purpose building is of excessive bulk and scale and will have an overbearing presence and detrimental impact on Luke Street.*

*The advice was that the ....'..Panel does not support the proposal in its current form.'*

On 17 June 2020, the amended proposal was referred to Council's Heritage Advisor and the application was resubmitted to the Conservation Advisory Panel. The minutes for this item are as follows:-

*The Panel was addressed by Alex Kibble, Architect from TDK.*

*It is proposed now that the new building has now been relocated away from the fence, boundary moved further west and raised the proposed building 230mm, now proposed setback 7.0m from the boundary, (further setback 2.5m from the original proposal) in order to retain the trees from the building and boundary.*

*The proposed Swimming pool has now been relocated, moved to the west by a 1.0m, and the overall dimensions of the proposed pool will be 25m x 50m.*

*Discussions on cladding clarified that the cladding along the western elevation, mainly sandstone and the upper level will be cladding including the roof with zinc. The yellow is cladding in yellow ochre panels, to add colour which will be viewed from Luke Street.*

*The Panel raised that the level of character of the treed landscape of that part of Luke Street is a most important characteristic contributing to the conservation area.*

*The 2 trees that are to be retained 57 & 58 will only screen the southern end by 1/3rd of the building and the Panel recommended that, if T20 cannot be retained, the remaining 2/3rds of the building should be screened by advanced trees capable of quickly restoring the dominant tree character along the Luke Street boundary.*

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## COMMITTEE ADVICE

*That the Director, Development and Regulatory Services be advised that the Panel generally supports the proposal, but that the above observations and measures are to be addressed before it is fully supported.*

**Planning Comment:-** It would appear that the 'Panel generally supports the proposal' but some concern is raised to the remaining 2/3rds of the multi-purpose building not screened by the two trees (Bald Cypress and Black Bean) proposed to be retained.

It should be noted that the amended landscaping plan indicates additional screen planting in the form of four 'Weeping Lilly Pillys (*waterhousea floribunda*) in the increased setback area and it is determined this medium/fast growing tree species will provide the required visual buffer to reduce the impact of the proposed building to an acceptable level.

It is also noted that Council's Consultant Arborist has viewed the amended Landscape plan and supports the plantings proposed.

## 7.4 Works & Services

The application was referred to Council's Design and Development Engineer who reported on the 7th July 2020:-

### **'ENGINEERING ADVICE:**

#### **Stormwater Management**

*In accordance with Hunters Hill Council's Consolidated DCP2013, stormwater collected from the site, prior to discharge to the receiving public stormwater drainage system or waterway must be managed to the general requirements as described below:*

- *The site catchment drains into the Parramatta River.*
- *Discharge for the swimming pool area is directed towards the Luke Street frontage.*
- *In accordance with Hunters Hill Consolidated DCP2013, the site is substantial and drains to both Zones 1 and 3 (ref. Figure 5.1, Catchment Management Zone, Section 5.6 Stormwater Management), which requires On-site Stormwater Detention (OSD).*
- *In addition, the following stormwater management requirements are triggered:*
  1. *Water Conservation*
  2. *Control Stormwater Pollution*
  3. *Extended Detention*
  4. *Flood Control Detention*
- *Design guidelines for the above are given in Hunters Hill Council's Sustainable Water Part I and Part II, technical guidelines*
- *There is no BASIX Certificate provided which would indicate rainwater re-use commitments are required under BASIX. However, there is a proposal for the installation of rainwater tanks along the back of the multi-purpose building.*
- *It is noted that where rainwater re-use is to be provided as part of the requirement for stormwater management, it shall comply with Sydney Water guidelines and Council's sustainable water requirements in accordance with Sustainable Water Part III.*
- *The three above ground rainwater tanks totalling a volume of 24,000L are proposed to serve for both OSD and rainwater harvesting. Whilst there is no objections to the*



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proposal, further details are required to confirm the portion for OSD and rainwater re-use commitment including submission of supporting calculations.

- The proposed improvements also include the provision of OSD in an under-ground 900mm-dia 'Stormpro' piped system, which provides a volume of 28,000L of storage. Supporting calculations need to be submitted to confirm the proposed volumes for OSD.
- At least one section through the 'Stormpro' pipe OSD system is required to show how they will function.
- Surface grate and invert levels of the stormwater pits are required, for pits 1, 2, 3, 4, 5, 6, 7 and 9.
- Details and product information for the Ecoceptor unit to be used, is also required.

### **Traffic/Parking**

- The Traffic Impact Assessment by Traffix dated October 2019 highlights that there will be no increase in the students or staff numbers with this proposal, but there will be extended use of the facility as the pool will be heated.
- Pool usage will for swimming will remain the same during summer peak but there will be a shoulder season
- Water Polo hours will be extended by 3 hours on a Saturday until 2pm
- Parking is located within St Josephs
- Taking the above into consideration there is no objection to the Development based on traffic or parking.

### **RECOMMENDATIONS:**

Prior to the issue of the Construction Certificate:

1. Full stormwater details should be provided by a certified Engineer covering the above points and are to be supported by a compliance certificate.
2. The approved plans must be lodged to Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met.

Plans will be appropriately stamped. For the Sydney Water Tap in Service details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.'

**Planning Comment:-** The above recommendations will be incorporated into conditions included at the end of this report.

## **7.5 Parks & Landscape**

The amended application was referred to Council's Tree Consultants who provided a report dated 1 June 2020.

The report reviewed the amended architectural and landscape plans which, amongst other changes, had increased the setback of the proposed multi-purpose building from the Luke Street boundary and reduced the impact on some of the larger trees on site. The report also reviewed the applicant's amended Arboricultural Impact Assessment (Report) dated March 2020.

The following recommendation was made:-

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*'Council's Tree and Landscape Consultant has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with Conditions of Consent.'*

A number of standard and special conditions have been provided and have been included in this report.

## **8. ENVIRONMENTAL ASSESSMENT UNDER S.4.15**

The relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings.

## **9. STATE INSTRUMENTS / LEGISLATION**

### **9.1 State Environmental Planning Policies (SEPPs)**

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

Clause 45 of ISEPP requires referral of development applications to the Electricity Supply Authority for swimming pools within 5m and 30m respectively of overhead electricity power lines or overhead electricity transmission lines.

No overhead power lines appear to be within the above thresholds.

Clause 104 and schedule 3 of ISEPP pertain to traffic generating development, but given that the proposal will not generate capacity beyond the prescribed thresholds, referral to RMS is not required in this instance.

#### **State Environmental Planning Policy – (State and Regional Development) 2011**

This SEPP requires development with a CIV over \$5 million to be determined by a Regional Planning Panel. The current development falls within this requirement.

#### **State Environmental Planning Policy 55 (Remediation of Land)**

Clause 7 of SEPP 55 describes the contamination and remediation matters that must be considered before determining the DA, these are:

- Whether the land is contaminated; and
- If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- If the land requires remediation to be made suitable, the consent authority is satisfied that the land will be remediated before it is used.

A 'Targeted Environmental and Geotechnical Site Assessment' was conducted by WSP Consulting Pty Ltd which found one isolated sample of contaminated soil near the existing swimming pool. The consultants recommended removing the soil or capping it and recommended a condition of consent to follow the recommendations of the report.

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

Clause 5 of ESEPP defines an 'educational establishment' as follows:

"educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**Table 1** summarises pertinent controls for a school within ESEPP that will be considered on the site.

<b>Table 1 – ESEPP</b>		
<b>Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>35 Schools—development permitted with consent</b>		
(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	Clause 33 defines 'prescribed zone' which includes inter alia, the SP2 Infrastructure zone.	Yes
(2) Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.	The site contains an existing school and therefore a range of complying development options may apply in addition to the current development which requires consent.	N/A
(3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.	Site is located in a prescribed zone and the school is an existing development.	N/A
(4) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.	HHLEP requires consent for development involving an educational establishment.	N/A
(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural	The school does not propose any general community use of the proposed pool or multi-purpose buildings.	<b>No</b>

<b>Table 1 – ESEPP</b>		
<b>Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>35 Schools—development permitted with consent</b>		
or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.		
<p>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>Schedule 4 design quality principles (evaluated below in table 2).</p> <p>The SEE claims that whilst some other schools use the pool facilities, increased public use is ‘constrained’ by the large population of boarders who live on site (approximately 550) and use the facilities out of school hours.</p> <p>Only one other school, is scheduled to use the pool for 3 hours per week. Visiting schools are also mentioned, but no detail is provided.</p>	<p>Yes (see table 2)</p> <p>Whilst it is acknowledged that open public use of the facilities such as the pool may pose security issues, monitored use by swimming clubs with authorized members could be an acceptable way for extending community use of the proposed facilities.</p> <p>It is considered the ‘Indicative Usage Profile’ Revision 2, dated 20 March 2020 does not adequately address the community use requirement.</p>
Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.	Schedule 4 design quality principles to prevail as evaluated below.	Yes

<b>Table 1 – ESEPP</b>		
<b>Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>35 Schools—development permitted with consent</b>		
(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.	HHLEP does not require any other competitive design process. The proposal also has a CIV of <\$50m.	N/A
(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.	ESEPP to prevail over HHDCP.	Yes
(10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	No child care facilities are proposed in the current application.	N/A
(11) Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.	The current proposal does not propose any increase to the existing level of residential accommodation within the school.	N/A
<b>Clause 57 – Traffic Generating Development</b>		
RMS referral required for development involving 50 or more additional students, and, enlargement or new premises.	The current development does not propose any additional classrooms and/or increase in student numbers.	N/A

<b>Table 2 – ESEPP Schedule 4 Design Quality Principles</b>		
<b>Principle</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Principle 1—context, built form and landscape</b>		
<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage.</p> <p>The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate. Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development’s visual impact on those qualities and that natural environment.</p>	<p>The SEE claims that the ‘<i>Architectural and landscape design appropriately responds to the heritage setting of the site and its context.</i>’</p> <p>The new, larger pool is to be sited at ground level with the 9m multi purpose building to the east.</p> <p>Some tree removal is proposed in addition to replacement planting/landscaping.</p>	<p>The ‘multi-function’ building is proposed to be setback 7m to Luke Street. This is a greater setback than the 4.3m setback of the taller, proposed Indoor Sports building approved to the south along the Luke Street frontage (SSD approved 19/09/2019). However, 1m less than the adjoining Sports Hall building to the south.</p> <p>The new two storey structure, at approximately 9m is generally commensurate with that permitted for adjoining residential properties adjacent in Luke Street.</p> <p>Landscape planting is proposed within the 7m Luke Street setback and the retention of two large trees near the boundary will soften the impact of the proposed building on the streetscape.</p> <p>The new pool is at or near ground level consistent with the two storey multi-function building to the east. The open setting will provide good solar access to the pool.</p>
<b>Principle 2—sustainable, efficient and durable</b>		

<b>Table 2 – ESEPP Schedule 4 Design Quality Principles</b>		
<b>Principle</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Principle 1—context, built form and landscape</b>		
<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>Efficient gas heating of the pool is proposed.</p> <p>The multifunction building will incorporate cladding, glazing and louvres to cool the internal spaces in summer and insulate the building in winter to reduce energy consumption.</p>	<p>Complies. The applicant has provided a sustainability report indicating that efficient ‘condensing gas boilers’ are to be used for heating the pool, with insulated pool covers used to reduce heat loss, (although little additional detail was provided regarding this). The report concentrated on the multifunction building and the various passive design features and building materials to be used. The school is investigating a Solar PV system however at this stage, this is still under investigation. Rainwater runoff from roofs is proposed to be used for landscaping. It is noted good solar access will be provided to the pool from the northern and western sun.</p>
<b>Principle 3—accessible and inclusive</b>		
<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note.</p> <p>Wayfinding refers to information systems that guide people through a physical environment and enhance</p>	<p>An access report accompanies the application outlining the proposals performance with legislative requirements.</p> <p>The swimming pool is an existing facility in this location.</p>	<p>Adequate. The proposal indicates the pool, and multi-purpose building are generally accessible (with some exemptions to basement, pool store and stairways) A lift is also proposed for the multi-purpose building. It is not considered significant additional</p>

<b>Table 2 – ESEPP Schedule 4 Design Quality Principles</b>		
<b>Principle</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Principle 1—context, built form and landscape</b>		
<p>their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>Use of the facilities is limited to one school 'St Scholastica' and other unspecified visiting schools. No general community use proposed.</p>	<p>signposting is required.</p> <p>As mentioned, little to no community usage is proposed. However, further community use is recommended.</p>
<b>Principle 4—health and safety</b>		
<p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>The improved pool and multifunction building will increase the wellbeing of students in a safe secure environment.</p>	<p>The design of the pool will allow swim training and water polo games simultaneously, to increase the range of water based activities available to students.</p>
<b>Principle 5—amenity</b>		
<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The new pool and indoor facilities will enhance the amenity provided to students.</p> <p>The 9m, two storey multi purpose building should not unduly impact the neighbouring residential properties.</p> <p>Shadow diagrams have been submitted indicating only minor mid-winter afternoon (2.45- 3pm+) overshadowing to buildings in Luke Street.</p>	<p>Whilst the new pool facilities and multi-purpose building will increase the amenity of the students, there is some potential for increased noise impacts particularly to the adjoining residences in Luke Street.</p> <p>The applicant's Acoustic Report has outlined the materials used for the multi purpose building and recommends that '<i>Glazing to the east facade will need to be fixed.</i>' Further, plant will be acoustically screened.</p> <p>Noise from cheering spectators adjacent to the pool is not expected to be an issue as the new multi-purpose building</p>



<b>Table 2 – ESEPP Schedule 4 Design Quality Principles</b>		
<b>Principle</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Principle 1—context, built form and landscape</b>		
		will largely screen noise with the existing stone wall also helping to mitigate impacts.
<b>Principle 6—whole of life, flexible and adaptive</b>		
School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	New swimming pool, and indoor exercise space	The proposed pool allows water polo to be played and indoor exercise space which increase the utility of the area for sporting /recreation use.
<b>Principle 7—aesthetics</b>		
School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	The building incorporates an undulating low pitched roof form which appears to have aesthetic merit.  The two large trees to be retained and proposed tree planting will break up the appearance of the façade when view from Luke Street and adjoining residential properties.	The ‘at grade’ pool and two storey multi purpose building have been designed to be sympathetic and proportionate with existing school buildings and not out of scale with adjacent residential development.

## **9.2 Regional Environmental Plans (REPs) – Deemed SEPPs**

N/A

## **9.3 Other Legislation**

### **Environmental Planning and Assessment Regulation 2000**

The proposal involves demolition of existing buildings. Clause 92(1)(b) of the Regulation requires Council to consider the provisions of Australian Standard AS 2601-1991: The demolition of structures. The matter may be addressed by conditions of consent, which are included in the recommendation of this report.

## 10. HUNTERS HILL LOCAL ENVIRONMENTAL PLAN 2012

### 10.1 Aims and Objectives of Hunters Hill Local Environmental Plan 2012 and Zone

The proposal is permissible with consent under Zone SP2 Infrastructure Educational Establishment and development that is '*ordinarily incidental or ancillary*' to use of the site as an Educational Establishment is permissible with the consent of Council.

#### Hunters Hill Local Environmental Plan 2012

Table 1 - Clause 1.2 – Aims of the Plan	
Aim	Proposal
a) to maintain and enhance the character and identity of established neighbourhoods in Hunters Hill by regulating the use and development of land,	The proposed swimming pool and multi-purpose building maintains the character of the school and neighbourhood by being only a maximum of 9m in height, of good architectural design and designed in a landscaped setting.
b) to maintain and enhance biodiversity values by conserving natural features and scenic qualities that distinguish the municipality,	9 trees are proposed to be removed, 3 of which are medium to high retention value to permit the development. Replanting including native species is proposed.
c) to conserve Aboriginal heritage and European heritage that influence the character and identity of the municipality,	Whilst no Aboriginal artifacts have been identified, the War Memorial Plaque, statue and loggia will be relocated to the north adjacent to the new pool.
d) to accommodate a range of housing that will maintain the garden suburb character of the municipality, while responding to the needs of a growing population and changing demographics,	N/A
e) to consolidate housing growth in locations that are well-served by shops, transport and community services,	N/A
f) to provide for employment and a variety of businesses that service residents of the municipality and surrounding areas,	For the duration of the construction phase, employment in the construction sector will be afforded by the development.
g) to maintain a network of open spaces that conserve natural and scenic qualities, as well as providing a variety of active and passive recreation opportunities for residents of the municipality and surrounding areas,	The pool redevelopment and multi-purpose building will enhance active recreation opportunities for the student population of the school.
h) to accommodate a range of community and educational infrastructure for residents of the municipality and surrounding areas,	Little increase in community use of the facilities is proposed.
i) to promote high standards of urban and architectural design quality.	The design of the new pool, multi-purpose building and surrounds are generally well thought out and of high design quality.

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## Zoning - Infrastructure (SP2) – Educational Establishment

Table 2 - Part 2 – Objectives of the Zone	
Aim	Proposal
a) To provide for infrastructure and related uses.	The proposal will provide updated/improved facilities for the ageing pool and provide additional sporting facilities.
b) To prevent development that is not compatible with or that may detract from the provision of infrastructure.	The proposal is compatible with the existing school and improves the provision of infrastructure.
c) To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.)	The proposal is in keeping with characteristics of the site whilst having minimal impact on adjoining residential land, with the exception of some streetscape impact.

The proposal generally complies with the relevant statutory controls of *Hunters Hill Local Environmental Plan 2012* as indicated in the following sections of this report.

### 10.2 Statutory Compliance

None of the 'Principal Development Standards' contained in Part 4 of the Hunters Hill LEP 2012 (such as Floor Space, Ratio Height etc) apply to the site.

The following clauses of the *Hunters Hill Local Environmental Plan 2012* are, however, applicable to the proposed development:-

### 10.13 Other Special Clauses / Development Standards

#### Clause 5.10 Heritage conservation

Clause 5.10 (2)(e) requires development consent for

*'(e) erecting a building on land—*

*(i) on which a heritage item is located or that is within a heritage conservation area,'*

St. Joseph's College, including stone walls, gates are listed as a Heritage item. The proposed works are on land on which heritage items are located and the site is also within the Hunters Hill Conservation Area No.1 (C1).

Clause 5.10 (4) requires that:-

*(5) Effect of proposed development on heritage significance. The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

Clause 5.10 (5) 'Heritage assessment' states that:-

*'The consent authority may, before granting consent to any development—*

*(a) on land on which a heritage item is located, or*

- 
- (b) on land that is within a heritage conservation area, or  
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),'

Council may require a Heritage Management Document for proposed development that assesses *'the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.'*

St Joseph's College is not only a heritage item and within a conservation area, but it is in the vicinity of other heritage items, the closest being 3 & 5 Short Street (items i298 and i299).

The applicant has submitted a Heritage Management Document prepared by Dr Roy Lumby of TKD Architects. The report suggests that the existing swimming pool (completed in 1957) is of minor historical significance in comparison with the main school buildings and the stone wall onsite. This contention is generally agreed with although the memorial loggia, statue and granite plaque does play a significant part of the school's history and is proposed to be relocated.

In relation to the Heritage Conservation Area C1 (The Peninsula) it is not considered the proposed development would significantly affect the Conservation Area. However, more detailed provisions and assessment is contained within the Hunters Hill DCP 2013.

With regard to the impact of the development on other heritage items in the vicinity, it is also considered the proposal would not have an unacceptable impact, particularly on the two cottages in Short Street which are the closest heritage items to the development. Further consideration of this is addressed in the Hunters Hill DCP 2013 Heritage provisions.

## **Additional local provisions**

### **6.1 Acid sulfate soils**

The St Joseph's School site is classified in a Class 5 area, the lowest risk in regards to acid sulfate soils with development consent required for:-

*'Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.'*

From the Acid Sulfate soil map there does not appear to be any land classified Class 1 to 4 within 500m of the proposed works.

## **11. DRAFT AMENDMENTS TO STATUTORY CONTROLS**

No relevant draft amendments pertaining to this application.

## **12. DEVELOPMENT CONTROL PLANS (DCPs)**

### **12.1 Compliance Table Consolidated Development Control Plan 2013 (DCP)**

## **Hunters Hill Development Control Plan 2013**

### **Planning Policy – All Development**

The proposal complies with the relevant objectives, design parameters and preferred design elements under Part 2 of Consolidated Development Control Plan 2013 as set out below:-

<b>Table 3 – Hunters Hill DCP 2013</b>	
<b>Part 2 – Character and Heritage of Hunters Hill Municipality</b>	
<b>2.2.2 Aims &amp; Objectives of the Chapter</b>	
<b>Aim/Objective</b>	<b>Proposal</b>
a) Conserve and enhance character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.	The proposed pool redevelopment and multi-purpose building are not inconsistent with character and environmental identity of Hunters Hill as schools form an integral part of the identity of the municipality
b) Maintain and enhance qualities of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality’s heritage, scenic quality and environmental identity.	The new pool and building will enhance the existing school facilities, although it will be visible from the street. To reduce the streetscape impact of the two storey building, two large trees are to be retained and replacement tree planting will be undertaken in the building setback.
c) Complement provisions of the Hunters Hill LEP 2012 to ensure that future development does not detract from existing character of landscape settings, streetscapes, residential gardens and buildings which contribute to this Municipality’s heritage, scenic quality and environmental identity.	Although there are no provisions in the LEP relating specifically to schools, the proposed new two storey multi-purpose building, is of a scale and height which would not unduly detract from the landscaped setting of the school from the streetscape of Luke Street as it can be adequately softened by landscaping and setback.
<b>2.2.3 EXISTING CHARACTER</b>	
The existing character of Hunters Hill guides proposed development by indicating the desired character. The existing character comprising the following components: a) Natural and/or scenic qualities; b) Streetscapes; c) Residential landscapes; d) Buildings and architecture.	The proposed development generally maintains the natural/scenic quality of the area although some trees of high retention value are to be removed.  Replacement planting is proposed to soften the new two storey building’s impact on the streetscape, although the setback is currently proposed at 7m, which is 1m less than the adjoining Sports Hall to the south.  The proposed structures are however of good architectural design and will complement the existing buildings on site.
<b>2.2.4 DESIRED CHARACTER</b>	
<b>All development applications must demonstrate satisfactory responses to controls for desired character in this Plan which complement requirements of the Hunters Hill LEP 2012:</b>	
<b>Requirements</b>	<b>Proposal</b>
(a) Aims of the instrument: clause 1.2.	The LEP’s aims are addressed in Table 1 above
(b) Zone objectives: clause 2.3.	Zone objectives are addressed in Table 2 above
(c) Objectives for principal development standards in relation to height and floor	These development standards are not applicable to the proposed development.

<b>Table 3 – Hunters Hill DCP 2013</b>	
<b>Part 2 – Character and Heritage of Hunters Hill Municipality</b>	
<b>2.2.2 Aims &amp; Objectives of the Chapter</b>	
<b>Aim/Objective</b>	<b>Proposal</b>
space ratio: respectively clauses 4.3 and 4.4.	
(d) Conservation and management of trees and vegetation: clause 5.9.	Clause 5.9 has been repealed, however, trees will be addressed elsewhere in this report.
(e) Development of heritage items and heritage conservation areas: clause 5.10.	Heritage impact is addressed within this report
(f) Development on river front areas: clause 6.7.	N/A
(g) Minimum street frontage for medium density residential development: clause 6.8.	N/A
(h) Landscaped area for dwelling houses and secondary dwellings: clause 6.9.	N/A
<b>The following controls for desired character apply to all development proposals:</b>	
<b>Control</b>	<b>Proposal</b>
<p>a) Desired natural character and scenic quality:</p> <p>Existing site features which contribute to existing natural character or scenic quality should be conserved and enhanced. New building forms should not visually dominate or impact:-</p> <ol style="list-style-type: none"> <li>1) riverfront areas;</li> <li>2) riparian lands, or;</li> <li>3) foreshore areas which are defined by the Hunters Hill LEP 2012.</li> </ol>	<p>The site of the proposed development is not in any of the three areas specified for particular attention, further, the site is not located on any topographical feature such as a hill or ridge which would result in its visual prominence.</p>
<p>(b) Desired streetscape character:</p> <p>In general, proposed developments should maintain and enhance the character of existing streetscapes, setbacks, building forms and landscaping.</p>	<p>The site of the new pool and building is on the existing school site but adjacent to a residential area.</p> <p>It was considered that the original proposal would have some cumulative impact on the streetscape and the heritage stone wall as the State Significant Development approved in 2019 for a large Sports Precinct Building at only 4.3m, in addition to the existing Sports Hall and current proposal of another two storey building would present as an almost continuous line of two storey structures on the Luke Street, streetscape.</p> <p>The setback of the proposed multi-purpose building and retention of at least two large trees close to the Luke Street boundary and proposed plantings would help to reduce the cumulative streetscape impact of these developments.</p>

<b>Table 3 – Hunters Hill DCP 2013</b>	
<b>Part 2 – Character and Heritage of Hunters Hill Municipality</b>	
<b>2.2.2 Aims &amp; Objectives of the Chapter</b>	
<b>Aim/Objective</b>	<b>Proposal</b>
(c) Desired residential landscape character.	The proposal is located on land Zoned Infrastructure (SP2) – Educational Establishment and is not a residential site per se.  However, consideration should still be given to the adjacent residential character of the street and to this end, trees should be retained where possible and new plantings provided to replace those lost.
(d) Desired character of buildings and architecture: (i) In general, the form and architectural character of development proposals should be compatible with existing traditional buildings which were constructed in this Municipality between the mid-Nineteenth Century and the early-to-mid Twentieth Century (including residential, commercial and civic buildings).	The architectural style of the two storey building is more modern in nature to compliment the school buildings in this part of the site. Designing a multi-purpose building for sports use in a 'heritage' style would put severe constraints on the utility of the building.
<b>2.3 TREES &amp; VEGETATION</b>	
<b>Requirements</b>	<b>Proposal</b>
Provisions of the Hunters Hill LEP 2012 and controls in this Plan require that character and identity of established neighbourhoods in this Municipality must be maintained and enhanced. These requirements have direct implications for the conservation of existing trees and vegetation which are widely recognised as significant elements of established neighbourhoods in the Hunters Hill Municipality.	The applicant has lodged an amended Aborigicultural Impact Assessment Report prepared by Glenyss Laws (Level 5 Arborist).
<b>2.3.4 DEVELOPMENT PROPOSALS</b>	
Existing trees and vegetation which are prescribed by this Plan, and which the Council considers to have a high retention value, should be conserved by the appropriate location and construction of proposed buildings or structures, together with associated services and construction activities.	9 trees are to be removed to permit the development, 3 of high retention value, and 6 considered low retention value by the applicant's consultant.
Development Consent is required for tree removal: - (i) In conjunction with the proposed development of a building or structure that requires the Council's consent.	The 3 high value trees proposed for removal would have an adverse impact on the streetscape. Two of the remaining trees (No. 57 and 58) a Bald Cypress and Black Bean, are located close the heritage listed

<b>Table 3 – Hunters Hill DCP 2013</b>	
<b>Part 2 – Character and Heritage of Hunters Hill Municipality</b>	
<b>2.2.2 Aims &amp; Objectives of the Chapter</b>	
<b>Aim/Objective</b>	<b>Proposal</b>
<p>(ii) On a property that is located within a heritage conservation area which has been listed by the Hunters Hill LEP 2012.</p> <p>(iii) Upon a property which has been listed as a heritage item by the Hunters Hill LEP 2012.</p>	<p>sandstone wall and have been retained in the current amended plans to provide streetscape screening for a portion of the façade of the multi-purpose building. The increased setback of 7m is also more in line with the existing Sports Building to the south.</p> <p>The row of Brush Box trees (No. 20, 55 &amp; 56) are however proposed to be removed as they stand within the footprint of the proposed development or their TPZ is too close to building works. Council’s Arborists have reported on the amended proposal and have no objection to the development.</p>

### Heritage Conservation Areas

The proposal complies not comply with the relevant objectives under Part 2 of *Consolidated Development Control Plan 2013* as outlined below:-.

<b>2.4 HERITAGE CONSERVATION</b>	
<b>2.4.2 AIMS &amp; OBJECTIVES</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>(a) Conserve and enhance cultural heritage which contributes to character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.</p> <p>(b) Protect the heritage significance of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings.</p> <p>(c) Retain evidence of this Municipality’s thematic development history.</p> <p>(d) Ensure that future development does not detract from the significance of heritage items and heritage conservation areas.</p>	<p>The proposal will not directly impact the fabric of the heritage significant parts of the school site, specifically the main school building, gates and stone walls, the latter being the closest heritage ‘structure’ close to the proposed development.</p> <p>A number of trees, which contribute to the streetscape, would require removal to permit the development, these will be replaced with alternate plantings within a 7m setback.</p> <p>The War Memorial, plaque statue and loggia important elements of the school’s history are proposed to be relocated and preserved.</p> <p>The pool and two storey building proposed is of a design and scale that would not significantly detract from the existing heritage elements on site, especially since the building setback to the stone wall has</p>



	been increased and screen landscaping improved.
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### 2.4.3 GENERAL REQUIREMENTS IN RELATION TO HERITAGE

Requirements	Proposal
<p>Applications for the redevelopment of a heritage item, or a property within a heritage conservation area, or a property that has no heritage status but that is located near a heritage item or a heritage conservation area, should address the following requirements:</p> <p>(a) Evaluate values or significance of a heritage item and/or a heritage conservation area:</p> <p>(i) Address principles of the ICOMOS (Australia) Burra Charter;</p> <p>(ii) research the heritage item in terms of the above;</p> <p>(iii) research the heritage conservation area in terms of identity, history, character, topography and amenity.</p> <p>(b) Documents should demonstrate that the proposed development would neither destroy nor detract from qualities which make the heritage item and its setting significant, or detract from qualities which make the heritage conservation area significant.</p>	<p>The proposed development would not directly impact the fabric of the heritage significant items on site such as the main school building, gates and sandstone wall. However, the works are near the listed sandstone wall along Luke Street and the whole site is within the 'Peninsular' Conservation Area.</p> <p>The applicant has submitted a Heritage Management Document which generally addresses both Burra Charter principles as well as NSW Heritage Office guidelines.</p> <p>The Heritage Management Document provides research into the history of overall school site as well as identifying heritage significant elements and claims the proposed development will not 'destroy or detract' from the heritage structures and setting within the site, nor impact the conservation area.</p>

### 2.4.4 DETAILED REQUIREMENTS FOR HERITAGE ITEMS

Requirements	Proposal
a) Maintain and enhance qualities that have been documented by a heritage impact statement.	The items of heritage significance on site (main building, walls gates) are to be maintained and not altered.
(b) Any proposed changes to the existing building should respect the form, scale and materials of the original building, or should be of a very minor extent.	As above.
<p>(c) Proposals which involve substantial extensions are more likely to be acceptable if they would not compromise the integrity or character of the original building:</p> <p>(i) Desirably, extensions should be separated from the original building.</p> <p>(ii) In general, alterations or additions should respect the original building in terms of form and shape, scale, architectural details, materials and finishes.</p> <p>(iii) New works should incorporate an architectural style and details that would</p>	<p>No alterations/extensions to the existing heritage items are proposed, although the new two storey building is located 7m from the sandstone wall (which is included in the Heritage listing).</p> <p>Landscaping is proposed within the 7m setback (which is a greater setback to that approved for the SSD Sports Precinct building). However, the adjoining, existing Sports Hall was built with a setback of approximately 8m.</p>

<p>complement but not imitate the original building. (iv) Design of alterations or additions should incorporate a simple/unobtrusive architectural style which would neither detract nor visually dominate the character of the original building.</p>	<p>The retention of two trees and proposed tree planting will reduce the prominence of the proposed building on the existing streetscape.</p> <p>The new two storey building has been designed with low pitched roof forms which would complement other modern buildings on site, such as the adjoining Sports Hall, whilst not seeking to copy the style of the main school building.</p>
<b>2.4.5 DETAILED REQUIREMENTS FOR HERITAGE CONSERVATION AREAS</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>(a) Primary aims are to maintain and enhance qualities that have been documented by a heritage impact statement.</p>	<p>The Heritage Management Document does not clearly describe the qualities of the Conservation Area but merely states 'Refer to previous sections of this report' (Heritage Management Document).</p> <p>Notwithstanding the above, tree lined streetscapes with single and two storey, pitched roof dwelling houses constructed in established gardens would appear typical characteristics.</p>
<p>(b) Proposed works should neither destroy nor detract from qualities which are influenced by elements of the area's existing character which include:</p>	
<p>(i) Streetscape character and amenity.</p>	<p>The proposed pool would not be visible from the street, however the two storey building would have some streetscape impact on Luke Street, as would the loss of several substantial trees on site.</p> <p>This impact should be considered bearing in mind the school itself is also an integral part of the Conservation Area and Luke Street has relatively few residential properties which address the street as their primary frontage.</p>
<p>(ii) Topography and established gardens.</p>	<p>The area where the new pool and building is to be sited is currently generally built upon hard surface, although some increase in area is proposed with some tree loss.</p>
<p>(iii) Buildings with pitched roofs.</p>	<p>The building, with a more modern low pitched or 'folded' roof design, is proposed to be generally commensurate in height with adjacent residential properties by being 9m and two storeys in height.</p>

(iv) Facades which incorporate a high proportion of wall-to-window area.	The building is a modern design with window/wall ratios not required to match the older style dwelling houses in the area.
(v) Windows/doors that have vertical proportions.	The windows facing Luke Street have vertical proportions and will be an improvement on the adjoining Sports Hall to the south which presents as a largely blank brick façade.
(vi) Building colour schemes which do not clash with established garden settings.	The proposed colour scheme for the external walls and cladding facing the street include a mixture of light greys, blue/grays and browns which would not appear to clash significantly with other buildings in the locality.

## Part 5 - Hunters Hill DCP 2013

### General Controls

<b>5.2 Access and Mobility</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>(a) The Commonwealth Disability Discrimination Act (DD Act), which is supported by the Disability (Access to Premises – Buildings) Standards 2010 (including detailed standards in the Access Code for Buildings).</p> <p>(b) The Building Code of Australia, which is supported by numerous Australian Standards.</p>	<p>An Access Report has been submitted prepared by Design Confidence (Sydney) Pty Ltd.</p> <p>The proposal appears to comply with access requirements as compliance can be achieved either by meeting the deemed-to-satisfy requirements of the BCA, or via a performance-based approach.</p>
<b>5.3 Car Parking and Vehicular Access</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>Compliance with Guide to Traffic Generating Development (NSW Dept of Roads &amp; Maritime Services), and Council's requirements.</p> <p>The proposal does not require separate referral to the RMS under the provisions of the Infrastructure State Environmental Planning Policy.</p>	<p>A Traffic Impact Assessment, prepared by Traffix (Traffic &amp; Transport Planners) has been lodged with the proposal.</p> <p>The development seeks to replace the existing pool with a new pool, in addition to a multifunction building. As no new classrooms are proposed and no increase in student/staff numbers applies to this proposal, no additional parking spaces are required.</p> <p>Minor alterations to the carspaces near the main entrance are required as a new pathway adjacent is proposed. No carspaces are to be lost.</p>
	<p>A preliminary Traffic Management Plan has been submitted which addresses the management of construction and other</p>

<b>5.2 Access and Mobility</b>	
<b>Requirements</b>	<b>Proposal</b>
	<p>vehicles during the construction phase of the development.</p> <p>Council's Development Engineer has reviewed the documents and supported the proposal</p>
<b>5.4 Sediment and Erosion Control</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>Compliance with details outlined in the following Hunters Hill DCP 2013 sections:-</p> <p>5.4.4 Erosion Control;</p> <p>5.4.5 Building Operations;</p> <p>5.4.6 Drainage Control;</p> <p>5.4.7 Sediment Control;</p> <p>5.4.8 Control &amp; Management Plans.</p>	<p>Sediment and erosion control details have been provided on Plan No C01 (REV A) prepared by FMG Engineering Pty Ltd and dated 09/09/2019.</p> <p>Council's Development Engineer has raised no objection to the proposal.</p>
<b>5.5 Signage and Advertising</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>Section 5.5.6 Controls for heritage items &amp; Heritage Conservation Areas outlines requirements primarily for commercial advertising signs and little guidance for directional signage as may be required in a school site. However the following requirement is still relevant:-</p> <p>'Proposed signage should be visually discreet and should complement architectural character of the building to which they would be attached as well as the character of surrounding buildings.'</p>	<p>No details have been provided as to any directional signs proposed. It is considered that full details be provided as part of a separate development application to Council.</p>
<b>5.6 Stormwater Management</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>Compliance with details outlined in the following Hunters Hill DCP 2013 sections:-</p> <p>5.6.4 Water Balance;</p> <p>5.6.5 Stormwater Pollution;</p> <p>5.6.6 Flood Mitigation.</p>	<p>Stormwater management details have been provided on Plan No C02 (REV B) prepared by FMG Engineering Pty Ltd and dated 09/09/2019.</p> <p>Council's Development Engineer has reviewed the proposal and has raised no objection subject to conditions requiring additional information.</p>
<b>5.7 Waste Management</b>	
<b>Requirements</b>	<b>Proposal</b>
<p>The objectives and requirements outlined in Waste Avoidance and Resource Recovery Act.</p>	<p>A Waste Management Plan has been prepared by TDK Architects in addition to a Sustainability Report prepared by Umow Lai Pty Ltd.</p>

<b>5.2 Access and Mobility</b>	
<b>Requirements</b>	<b>Proposal</b>
The provision of a Waste Management Plan to minimise impacts of waste and implement principles of ecologically sustainable development (ESD).	

### **Solar Access**

The amended plans include an increased building setback to Luke Street and shadow diagrams that demonstrate that shadows cast by the proposed multi-purpose building during midwinter solstice and equinox. The diagrams indicate that shadows would only begin to encroach on adjacent properties in Luke Street between 2 - 3pm in midwinter.

As the 9am to 3pm solar access period is generally accepted as the standard applied for overshadowing impacts, any shadows cast after 3pm are not considered to be a significant issue. It is therefore considered the adjacent properties in Luke Street would receive adequate solar access and would not be unduly affected by the proposed development

### **Privacy**

In relation to potential privacy impacts to properties in Luke Street, the landscape screening from the Bald Cypress and Black Bean trees, in conjunction with proposed screen planting of Lilly Pillies, should offer an effective screen to mitigate overlooking impacts.

It should also be noted that the windows on the Luke Street elevation are proposed to have raised sills (1.6m on the ground floor and 1.9m on the first floor) and are to be fixed to further reduce any potential privacy or acoustic impacts.

### **Views**

Not Applicable.

### **Car Parking**

The proposal does not result in any increase in student or staff numbers, so no additional parking requirement will be generated.

## **12.2 Other DCPs, Codes and Policies**

### **Hunter's Hill Council S7.12 Local Infrastructure Contributions Plan 2020**

The plan specifies a contribution of 1% of the proposed cost of the development. In the case of the current development proposal, with a CIV of \$19,075,230 the contribution would amount to \$190,752.30.

The plan does however allow exemptions for:-

*'Development by not-for profit charity (as defined by ATO), application will be*

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*assessed on an individual basis.*

*All applications for a Council exemption (full or partial) must be made in writing and will be assessed on an individual basis.'*

The Applicant has requested an exemption within the Statement of Environmental Effects.

In the report to the NSW Minister for Planning for State Significant Development SSD – 8970 (approved on 19th September 2019) for the 'Physical Education and Sports Precinct' at St Joseph's College, the report stated (emphasis in **bold**):-

*'The Department has reviewed the applicant's request and notes that St Joseph's college is a registered charity organization. The Department considers that while some additional floorspace is proposed, the proposed development would result in no change to the capacity of the school.'*

*Consequently, the Department does not consider that the development would generate additional demand on Council's infrastructure. **As such, the application demonstrates that existing community uses would continue within the PESP.***

*On this basis, and due to no concerns/comments from Council, the Department has not recommended a condition requiring payment of developer contributions'*

The above proposal was considered under Council's previous 2011 contributions plan and it is noted that no evidence has been submitted with the current application to demonstrate that the core business of St Joseph's College is a not-for-profit charity as defined by the ATO. The core business of St Joseph's College is for the purposes of an educational establishment.

Furthermore, it would appear from the above that 'community use' was a factor in the Planning Minister's decision to waive the contribution, in addition to the other matters such as no objection from Council at the time.

In the current proposal, the **Indicative Usage Profile Revision 2**, dated 20 March 2020 only lists two users, 'St Scholastica's College' at 3 hours per week, and, 'Visiting Sports Teams' (with unspecified hours) as the Community Users of the proposed pool.

It is not considered that either of the above users could properly be considered 'community users' and the 'community use' requirements of ESEPP have not been met.

In view of the current application's lack of provision for general community use and no evidence of a not-for-profit charity being the core business associated with St Joseph's College (as defined by the ATO), it would be difficult for Council to justify the exemption of contributions for the current proposal.

### **13. THE LIKELY IMPACTS OF THE DEVELOPMENT**

**Impacts of the Development (Section 4.15 Environmental Planning & Assessment Act 1979).**

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## Natural Environmental impacts

As mentioned previously in this report, the most significant impact on the natural environment would be the removal of a number of trees to site the multi-purpose building and enlarge the pool.

The amended proposal before Council is a significant improvement on the original proposal as two large trees which have significant streetscape value will be retained and replacement planting in the increased setback to Luke Street will be undertaken.

It is considered the amended proposal will not have a significant adverse impact on the natural environment.

## Built Environmental Impacts

Whilst it is acknowledged that the proposed two storey multi-purpose building will have some streetscape impact and visual impact on the heritage listed sandstone wall, the amended plans will permit two trees to be retained and additional landscaping in an increased building setback which will soften the appearance of the proposed structure on the streetscape and heritage listed wall.

Shadow diagrams have been submitted which indicate that the development will not significantly reduce adjoining properties solar access.

High level window sills, obscure glazing and fixed windows on the Luke Street elevation of the multi-purpose building will all contribute to minimal privacy or acoustic impacts.

It is considered the amended proposal will have an acceptable impact on the built environment.

## Social and Economic impacts

The development will result in a number of jobs in the construction industry during the duration of construction, with a minor increase in retail and food service expenditure for businesses nearby in the short term. The increased sporting facilities would have a positive social effect on the student population of St Joseph's College. However, the lack of community use is a lost opportunity in the current proposal and this also contributes to public interest considerations under s.4.15 of the EPA Act.

## 14. SUBMISSIONS

The proposed development was notified in accordance with Council's *Consolidated Development Control Plan 2013* for the required period of thirty (30) days commencing on 4 Dec 2019. A further notification was conducted in 2020 for the amended proposal. Within the specified time period, one (1) submission was received. A copy of the submission is attached to the report.

<b>NOTIFICATION REQUIRED</b>	YES
<b>NUMBER NOTIFIED</b>	118
<b>SUBMISSIONS RECEIVED</b>	SUMMARY OF SUBMISSIONS
Name & Address of Respondents	
Mr Rory Steinle-Davies 54 Mary Street, Hunters Hill	<ul style="list-style-type: none"><li>Insufficient traffic and parking facilities for the current proposal. RMS and NSW Police at a 2019</li></ul>

	<p>traffic advisory committee requested pick-up and drop-off areas be provided;</p> <ul style="list-style-type: none"> <li>• Visual bulk streetscape impact and on heritage wall;</li> <li>• Visual privacy; and</li> <li>• Solar impact.</li> </ul>
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The main issues of concern outlined in the objection are discussed below:

- **Insufficient traffic and parking facilities for the current proposal. RMS and NSW Police at a 2019 traffic advisory committee requested pick-up and drop-off areas be provided**

**Planning Comment:** The 2002 RTA Guide to Traffic Generating Developments is generally used to assess various development's potential increase in traffic. The guide however does not currently include schools.

ESEPP does make reference to school development as being 'traffic generating development' but with the proviso of the development proposing 50 or more additional students. The current amended proposal seeks to replace the existing 50m, 7 lane swimming pool with a new 50m, 10 lane swimming pool. Although wider, the increased number of lanes is unlikely to increase student numbers merely increase the number of swimmers in races.

It is also noted the facility is a private and not a public pool. The new multi-purpose building does not contain any additional classrooms, only additional sports facilities for the existing students, so the overall student population will not change. It may be prudent to include a condition that if the multi-purpose building is converted to classroom space, a reassessment of parking provision may be required.

With regard to the objector's comments regarding the Hunters Hill Local Traffic Committee, two meetings in 2019 (21 March 2019 and 19 September 2020) discussed a proposed pedestrian crossing in Mary Street, and associated issues. The reference to 'pick-up drop off' areas would appear to relate to the following extract of the minutes of the September meeting relating to the proposed:-

*'The NSW Police suggested a 'No Left Turn' from Mary Street to Mark Street during school hours to change the direction of vehicles queuing to pick up and drop off children. The committee discussed the implications of installing the No Left Turn and therefore diverting traffic and queued vehicles into surrounding streets.'*

The above matter appears to be a traffic committee matter not directly applicable to the assessment of the current proposal, especially since no additional students or staff are proposed.

- **Visual bulk, streetscape impact and on heritage wall;**

**Comment:** It is agreed that the development, as initially proposed, would have had an unacceptable impact on the streetscape and heritage wall. The applicant was advised of Council's concerns and amended the plans to increase the setback of the multi-purpose building from the Luke Street boundary. This would have the dual benefits of retaining two large trees and providing an increased setback to allow meaningful screen planting.



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The Hunters' Hill Heritage Advisory Committee has commented on the amended application and generally supports the proposal subject to additional planting to screen the elevation of the multi-purpose building not screened by the two existing trees that are being retained.

- **Visual privacy;**

**Comment:** The objector's property is in Mary Street which is remote from the proposed development and unaffected in privacy terms. If the objector was raising concern to potential privacy impacts to properties in Luke Street, the landscape screening from the Bald Cypress, Black Bean trees and proposed screen planting of Lilly Pillies should offer an effective screen to mitigate overlooking impacts.

It should also be noted that the windows on the Luke Street elevation are proposed to have raised sills and are to be fixed to further reduce any potential privacy impacts.

- **Solar impact.**

**Comment:** The objector resides in Mary Street to the north west of the school site and remote from the proposed works. If the concern is related to properties in Luke Street, the amended plans include an increased building setback and shadow diagrams that demonstrate that shadows cast by the proposed multi-purpose building would only begin to encroach on adjacent properties in Luke Street between 2 - 3pm in mid-winter.

As the 9am to 3pm solar access period is generally accepted as the standard applied for overshadowing impacts, any shadows cast after 3pm are not considered to be a significant issue. It is therefore considered the adjacent properties in Luke Street would receive adequate solar access and would not be unduly affected by the proposed development

## **CONCLUSION**

The issues raised by the objector are noted. However, the amended plans have mitigated a number of the concerns raised and suitable conditions will be included to reduce the impact of proposal to acceptable levels.

## **FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact on Council's adopted budget as a result of this report.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

## **SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

## **RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

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## HUNTERS HILL 2030

This matter relates to ensuring that heritage and conservation of the area is respected, preserved and enhanced including the preservation of the character, views to and from the Municipality, and the preservation of the tree canopy.

### RECOMMENDATION

That subject to the provision of information in **Schedule 1** to the satisfaction of Council, Development Application No. 2019/1129 for the demolition of the existing swimming pool and ancillary buildings, construction of a new swimming pool and landscaping at St Joseph's College, Mark Street, Hunters Hill be approved, subject to the conditions in **Schedule 2**.

#### Schedule 1 - Deferred Commencement

The development as contained in Schedule 2 shall not operate (or be issued) until such time as the matters contained in Schedule 1 are finalised to the satisfaction of Council.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent, this consent will lapse in accordance with section 4.53(6) of the *Environmental Planning and Assessment Act, 1979*.

#### Schedule No.1

- 1) The following engineering plans are to be amended to reflect the current, amended design of the pool and multi-purpose building setback.

Drawing Name- Number	Drawn by	Plan Dated	Council Dated
Site Layout - Dwg No. P002 - Rev C	FMG Engineering	June 2019	
Pool Structural Layout - Dwg No. P003 - Rev C	FMG Engineering	June 2019	
Water Polo Pool Layout - Dwg No. P004 – Rev C	FMG Engineering	June 2019	
25m Lap Pool Layout - Dwg No. P005 - Rev C	FMG Engineering	June 2019	
50m Lap Pool Layout -Dwg No. P006 – Rev C	FMG Engineering	June 2019	
Tile Jointing Layout – Dwg No. P007 – Rev C	FMG Engineering	June 2019	
Suction Layout Schematic -Dwg No. P008 -Rev C	FMG Engineering	June 2019	
Filtered Water Return Layout Schematic - Dwg No. P009 – Rev C	FMG Engineering	June 2019	
Tile Jointing Layout – Dwg No. P015 Rev C	FMG Engineering	June 2019	
Cover Sheet General Notes & Drawing List Dwg No.C01 Rev A	FMG Engineering	Sept 2019	

Civil Concept Layout Drawing No C02 Rev B	FMG Engineering		
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**Reason:** The Engineering plans have not been fully revised to ensure consistency with the amended design of the swimming pool and increased setback of the multi-purpose building.

- 2) The submission of a revised 'Indicative Usage Profile' with evidence of increased opportunity for community use of the proposed pool and multi-purpose building.

**Reason:** Clause 35(6) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* requires that:-

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

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

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

## **Schedule 2 - General Conditions**

### **1) Valid for 5 Years**

Pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* this approval shall lapse and be void if the building/subdivision work or use to which it refers is not physically commenced within five (5) years after the date of approval.

### **2) Plans and Documentation**

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

## **Architectural Plans**

<b>Drawing Name- Number</b>	<b>Drawn by</b>	<b>Plan Dated</b>	<b>Council Dated</b>
Cover sheet and site location Plan No. AR DA 0000 - Rev G	TKD Architects	09/04/2020	
Existing Precinct Plan No.AR DA 1001 - Rev E	TKD Architects	09/04/2020	
Existing Site Plan No. AR DA 1002 - Rev E	TKD Architects	09/04/2020	
Demolition Plan No.AR DA1003 - Rev H	TKD Architects	09/04/2020	
Site Analysis No.AR DA1004 - Rev C	TKD Architects	09/04/2020	
Existing Site Views No. AR DA1005 – Rev C	TKD Architects	09/04/2020	
Proposed Precinct Plan No.AR DA1101 Rev H	TKD Architects	09/04/2020	
Proposed Site Plan No. AR DA 1102 Rev H	TKD Architects	09/04/2020	
Basement Floor Plan No. AR DA 2001 Rev F	TKD Architects	09/04/2020	
Ground Floor Plan No. AR DA 2002 Rev G	TKD Architects	09/04/2020	
First Floor Plan No. AR DA 2003 Rev G	TKD Architects	09/04/2020	

Roof Plan No. AR DA 2004 Rev G	TKD Architects	09/04/2020	
Pool Layout Plan No. AR DA 2005 Rev F	TKD Architects	09/04/2020	
Street Elevation/Site Section No. AR DA 3001 Rev G	TKD Architects	09/04/2020	
Proposed Elevations 1 No.AR DA 3002 Rev H	TKD Architects	09/04/2020	
Proposed Elevations 2 No.AR DA 3003 Rev G	TKD Architects	09/04/2020	
Proposed Sections No.AR DA 3101 Rev G	TKD Architects	09/04/2020	
Shadow Diagrams Spring No. AR DA 4001 Rev E	TKD Architects	09/04/2020	
Shadow Diagrams Mid Winter Existing No. AR DA 4002 Rev E	TKD Architects	09/04/2020	
Shadow Diagrams Winter Proposed No. AR DA 4003 Rev D	TKD Architects	09/04/2020	
Shadow Diagrams Winter Elevation /AOX No. AR DA 4004 Rev C	TKD Architects	09/04/2020	
External Materials & Finishes No. AR DA 5001 Rev C	TKD Architects	09/04/2020	
3D Images 1 No. AR DA 9001 Rev C	TKD Architects	09/04/2020	
3D Images 2 No. AR DA 9002 Rev C	TKD Architects	09/04/2020	

### Engineering Plans

Civil Concept Layout Drawing No. C02 – Rev E	FMG Engineering	04/2020	
Site Survey Plans - Sheets 1 - 15	LTS Lockley Surveyors	15/08/2014	

### Landscape Plans

Drawing Name - Number	Drawn by	Plan Dated	Council Dated
Cover Sheet Rev P5	TaylorBrammer Landscape Architects Pty Ltd	11/02/2020	
Existing Plant Schedule No. LA 01 Rev P5	TaylorBrammer Landscape Architects Pty Ltd	11/02/2020	
Proposed Tree Schedule No. LA 02 Rev P5	TaylorBrammer Landscape Architects Pty Ltd	11/02/2020	

### Documents

Documents	Prepared by	Dated	Council Dated
Access Design Assessment Report issue 30 Oct 2019	Design Confidence (Sydney) Pty Ltd	30/10/2019	

<b>Documents</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Dated</b>
Acoustic Report	SLR Consulting Australia Pty Ltd	Oct 2019	
Engineering Investigation Report	FMG Engineering	07/10/2019	
Arboricultural Impact Assessment Report Rev B	Glenyss Laws Consulting Arborist	March 2020	
Architectural Design Statement - Rev A	TKD Architects	Oct 2019	
BCA Report	Design Confidence (Sydney) Pty Ltd	30/10/2019	
Targeted Environmental Contamination & Geotechnical Report	WSP	19/07/2018	
Electrical Infrastructure Report Rev 4	Northrop	03/10/2019	
Statement of Environmental Effects	Robinson Urban Planning	07/11/2019	
Planning Response	Robinson Urban Planning	15/04/2020	
Heritage Management Document Issue P2	TKD Architects	Nov 2019	
Sustainability Report - Rev C	Umow Lai Pty Ltd	04/10/2019	
Traffic Impact Assessment Rev v03 & Additional Advice	Traffix Transport Planners	31/10/2019 16/03/2020	
Waste Management Plan - Issue A	TKD Architects	10/2019	
Construction Management Plan – Rev D	Cornerstone	07/04/2020	
Construction Traffic Management Plan – Rev B	Cornerstone	07/04/2020	

### 3) **Construction Certificate**

Works, work on any building including demolition, landscaping, excavation and tree removal shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the *National Construction Code*, has been issued.

### 4) **Conformity with Plans**

The works shall be erected/constructed in conformity with the approved plans and any approved specifications and in accordance with the conditions of approval. Any alterations, modification or variations to these plans or specifications requires the prior formal approval of Council.

### 5) **Copy Plan and Permit on Site**

A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to Council or the Principal Certifying Authority upon their request.

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## Special Conditions:

- 6) Any future conversion of floorspace within the multi-purpose building into classrooms would require development consent as this may require reassessment of traffic and parking impacts of the school.
- 7) The development is to fully comply with the recommendations of the **'Targeted Environmental Contamination and Geotechnical Investigation'**, by W SP as submitted with the development application. Evidence of compliance in the form of a certificate by a suitably qualified professional is to be submitted prior to the issue of the Occupation Certificate.
- 8) Glazing to the Luke Street façade of the multi-purpose building is to be fixed to reduce acoustic impacts on adjoining residential properties. In this regard the plans are to be amended accordingly prior to the issue of the Construction Certificate.

### 9) Advertising Signage as part of the DA

No consent is granted or implied for advertising signage as part of the development. Separate development consent must be obtained for any signage required by the development if not considered as Exempt Development.

### 10) Nominate Council or Accredited Private Certifier

The applicant may nominate the Council or an Accredited Private Certifier as the authority who will issue the Construction Certificate. The Principal Certifying Authority (nominated by the applicant) shall monitor compliance with the approval and issue any relevant documentary evidence, certificate or orders to comply.

### 11) Disability Discrimination Act

Your attention is directed to the operation of the *Disability (Access to Premises - Buildings) Standards* (The premises standards) and *Commonwealth Disability Discrimination Act 1992*, which may impose greater obligations on providing access to disabled persons other than compliance with the National Construction Code.

### 12) Details for Relocation of Communications and Utilities

It is the applicant's responsibility to consult with Telstra, Optus, Sydney Water and/or Energy Australia regarding the availability or, relocation of communications facilities and/or utilities prior to acting on this consent.

Note: All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.

## Prior to Construction Certificate

### 13) Long Service Levy

Prior to the issue of the Construction Certificate payment of a levy of **\$66,763** payable to Council on behalf of the Long Service Payments Corporation being 0.35% of the value of construction work.

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**14) Construction Certificate Fee**

Prior to the issue of the Construction Certificate, a fee of **\$43,700** is to be paid for Council to be nominated as the Principal Certifying Authority.

**15) Security Deposit**

Prior to the issue of a Construction Certificate by the Principal Certifying Authority a security deposit of **\$6,000** is to be paid to Council. Once a Final Occupation Certificate has been issued this is eligible to be returned. The deposit is required as a security against damage to Council property during works on the site, and to ensure compliance with Conditions of Consent and installation of environmental controls.

**16) Inspections (PCA Fee)**

A fee of **\$18,250** per inspection is to be paid per Critical Stage Inspection where Council is nominated as the Principal Certifying Authority.

**17) Section 7.12 Local Infrastructure Contribution Plan 2020**

Pursuant to section 4.17 of the *Environmental Planning and Assessment Act 1979*, and Hunter's Hill Council Section 7.12 Local Infrastructure Contribution Plan 2020, a contribution of **\$190,752.30** shall be paid to Council for the provision, extension or augmentation of key community infrastructure.

The amount to be paid may need to be adjusted at the time of the actual payment in accordance with the provisions of Hunter's Hill Council Section 7.12 Local Infrastructure Contribution Plan 2020, – Indexing Cost. The contribution must be paid to Council:

- a) In the case of complying development, at the time notice is given to Council under Section 4.28 of the EP&A Act of the applicant's intention to subdivide, commence work or erect a building.
- b) In all other instances the Section 7.12 levy must be calculated and paid a week prior to the issue of the first certificate under Part 6 of the EP&A Act. Receipt of payment must be included with copies of the documents provided to Council in accordance with clause 142(2), 151(2) or 160(2) of the EP&A Regulation (whichever is applicable, depending on the certificate which is being issued).

Subdivision, or work of any kind, may not occur on the subject site until the required Section 7.12 levy has been paid to Council prior to the issue of the Construction Certificate.

**18) PCC13 Sydney Water – Section 73 Certificate**

Prior to the issue of a Construction Certificate the approved plans must be lodged to Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For the Sydney Water Tap in Service details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

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**19) PCC15 Avoid Offensive Noise Nuisance**

The demolition/excavation/construction or use of a development shall operate so as not to give rise to offensive noise nuisance as defined by the *Protection of the Environment Operations Act 1997*. A report from an acoustic consultant may be required to establish if the work complies with this requirement if complaints are received, all costs for this subjected by developer.

**20) Swimming Pool Access**

Access to the swimming pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard 1926 "Swimming Pool Safety". Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced fully satisfy the requirement of this condition.

**21) Swimming Pool water to the sewer**

The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any condition or requirements of Sydney Water must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition and any conditions or requirements imposed by Sydney Water.

**22) Swimming Pool filter**

The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approved prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition.

**23) Waste Management Plan**

A waste management plan is to be submitted for approval by the Principal Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- (a) The estimated volume of waste and method of disposal for the construction and operation phase of the development
- (b) The design of the on-site waste storage and recycling areas.
- (c) Administrative arrangements for waste and recycling management during the construction process.



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The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

**24) Sediment control**

Erosion and sediment control techniques are required where construction or excavation activity requires the disturbance of the soil surface or existing vegetation. As a minimum, the control techniques are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes.
- (b) All sediment control devices, barriers and the like.
- (c) Sedimentation tanks, ponds or the like.
- (d) Covering materials and methods.
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- (f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment control plan.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

**Part C – Prior to the Commencement of works**

**25) Notice of Commencement**

Building Work, demolition or excavation in accordance with this development consent must not be commenced until the applicant has given at least 2 days’ notice to Hunter’s Hill Council of the person’s intention to commence building work, demolition or excavation in accordance with this development consent.

**26) Sign – No entry to building site and builder’s identification**

A sign shall be displayed in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

The sign must list the following details:

- (a) The name, address and telephone number of the Principal Certifying Authority.
- (b) The name of the Principal Contractor and an afterhours telephone number.
- (c) That unauthorised entry to the site is prohibited.

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(d) Hours of construction as per the consent.

The sign must be maintained while the building work, subdivision work or demolition work is being carried out and removed upon completion.

**27) Appointment of the PCA**

Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the *Environmental Planning & Assessment Act, 1979* and its Regulation.

**28) Survey report – set out**

Prior to pouring of the footings and/or ground floor slab, the building shall be set out by a registered surveyor to verify the correct position of each structure.

**Part F – Construction**

**29) Work to be completed in accordance with the National Construction Code**

All works shall be carried out in accordance with the provisions of the *National Construction Code of Australia* and all relevant Australian Standards.

**30) Construction hours**

Building construction and works must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- (a) “Building construction” means any physical activity on the site involved in the erected of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- (b) “Demolition works” means any physical activity to tear down or break up a structure (or part thereof) of surface, or the like, and includes the loading of demolition waste and the unloading of plant of machinery.
- (c) “Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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**31) Asbestos Removal**

Any demolition works involving the removal and disposal of asbestos cement greater than 10m<sup>2</sup> must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

**32) Building material within the Building Site**

All building materials, spoil, debris and other material arising from the carrying out of building work, shall be contained wholly within the allotment boundaries. Such accumulation is to be properly disposed of at regular intervals to the satisfaction of Council and the Principal Certifying Authority.

The pathway and road reserve shall be kept in a clean, tidy and safe condition during building operations. At no point can any public reserve be used to place or store such material Council reserves the right, without notice to rectify any such breach and to change the cost against the applicant/owner/builder, as the case may be.

**33) Maintaining Public Footpaths and Roadways**

All kerb and gutters, roads and footpath are to be protected throughout the building operations as required by the Principal Certifying Authority. No obstruction being caused to pedestrian use of Council's footpath area or vehicular use of Council's roadway area during building operations.

**34) No filling of the Site**

No filling of any part of the site, whether with materials arising from site operations or otherwise shall be carried out without the prior written consent of the Council.

**35) Construction in accordance with the RL's**

All construction work is to be strictly in accordance with the approved Reduced Levels.

**36) Pump and Equipment Sound insulated**

The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system, rainwater tank or any air conditioning unit shall be sound insulated and/or isolated so as not to create offensive noise to the neighbouring properties. This is measured by noise exceeding the background noise level by 5dBA.

**37) Swimming Pool Access**

Access to the swimming pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992 and the requirements of Australian Standard 1926 "Swimming Pool Safety". The swimming pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

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## Part G - Prior to the Issue of an Occupation Certificate

### 38) Final Occupation EP&A Act & Regs

A Final Occupation Certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* and Regulation 2000.

### 39) Swimming Pool Registration

Prior to the issue of an Occupation Certificate the swimming pool is required to be registered on-line in accordance with the *Swimming Pools Act 1992*. Registration can be completed via [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

### 40) Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to the issue of an occupation certificate. This shall be at no cost to Council.

## Engineering Conditions

### 41) Prior to the issue of the Construction Certificate:

1. Full stormwater details should be provided by a certified Engineer covering the following points and are to be supported by a compliance certificate:-

- Where rainwater re-use is to be provided as part of the requirement for stormwater management, it shall comply with Sydney Water guidelines and Council's sustainable water requirements in accordance with Sustainable Water Part III;
- The three above ground rainwater tanks totalling a volume of 24,000L are proposed to serve for both OSD and rainwater harvesting. Further details are required to confirm the portion for OSD and rainwater re-use commitment including submission of supporting calculations;
- The proposed improvements also include the provision of OSD in an underground 900mm-dia '**Stormpro**' piped system, which provides a volume of 28,000L of storage. Supporting calculations need to be submitted to confirm the proposed volumes for OSD;
- At least one section through the '**Stormpro**' pipe OSD system is required to show how they will function;
- Surface grate and invert levels of the stormwater pits are required, for pits 1, 2, 3, 4, 5, 6, 7 and 9;
- Details and product information for the '**Ecoceptor**' unit to be used, are also required.

2. The approved plans must be lodged to **Sydney Water Tap In** to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met.

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Plans will be appropriately stamped. For the **Sydney Water Tap In** Service details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

## Landscaping Conditions

### 42) Tree planting in accordance with Australian Standard 2303-2015 “Tree Stock for Landscape Use”

The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 “Tree Stock for Landscape Use”.

### 43) Arboricultural Report

A Project Arborist (AQF Level 5) shall be engaged prior to commencement of work to provide arboricultural supervision on-site and monitor compliance with these Conditions of Consent.

### 44) Tree Removal

The following trees may be removed:-

Tree	Location
Tree 20 <i>Lophostemon confertus</i> (Brush Box)	Luke Street side boundary
Tree 55 <i>Lophostemon confertus</i> (Brush Box)	Luke Street side boundary
Tree 56 <i>Lophostemon confertus</i> (Brush Box)	Luke Street side boundary
Tree 109 <i>Tibouchina lepidota</i> ‘Alstonville’ (Tibouchina)	Luke Street side boundary
Tree 110 <i>Thuja plicata</i> (Western Red Cedar)	Luke Street side boundary
Tree 111 <i>Thuja plicata</i> (Western Red Cedar)	Luke Street side boundary
Tree 112 <i>Thuja plicata</i> (Western Red Cedar)	Luke Street side boundary
Tree 113 <i>Thuja plicata</i> (Western Red Cedar)	Luke Street side boundary

### 45) Planting undertaken at the completion of construction

All tree planting shall be undertaken at the completion of the construction works in order to reduce the potential damage throughout construction.

### 46) Planting to be in accordance with Tree Management Control

New tree planting is to be in accordance with Council’s Tree Management Controls, irrespective of the size.

### 47) Establishment of Landscape for 2 years

All new landscape plantings must be maintained in a healthy condition for an establishment period of 2 years. Maintenance includes watering, weeding, pest and disease control and any other operations required to maintain the plantings in a healthy condition.

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**48) Section 6.6 required for amended Landscape**

Any landscape planting which fails to establish within the 2 years establishment period must be replaced with the same size and species as outlined on the stamped approved plans or Conditions of Consent. Alternatively, a Section 6.6 application is required to be determined by Council, in relation to tree species, tree retention and survival rate.

**49) Trees to be retained under Tree Management Control**

Trees covered under the provisions of Hunters Hill Council's Tree Management Controls shall be retained except where Council's prior written consent has been given.

**50) Tree Condition – Stump Grinding**

Stump grinding/removal shall not be undertaken where stumps are located within the Structural Root Zone as defined by Australian Standard 4970.1 on development sites of any tree to be retained.

**51) Tree Condition**

All Services (i.e. water, sewage, electricity, stormwater and gas) shall be located outside of TPZ areas. TPZ areas shall be calculated in accordance with Australian Standard 4970 "Protection of Trees in Development Sites".

**52) TPZ (Tree Protection Zone)**

All works within the TPZ (Tree Protection Zone) of the trees to be retained shall be supervised by the Project Arborist.

**53) Tree Planting**

The tree planting shall be undertaken by a qualified Horticulturalist or Arborist (minimum AQF Level 2) and must be undertaken at the completion of the construction work, prior to the Interim Occupation Certificate.

**54) Adjacent Trees**

The pruning and/or removal works shall be undertaken without damaging adjacent trees.

**55) Practising Arborist**

The pruning and/or removal works shall be undertaken by a Practising Arborist (AQF Level 3) in accordance with the WorkCover Code of Practice for the Amenity of Tree Industry (1998).

**56) Landscape in accordance with the stamped approved plans.**

Prior to the issue of an Occupation Certificate a Compliance Certificate shall be prepared by a Arborist/Horticulturist (minimum AQF Level 5) indicating the landscaping has been completed in accordance with the approved Landscape Plans

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Drawing Number LA 01 & LA 02 prepared by TaylorBrammer Landscape Architects Pty Ltd and dated 11/02/2020 and conditions of consent.

**57) Compliance with Arboricultural Report**

Prior to the issue of an Occupation Certificate a Compliance Certificate shall be prepared by the Project Arborist demonstrating compliance with the supplied Arboricultural Impact Assessment (prepared by Glenyss Laws Consulting Arborist REV B, dated March 2020, not date stamped) and Conditions of Consent.

**58) Landscaping prior to Final Occupation Certificate**

The landscaping including all tree planting shall be completed prior to the issue of the final Occupation Certificate.

**The following Special Conditions apply:**

**59) Amended Landscape Plan**

The Landscape Plan (prepared by Taylor Brammer, dwg no 01, 02 P5, dated 14.04.2020, not date stamped) shall be amended as follows:

- Include a Plant Schedule providing details of container sizes for all proposed species.
- The following trees shall be supplied and planted as 100L specimens:
  - Elaeocarpus eumundii*
  - Lophostemon confertus* (Bruch Box)
  - Pyrus calleryana* (Callery Pear)
  - Magnolia* 'Little Gem'
- The following trees shall be supplied and planted as 150L specimens:
  - Waterhousia floribunda* (Weeping Lily Pily)

An amended Landscape Plan complying with this condition shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

**Tree Protection**

**60) TPZ required for trees**

Prior to the commencement of works (including any demolition or site enabling works) Tree Protection Zone/s (TPZ) shall be established around trees to be retained at the following radial distance specified in the table below.

<b>Tree No/ Location</b>	<b>Species</b>	<b>TPZ (m)</b>
Tree 1	<i>Lophostemon confertus</i> (Brush Box)	7
Tree 2	<i>Jacaranda mimosifolia</i> (Jacaranda),	3.8

<b>Tree No/ Location</b>	<b>Species</b>	<b>TPZ (m)</b>
Tree 3	<i>Jacaranda mimosifolia</i> (Jacaranda)	7.6
Tree 6	<i>Lophostemon confertus</i> (Brush Box)	8.9
Tree 7	<i>Lophostemon confertus</i> (Brush Box)	5.5
Tree 8	<i>Lophostemon confertus</i> (Brush Box)	7.1
Tree 9	<i>Washingtonia robusta</i> (Mexican Fan Palm)	3.5
Tree 10	<i>Lophostemon confertus</i> (Brush Box)	8.2
Tree 11	<i>Lophostemon confertus</i> (Brush Box)	11.5
Tree 12	<i>Lophostemon confertus</i> (Brush Box),	7.1
Tree 13	<i>Lophostemon confertus</i> (Brush Box)	5.8
Tree 14	<i>Lophostemon confertus</i> (Brush Box)	5.8
Tree 15	<i>Lophostemon confertus</i> (Brush Box)	5.1
Tree 16	<i>Lophostemon confertus</i> (Brush Box)	6.6
Tree 17	<i>Lophostemon confertus</i> (Brush Box)	11.3
Tree 18	<i>Lophostemon confertus</i> (Brush Box)	6.4
Tree 19	<i>Alnus jotullensis</i> (Evergreen Alder)	5.3
Tree 21	<i>Lophostemon confertus</i> (Brush Box),	8.8
Tree 22	<i>Liquidambar styraciflua</i> (Liquidambar),	7.1
Tree 23	<i>Lophostemon confertus</i> (Brush Box)	15
Tree 24	<i>Liquidambar styraciflua</i> (Liquidambar)	6.5
Tree 57	<i>Taxodium distichum</i> (Bald Cypress)	12.5
Tree 58	<i>Castanospermum australe</i> (Black Bean)	6.7

The trees listed in the above table shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Glenyss Laws Consulting Arborist REV B, dated March 2020, not date stamped)

The following works are excluded from within the TPZ, unless otherwise stated.

- \* Grade alterations
- \* Soil cultivation, disturbance or compaction
- \* Stockpiling, storage, disposal or mixing of materials



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- \* Refuelling of machinery or vehicles
  - \* Washing of machinery or vehicles
  - \* Pedestrian access or vehicular access
  - \* Siting of offices, sheds or temporary services
  - \* Any action that has the potential to impact the tree's health and structural condition

## 61) Pruning

- Selective pruning to Tree 8 *Lophostemon confertus* (Brush Box) shall be undertaken in accordance with Code S clause 7.3.4 of AS4373 and limited to 1 x 1st order south western branch. The final cut shall be < 150mm in diameter and live foliage removed shall be < 5%. To minimise pruning it is recommended scaffolding be either restricted or reduced within the canopy dripline and the more flexible 2nd & 3rd order branches be tied back as opposed to pruning.
- Selective pruning to Tree 57 *Taxodium distichum* (Bald Cypress) be undertaken in accordance with Code S Clause 7.2.4 of AS4373-2007. Prune to collar 2 x 2nd/3rd order branches to achieve a 1 – 1.5m new building line clearance, final cuts shall be less than 150mm in diameter and total live foliage removed shall be < 5%.
- The pruning works shall be undertaken by a AQF Level 3 Arborist in accordance with the Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)

## ATTACHMENTS

- 1) Indicative Usage Profile Revision 2, dated 20th March 2020;
- 2) Copy of submission from Mr Rory Steinle-Davies.