

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0155
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Responsible Officer:	Reeve Cocks
Land to be developed (Address):	Lot 5 DP 12815, 35 Consul Road BROOKVALE NSW 2100
Proposed Development:	Use of Premises as an educational establishment (ancillary office space) and associated external and internal alterations
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Artazan Property Group (Nsw) Pty Ltd

Application Lodged:	11/03/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	15/03/2024 to 29/03/2024
Advertised:	Not Advertised
Submissions Received:	5
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 11,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This development seeks consent for the change of use of an existing 2 storey residential dwelling to an administration office ancillary to the educational establishment St Augustine's College, Brookvale. Internal and external alterations are proposed.

Specifically, the works comprise of the following:

- four enclosed offices and one open space office;
- kitchen and pantry;
- two bathrooms;
- one laundry room; and

- three storage rooms and an outdoor covered storage area.
- modification to external stairs.
- deletion of carport structure.
- 4 x tandem car parking spaces.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 5 DP 12815 , 35 Consul Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Consul Road .</p> <p>The site is regular in shape with a frontage of 15.24m along Consul Road and a depth of 45.72m. The site has a surveyed area of 696.8m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an existing two storey brick dwelling house and metal shed outbuilding.</p>

The site has a steep slope from its eastern front boundary to the front building façade of roughly 2 metres. The site is generally flat after that point to the rear western boundary.

The site has limited landscaping in the front setback with the majority of open space and green space being provided in the rear setback. The type of landscaping is consistent with that of a residential area with some garden, grass and canopy trees being provided.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by detached one (1) and two (2) storey dwelling houses. The site also adjoins St Augustine's School to the rear. The school accommodates multiple multi storey building structures and some open space.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Complying Development Certificate CDC2023/0542 - Demolition of a dwelling house (Determined 14/08/2023)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to flooding concerns.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 15/03/2024 to 29/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

Name:	Address:
Mr Paul Karl Stephens	47 A Federal Parade BROOKVALE NSW 2100
Bill Donohoe	31 Consul Road BROOKVALE NSW 2100
Ramadan Ali	47 Federal Parade BROOKVALE NSW 2100
Withheld	BROOKVALE NSW 2100
GLN Planning Pty Ltd	GPO Box 5013 SYDNEY NSW 2001

The following issues were raised in the submissions:

- Proposed Use and Site Reclassification
- Survey Plan

- Flooding
- School Master Plan
- School Student Numbers
- Breach of Approvals
- Notification
- Legislative Considerations

The above issues are addressed as follows:

- **Proposed use and site reclassification**

The submissions raised concerns that the proposed and future use is unclear.

Comment:

The application proposes a change of use from residential to an educational establishment which will be used as an office space ancillary to the existing educational establishment St Augustine's. The submissions raised concerns regarding the future use of the site. Council can only work within the scope of this development application and what the applicant has proposed. Should the applicant wish to change the use in the future, it may be required to be reassessed by Council or if done under a State instrument, will be required to comply with the instrument controls.

- **School Master Plan & Plan of Management**

The submissions raised concerns that the school has not provided a master plan for this application or previous applications.

Comment:

The applicant has no legal obligation to provide a master plan for this application, or to include this site in any existing master plan or strategic plan. Council cannot unreasonably request documentation and information not relevant to the assessment of this application or required by law. Council received an amended plan of management on the 19 of February 2024 superseding the originally submitted plan of management.

- **Survey Plan**

The submissions raised concerns that the provided survey plan is inaccurate.

Comment:

The provided survey plan is consistent with Councils development application lodgment requirements. As the applicant is proposing works close to a boundary additional conditions of consent have been included to ensure no damages occur to adjoining properties.

- **Flooding**

The submissions raised concerns that the provided flooding information is inconsistent with the existing flooding characteristics of the site, that the structural adequacy of the building has not

been established to withstand the potential impact of vehicles proposed within the driveway, and that the submitted flood management report does not consider the future use of the site as an educational establishment.

Comment:

Councils Floodplain Management team reviewed the application and proposed amended plans. It was noted by the flood officer that *"flood controls are applied for new development rather than for existing structures. The development application for 35 Consul Road comprises of internal works, balustrades and the removal of the car port roof. The rest of the car port is remaining as existing."* Council additionally requested that the Floodplain Management team re-review the application with consideration to this concerns raised within the submissions. No further amendments were requested by the Floodplain Management team. It is considered that no further action is required by Council in this circumstance.

- **School Student Numbers**

The submissions raised concerns that the School may be overpopulated or have more students than allowable.

Comment:

The application does not relate to an increase in student numbers. Requesting information from the applicants relating to the number of students currently enrolled would have no relevance to the current application, which is ancillary office space to the school.

- **Breach of approvals**

The submissions raised concerns that the school (St Augustine's) may be in breach of previous approvals

Comment:

It is recommended that if any objectors feel the school is in breach of previous approvals they raise their concerns with Councils Compliance team. This issue cannot be considered as a part of this application as no breach has been proven and Council cannot unreasonably delay the determination of the application waiting for an alleged breach of consent to be proven.

- **Notification**

The submissions raised concerns that the development application was not notified correctly and that the manner of lodgement is not adequately reflect the intensification of the site.

Comment:

The application was notified in accordance with the Community Participation Plan (CPP). The subject site (35 Consul Road) at the time of assessment remains a separate lot and therefore only properties adjoining the subject site and those properties directly across from 35 Consul Road are required to be notified. The submissions raised concerns that all lots adjoining and directly opposite St Augustine's should be notified of the proposed development. The application will have a negligible impact on the traffic, streetscape character, and general amenity of the locality. As previously stated, Council can only work within the scope of this application. The owners of the site have the right to use any State Environmental Planning

Policies (SEPP's) available to them. This is not something that Council can condition.

- **Legislative Considerations**

The submissions raised concerns that the development application does not meet the legislative requirements and therefore Council cannot approve the application.

Comment:

Council has considered the development against the relevant legislation and it is considered that the development is reasonable and consistent. Refer to the assessment report for the detailed assessment.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>This application is seeking consent for change the use of an existing dwelling house to administration offices ancillary to an existing educational establishment (St Augustine's College). According to the Statement of Environmental Effects, the change of use comprises minor internal works to convert the existing dwelling house into office and storage space.</p> <p>According to the Statement of Environmental Effects dated 16 February 2024, there are a number of minor internal changes to the existing dwelling house as a result of the proposal, in order to facilitate the use as an educational establishment and to ensure the building is compliant with the BCA. The proposed changes include:</p> <ul style="list-style-type: none"> • four enclosed offices and one open space office; • kitchen and pantry; • two bathrooms; • one laundry room; and • three storage rooms and an outdoor covered storage area.

Internal Referral Body	Comments
	<p>Environmental Health are of the opinion that operational noise from the administration building will not adversely impact on surrounding residents. The proposal does not include noise generating activities that may cause offensive noise to surrounding residents.</p> <p>Environmental Health recommends approval.</p>
Landscape Officer	<p>The application seeks consent for: Use of Premises as an educational establishment and associated external and internal alterations.</p> <p>The plans and SEE indicate that no significant landscape features are impacted by the proposal. No trees are to be removed.</p> <p>No objections are raised with regard to landscape issues subject to conditions.</p>
NECC (Flooding)	<p>The proposal is for alterations to the existing dwelling, so as to change the buildings use from a residential home to an office and storage area. The building will be used as an office and storage space by staff at St Augustines School. It is not proposed that students will be using the building. The works include the removal of the car port roof and addition of balustrades.</p> <p>The property is within the High and Medium Risk Flood Planning Precincts. It has the following flood characteristics:</p> <ul style="list-style-type: none"> • Maximum Flood Planning Level: 30.13m AHD • Maximum 1% AEP Flood Level: 29.63m AHD • 1% AEP Hydraulic Category: Floodway, Flood Storage and Flood Fringe • Probable Maximum Flood (PMF) Level: 30.89m AHD • PMF Life Hazard Category: H1 - H5 <p>The proposal is compliant with Section E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.</p>
Traffic Engineer	<p>The development application is for the change of an existing 2 storey residential dwelling to an administration office ancillary to the educational establishment St Augustine's College, Brookvale. The proposed works include minor external alterations with no change is proposed to the building footprint or external façade. There are a number of minor internal changes to the existing dwelling house in order to facilitate the use as an educational establishment and to ensure the building is compliant with the BCA. The proposed change of use of 35 Consul Road will not be accompanied by any increase in staff or student numbers with the site be used as office space to replace office space lost from 60 Federal Parade which will now be used as carpark.</p>

Internal Referral Body	Comments
	<p>The Statement of Environmental Effects indicates that the premises will accommodate 7 staff members who have use of the 4 on-site parking spaces, as well as access to the main St. Augustine’s car park. The development proposes 4 stacked car parking spaces on the existing driveway and car port, with staff coordinating their arrival and departure times as required. The expected traffic movements generated by the premises is unlikely to result in any significant impacts to the local road network. The proposal does not affect the existing approved Traffic and Parking Management Plan and Operational Plan of Management for the School.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Part 3.4 - SCHOOLS

Part 3.4, Section 3.36 of Chapter 3 stipulates that:

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

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

The design quality principles are set out and addressed as follows:

Principle 1 – context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of

buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

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

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Comment:

The application proposes minor external works including the deletion of an external staircase, carport and other associated works. The built form of the existing structure will remain significantly the same resulting in minimal impact on the context, built form or landscape at the school.

Principle 2 – sustainable, efficient and durable

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

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

Comment:

The change of use to provide for ancillary administration office space makes use of the existing dwelling house structure on site. Internal reconfiguration is proposed, with minimal external works as referenced above. The reuse of existing structures represents a sustainable and efficient use of the site and its characteristics.

Principle 3 – accessible and inclusive

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

Note. Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment:

The building will only be used for the 7 existing staff. Staff accessibility needs are known, and the building plan of management is to be designed accordingly. The applicant is to provide a site induction and an access management procedure will be prepared to outline the use and management protocols (i.e. MIUP) for the subject premises. (In accordance with the BCA report provided by Hontas Hatzi & Co dated 16/02/2024).

Principle 4 – health and safety

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

environment.

Comment:

The proposed change of use will ensure the building optimises health, safety and security within its boundaries and surrounding public domain in line with St. Augustine's existing procedures. Section 6.0 of the provided Operational Plan of Management details procedures to ensure the health and safety of individuals on site including emergency evacuation procedures, incident reporting and general security measurements.

Principle 5 – amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

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

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

Comment:

The use is proposed to be ancillary to the educational establishment and will only provide office space for existing administration staff. The office space will provide for four (4) office rooms and one (1) open office space. The smallest office has a minimum area of 11.5m² with dimensions of 2.8m (width), and 4.2m (length). In addition to this the office building will provide two (2) bathrooms, (1) kitchen and pantry, and (1) laundry room. It is considered that for the 7 staff members proposed, the site will provide a reasonable level of amenity.

Principle 6 – whole of life, flexible and adaptive

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

Comment:

The proposed administration office provides office space for 7 employees. The space (35 Consul Road) is proposed to be used for the non-student services (finance & marketing). It is therefore considered that the design considers the future needs of the college.

Principle 7 – aesthetics

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

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

Comment:

Minor external changes are proposed to the existing dwelling house. The new use will therefore continue to fit with the existing and future desired character of the neighbourhood and retain the sense of identity.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the use an ancillary office space for the school.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	as existing	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.8 Conversion of fire alarms	Yes
5.21 Flood planning	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.11 Affordable housing	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	as existing	-	Yes

B3 Side Boundary Envelope	4m	as existing	-	Yes
	4m	as existing	-	Yes
B5 Side Boundary Setbacks	North - 0.9m	dwelling house: as existing Car Parking Space: as existing	-	Yes
	South - 0.9m	dwelling house: as existing Car Parking Space: as existing	-	Yes
B7 Front Boundary Setbacks	6.5m	dwelling house: as existing Car Parking Space: 670mm	89.6%	No
B9 Rear Boundary Setbacks	6m	as existing	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	as existing	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

The applicant is proposing minor external changes to the existing building structure including the deletion of the rear external staircase. There are no proposed changes to the existing building wall height, side boundary setback and envelope, front boundary setback and rear boundary setback. The minor external changes are considered compliant.

B3 Side Boundary Envelope

The applicant is proposing minor changes to the existing building structure. These changes will not change the existing building footprint, wall height, side boundary envelope, front or rear boundary setbacks.

B5 Side Boundary Setbacks

Description of non-compliance

The development results in car parking spaces within the side setback. This is non-compliant with requirement 2 of the Warringah Development Control Plan B5 Site Boundary Setbacks.

- *Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.*

The development is considered to be consistent with the objectives of the control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment:

The development makes use of existing concreted areas on site and is compliant with the minimum landscaping area control.

- *To ensure that development does not become visually dominant.*

Comment:

The provided additional car parking spaces will not result in an unreasonable addition to the bulk and scale of the site. It is considered that the development will not become visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The development actively reduces the bulk and scale of building structures on site through the deletion of the existing carport.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The additional car parking spaces will not impact the separation between buildings, privacy, amenity and solar access to the site and adjoining sites.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The additional car parking spaces will not have an adverse impact on the sharing of views to and from public and private properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Under Clause B7 of the Warringah Development Control Plan 2011, the following requirements apply for front boundary setbacks:

Requirements

- Development is to maintain a minimum setback to road frontages.
- The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.
- Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.
- For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

The existing dwelling house has a front boundary setback of 4.46m. The applicant is not proposing to reduce this setback further and it is considered to be consistent with front setbacks on Consul Street and within the immediate locality. The development will result in carparking spaces being located 670mm from the front boundary. This non-compliance is an increase from the existing car parking setback on site (12m to carport). It is considered on merit that this non-compliance is reasonable given the minimal impacts on the street frontage.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The additional carparking will not result in an adverse impact the openness of the front setback. The site slopes significantly from the street with multiple car parking spaces not visible from the street.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The car parking spaces will inhabit the existing concrete driveway and will not detract from the visual continuity and pattern of buildings and landscape elements. As previously noted the existing building structure is not proposed to be changed.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The additional carparking spaces will have minimal impact on the visual quality of the streetscapes and public spaces.

- *To achieve reasonable view sharing.*

Comment:

The development will not result in any impacts on view sharing.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

It is considered that the change of use from residential dwelling house to ancillary admin office building for an existing educational establishment will not result unreasonable noise impacts on adjoining properties.

D8 Privacy

Merit consideration

It is considered by Council that adjoining neighbours privacy will not be impacted by the change of use as no proposed changes to window locations or building bulk and scale are proposed. The sloping topography of the site and existing fencing on the northern side boundary provides for adequate privacy screening. Additionally the existing external staircase is proposed to be removed increasing the visual privacy of adjoining residents. Council has conditioned additional glazing for all first storey windows on the northern elevation to ensure that the change of use from residential to office space does not have an adverse impact on adjoining neighbours to the north.

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The dwelling house is existing and no changes are proposed to window locations sizes and orientations. The subject sites northern side boundary adjoins the rear boundary of No.47, 47A, and 45 Federal Parade. The dwelling houses of these properties are significantly setback from the rear boundary and are elevated above No.35 Consul Road.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The development does not result in a significant change in the existing building structure and does not limit innovative design solutions to improve the urban environment.

- *To provide personal and property security for occupants and visitors.*

Comment:

It is considered that the development will not result in a loss of personal and property security for occupants and visitors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/0155 for Use of Premises as an educational establishment (ancillary office space) and associated external and internal alterations on land at Lot 5 DP 12815, 35 Consul Road, BROOKVALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
12001	-	Site Analysis Plan	fjmtstudio	23 May 2024
21010	-	Lower Ground Floor Plan - Proposed Changes	fjmtstudio	23 May 2024
21011	-	Ground Floor Plan - Proposed Changes	fjmtstudio	23 May 2024
30010	-	East Elevation	fjmtstudio	23 May 2024
304000988-100-C-1101	1	Sediment and Erosion Control Plan and Details	fjmtstudio	19 December 2023

Approved Reports and Documentation

Document Title	Version Number	Prepared By	Date of Document
Operational Plan of Management	-	St Augustine's College Sydney	6 April 2023
Flood Management report	1	Stantec	21 December 2023
Stormwater Report	-	Stantec	20 December 2023
BCA and Fire Safety	-	Hontas Hatzi & Co	16 February 2024
Waste Management Plan	-	-	-

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site as detailed on the approved plans for any land use of the site beyond an office premises ancillary to an educational establishment being St Augustine's.

Reason: To ensure compliance with the terms of this consent.

3. **Prescribed conditions (Demolition):**

(a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (ii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and 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).

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (e) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

6. General Requirements

- (a) Unless authorised by Council:
 - Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.
 - Demolition and excavation works are restricted to:
 - 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and 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).
- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:

- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

8. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following

documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

9. **Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA and Fire Safety Report prepared by Hontas Hatzi & Co, dated 16/2/2024, Report No. BCADAR-23144-R1.2, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

10. **Compliance with standards (Demolition):**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards.

11. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

12. **Privacy Screen**

All windows on the first storey of the buildings northern elevation are to be treated with opaque glazing to a height of 1.5m (measured from finished floor level). The opaque glazing shall be fixed and made of materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining / nearby property.

13. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

DURING BUILDING WORK

15. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.

- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

16. **Staff and Contractor Parking**

The applicant is to make provision for parking for construction staff and contractors for the duration of the project. Staff and Contractors are to use on-site parking where available.

Reason: To ensure minimum impact of construction activity on local parking amenity.

17. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

18. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

19. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- o Work Health and Safety Act;
- o Work Health and Safety Regulation;
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- o The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

20. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and

Assessment (Development Certification and Fire Safety) Regulation 2021.

23. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

24. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

25. **Deliveries, waste and recycling collection hours**

Deliveries, waste and recycling collection from the site is to be carried out between 7am and 10pm only to minimise noise.

Reason: To minimise noise to residential receivers.

26. **Hours of Operation**

The hours of operation of this ancillary office space to the school are to be restricted to:

- o Monday to Friday – 6:30am to 6:30pm
- o Public Holidays – 8:30am to 4:00pm

Reason: Information to ensure that amenity of the surrounding locality is maintained.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Reeve Cocks, Planner

The application is determined on 03/07/2024, under the delegated authority of:



A handwritten signature in blue ink, appearing to read "R. Piggott".

Rodney Piggott, Manager Development Assessments