

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0714
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 101 DP1159742, Lot 1 & 2 DP725754 No.212 Forest Way, Belrose
Proposed Development	Alterations and additions to an educational establishment
Locality:	C8 Belrose North – Warringah LEP 2000
Category of Development:	Category 3
Consent Authority:	Sydney North Planning Panel
Delegation Level:	N/A
Land and Environment Court:	No
Owner:	Trustee Covenant Christian School
Applicant:	EPM Projects
Application Lodged:	9/6/2023
Integrated Development	Yes – 100B Rural Fires Act 1997
Designated Development:	No
State Reporting Category:	Infrastructure
Notified:	23/6/2023 to 21/7/2023
Advertised:	Advertised
Submission Received:	Nil
Clause 20 Variation:	Yes – Building height and wall height
Estimated Cost of Works:	\$6,759,596.00
Recommendation:	APPROVAL

EXECUTIVE SUMMARY

The development application (DA) is referred to the Northern Beaches Local Planning Panel on the basis that it is a 'Category 3' use and must follow the procedures outlined in clause 15 of Warringah Local Environmental Plan (LEP) 2000. Category 3 uses are to be subject to an independent public hearing to enable the consent authority to consider the "findings and recommendations" prior to determination of the DA. In this case the DA is to be determined by the Sydney North Planning Panel (SNPP).

The proposed new library and staff building replaces an existing two storey library and a staff building and is in a central position on the site.

The proposal has not received any submissions of objection during the notification period and the main assessment issues relate to stormwater flooding, landscaping and LEP building height non-compliance (wall and overall height). The applicant has addressed landscaping and building height matters by way of additional information. Matters relating to stormwater flooding that affect the proposed building have required an alternative solution to satisfy the objective of Clause 47 of the LEP so that the ground floor is protected from flood water ingress due part of the existing floor and building structure being retained. For this reason the proposal cannot comply with the 500mm freeboard for a 1 in 100 year flood event,

however the design response employed will protect the building interior and ensure impact from flood risk is minimised.

There is no objection to approval of the proposal by any external referral authority (Ausgrid, RFS, TfNSW).

Overall, the proposal as a Category 3 use is considered to be consistent with the “C8 Belrose North” desired future character statement (DFC) for the reasons addressed in detail in this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for alterations and additions to the Covenant Christian School.

The proposal is to demolish the majority of the existing library and staff building for a new larger library and staff facilities, detailed as follows

- Site preparation, including demolition works and excavation. In particular the existing library building is to be demolished, with only part (approximately 35%) of the concrete floor slab being retained.
- RL 156.1 – Basement storage area
- RL 156.84 to 158.43 – Storage, meeting, library areas, amenities, staff and workspace rooms, lift and stair access, entry areas.
- RL 160.15 to 161.83 – Staff areas, learning support rooms, amenities, verandah, student study areas, meeting rooms, void space, lift and stair access, entry areas.
- Ancillary site works, for landscaping, drainage connection and incidental work.
- Roof form is a low-pitched skillion style in sections over the 3 main spans.

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.

SITE DESCRIPTION

The subject site is occupied by the “Covenant Christian School” and is located at 212 Forest Way, Belrose.

The school operates as an independent school catering for classes from kindergarten to year 12. The site is an “L” shape with frontage to Dell Street, Linden Avenue, Bundaleer Street and Forest Way. The main entrance to the school is located at the end of Dell Street, adjacent to the Wakehurst Rugby Park.

The site is gently sloping and stormwater from the site drains northwards to a detention facility within the school near a low point in Bundaleer Street. The dimensions of the site are as follows

- Eastern boundary: 113m (Wakehurst Parkway).
- Southern boundary: 282m (access from Dell Street).
- Western Boundary: 182m (Linden Street).
- Northern Boundary: 195m plus 88m (Bundaleer Street).
- Site Area: 3.5776 Hectares.

A total of 47 off-street car spaces are currently provided on site, including 37 car spaces in the schools existing main car park off Dell Street. An additional 50 line marked car spaces are publicly available in Dell Street.

The Covenant Christian School is located within a semi-rural area of mixed land uses, including nurseries, sports fields, schools (‘Rudolf Steiner’, ‘Yanginanook’ and ‘John Colet’), the Belrose Waste Transfer Station, Optus earth station, a sand and gravel supplier, rural residential land, residential uses, vacant Crown land and Garigal National Park land.



Figure - Site Map

SITE HISTORY

The following chronology details the approvals issued by Council in respect of the subject site:

12 October 1978 – Consent No. 78/244 for an educational establishment issued by Council.

11 July 1980 - Consent No. 80/206 for additional classroom block to school (Stage 2).

29 June 1981 – Consent No. 81/26 for erection of an educational establishment (Stages 3, 4 and 5) also amending Consent No. 78/244 by relocating and reorientating the classroom buildings.

23 December 1981 – Consent No. 81A/385 for erection of a temporary classroom.

27 September 1988 – Consent No. 88/312 for erection of a classroom building (Stage 6)

27 December 1989 – Consent No. 89/545 for school additions to create a staff room.

11 April 1990 – Modification of Consent No. 88/312 involving the temporary retention of demountable classrooms.

4 June 1990 – Consent No. 90/177 for a staff common room.

23 April 1992 – Consent No. 92/123 for additions to a school classroom.

12 February 1996 – Consent No. 96/44 for alterations and additions to existing library.

2 November 2000 – Deferred Commencement Consent No.2000/3741 for a multipurpose Hall to be used in conjunction with the school and additional carparking (This included the formalisation of existing roadside parking in Dell Street for 50 car spaces).

10 July 2003 – Consent No.2003/338 for the construction of a temporary portable classroom building.

8 May 2007 – Consent No.DA2005/0915 - Construction of New Classrooms Amenities Block Carpark New Bus Bay and Removal of Existing Demountable (Not constructed)

2 July 2009 – Modification No.MOD2008/0349 - Construction of New Classrooms Amenities Block Carpark New Bus Bay and Removal of Existing Demountable (to modify DA2005/0915 in relation to 'Building Block A'). This MOD includes the following condition:

“97. Maximum Number of Students

The school student population shall not exceed 900.

Reason: To ensure no further intensification of the use beyond the terms of the consent.”

8 July 2009 – Complying Development Consent No.2009/0033 – Construction of new classroom facilities. (Ref J080372 / BER Job P21-01-017) (CDC that was issued, used the design for “Building Block A in MOD2008/0349)

2013 to 2018 – A number of privately issued Comply Development Certificates were issued for alterations and additions to the school pursuant to SEPP

23 March 2023 – Pre-lodgement Meeting PLM2023/0026 was held with Council staff for demolition and construction of a new library staff building. DA2023/0714 is consistent with the advice provided.

Concluding remarks of the PLM were :

“The proposal is Integrated Development under the Rural Fires Act. Given the location of the work within the centre of the college campus Council do not raise any issues with the proposed work despite the minor breach in the height limit, subject to the submission of a Clause 20 variation.

It is not anticipated that the proposal will have any unreasonable impact on the Desired Future Character of the Belrose North Locality, the amenity of neighbours or transport subject to the submission of a comprehensive development application that addresses the requirements of the Council’s Referral Officers.”

SECTION 4.15 ASSESSMENT

The relevant matters for consideration under Section 4.15 of 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	No draft instruments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	None applicable
Section 4.15 (1) (a)(iiia) – 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 are capable of being addressed by condition of consent as applicable.</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 landscaping, building height and stormwater flooding. Supplementary information has been provided, including a detailed flood report and revised plans.</p> <p>See amended architectural drawings DA01 to DA06 dated 30.5.2024. Additionally, amended Landscape plans 22.8.2023 Issue C.</p> <p>The amended plans involved minor technical changes to protect the building from flood ingress but do not change floor levels or building height. This included additional engineering solutions to the door openings and external steps / adjacent pathway at ground level. The amendments do not require re-notification pursuant to the <i>Community Participation Plan</i>.</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. Demolition matters are</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>capable of being addressed by condition of consent, as applicable.</p> <p>Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). Fire safety matters are capable of being addressed by condition of consent as applicable.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This is not applicable to the DA.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). BCA matters are capable of being addressed by condition of consent as applicable.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles (GP) of Development Control table in this report.</p> <p>(ii) The proposal will ensure the ongoing efficiency and capability of satellite communications. The proposed development will not therefore have a detrimental social impact on the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the business and economic infrastructure nature of the proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The site is considered generally suitable for the proposal from a planning perspective, subject to the design being capable of providing a building that is adequately clear (0.5m above) of the FPL.</p> <p>In this case, stormwater flooding through the site in a 1% AEP event would inundate parts of the libraries ground and lower ground floor. The design of the new building / or additional works has not been able to resolve this issue.</p> <p>Therefore, the proposal raises concerns in relation to its suitability for the proposed redevelopment of the existing structure, however the proposal has been amended to employ measures to satisfactorily address the flood risk. The proposal addresses the objective of Clause 47 of WLEP 2000 (see details provided under the heading “internal referrals” and</p>

Section 4.15 'Matters for Consideration'	Comments
	'Clause 47' within this report), despite non-compliance with the particulars. This has been achieved by using alternative solutions to protect the building and minimise risk.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There were no submissions made on this application.
Section 4.15 (1) (e) – the public interest	<p>The proposal is assessed as being consistent with the <i>desired future character</i> statement for the C8 Belrose North Locality, which is the critical assessment for this report to the IHAP. With regard to the LEP General Principles of Development addressing Clause 47 has taken the applicant some months to arrive at acceptable 'alternative solution' so that the proposed design satisfies the objective of the control and can be recommended for approval.</p> <p>In making a preliminary evaluation of the critical issues with the proposed development the SNPP members visited the site on 22 May 2024 (accompanied by Council staff and School representatives) to view the relevant parts of the school complex, including stormwater considerations in the vicinity of the proposed building.</p>

EXISTING USE RIGHTS

Existing Use Rights do not apply to this application – “Category 3” WLEP 2000 is permitted subject to the additional provisions of the WLEP 2000.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the relevant *Northern Beaches Community Participation Plan*.

No submissions were received in response to the notification of this application.

REFERRALS


Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Supported with conditions.</p> <p>The proposal seeks approval for demolition works and alterations and additions to the Covenant Christian School.</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • Planning for Bushfire Protection 2019 • Warringah LEP 2000 – Protection of existing flora • Warringah LEP 2000 - Retaining unique environmental features

Internal Referral Body	Comments
	<p>The proposal has been submitted with a Landscape plan that will need to be amended to avoid inclusion of identified weeds (e.g. <i>Raphiolepis indica</i>).</p> <p>A single exempt tree (<i>Fraxinus</i> spp.) will be removed for the works to take place and no objections are raised in relation to its removal. Two <i>Lagerstroemia indica</i> will be planted to compensate for the removal.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
Environmental Health (Industrial)	<p>Supported without conditions</p> <p><u>General Comments</u></p> <p>The proposal comprises alterations and additions to Buildings D which are required to support the refurbishment of the existing library and staff facilities. The refurbishment will be facilitated by the partial demolition of Block D, the demolition of an adjacent, single storey staff facility and the adjacent landscaped area.</p> <p>The building works will involve minor cut and fill works to the area north of the current building footprint. The refurbishment works will be supported by ancillary access and services upgrades and will include replacement landscaping.</p> <p>On ground level, the alterations and additions to Block D will include the footprint for the demolished staff room and will incorporate the former accessway between these buildings. The split-level design will use the level change provided by the natural ground level of the site to create a mezzanine level between ground and first floor.</p> <p>At first floor, the refurbishment will include a north facing staff verandah and the building will be finished with separate mono-pitched skillion and lean to roofs that would complement the rhythm and scale of the existing campus buildings.</p> <p>Internally, access to the mezzanine and first floor will be supported by a central lift core and stairs. External access would be supported by upgrades to the existing walkways and stairs from the proposed staff verandah.</p> <p>Environmental Health supports the proposal, without conditions.</p>
Landscape Officer	<p>Supported with conditions</p> <p>The proposal is supported with regard to landscape issues.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2000 Locality C8 Belrose North, and the relevant requirements.</p>

Internal Referral Body	Comments
	<p>One tree is proposed to be removed which is within 10 metres of the existing building and as such can be managed/removed under the 10/50 bushfire regulations without consent. The landscape proposal is generally supported, and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p> <p><u>Planning comment:</u> Landscape comments are concurred with, and the applicant has nominated additional tree planting and will maintain the status quo of the existing approved landscape open space area.</p>
Strategic Planning & Place (Urban Design)	<p>Supported without conditions.</p> <p>The application seeks consent to make alterations and additions to Building Block D to enable the refurbishment of the existing library and staff facilities. The proposed development comprises of the following works:</p> <ul style="list-style-type: none"> • Minor cut and fill works • Demolition of existing staff facilities • Demolition of Block D first floor • Partial demolition of Block D ground floor including: <ul style="list-style-type: none"> o Internal partition walls o Internal and external staircase o Four (4) entrance doorways o Removal of internal partition walls and doors • Refurbishment of ground floor and creation of new learning and staff facilities • Construction of an internal mezzanine level • Reconstruction of the First Floor to provide staff facilities. <p>The proposed built forms will respond appropriately to the contextual setting of the broader school campus. Majority of the proposed roof planes would sit below the required 8.5m height limit except for a 0.5m exceedance that occurs at the end of the roof's projecting eaves. The breach is consider minor and will not have any impact on the surrounding neighbouring sites.</p> <p>Urban Design raises no objection to the proposed development.</p>
Traffic Engineer	<p>Supported without conditions.</p> <p>The Statement of Environmental Effects confirms that there is no increase in staff or student numbers associated with the proposed alterations and additions and as such the works will not result in changes to parking or traffic conditions around the school. There are also no internal changes to access or parking arrangements proposed in conjunction with the work.</p> <p>There are no traffic engineering concerns related to the development.</p> <p><u>Planning comment</u></p>

Internal Referral Body	Comments
	Student numbers are not proposed to change (be increased) from the approved maximum enrolment capacity.
Development Engineering	<p>Alternative solution - subject to draft conditions.</p> <p>WMA Water has submitted a Flood assessment/ study and determined the 1/100AEP flood level in the vicinity of the proposed library building to be 158.58 m AHD. The required Flood Planning Level for the development is RL159.08, however WMA have recommended the Finished Floor Level be set at RL158.43.</p> <p>Clause 47 of Warringah LEP 2000 states:</p> <p><i>47. Flood affected land</i> <i>Development on flood affected land is to be sited and designed to minimise impacts of flooding on property and have regard to the existing flood regime.</i></p> <p><i>In particular—</i></p> <ul style="list-style-type: none"> <i>• development is not to reduce flood storage area or impact upon the existing flood regime,</i> <i>• habitable floor areas of buildings are to be at a level of at least 500mm above the 1% annual exceedance probability flood level, and</i> <i>• buildings or works affected by flooding are to be constructed of flood compatible building materials.</i> <p><i>For the purposes of this clause, flood affected land means land below the 1 per cent annual exceedance probability flood level.</i></p> <p>The LEP seeks that habitable floor levels of the library redevelopment need to be at the FPL = RL159.08 (this is to provide a freeboard at least 500mm above the 1% AEP" level.)</p> <p>The WDCP 2011 allows for a lower freeboard of 0.3m (where depth < 0.3m and velocity x depth < 0.3m²/s), however this <u>does not apply</u> in the deferred lands.</p> <p>The primary element of the general principle is: <i>"Development on flood affected land is to be sited and designed to minimise impacts of flooding on property and have regard to the existing flood regime".</i></p> <p>The position of the building and flood modelling water depth is shown in the image below and as can be seen water will pass by the new building (pink outline) on all sides and flow down slope to the north. Therefore, the new building will need to be protected to prevent ingress as the floor levels cannot be raised due to concrete slab connections with adjacent pathways (particularly building "C" and "E").</p>

Internal Referral Body	Comments
	<div data-bbox="582 331 1136 689"> </div> <p data-bbox="582 689 1356 788">Image: Peak flood depth modelling around proposed new library / staff building footprint (pink outline) for 1%AEP event under existing conditions. (See <i>WMA Water</i> report dated 29.1.2024 for full details and comprehensive flood modelling information, including evacuation / shelter in place considerations)</p> <p data-bbox="582 824 813 851"><u>Planning comment:</u></p> <p data-bbox="582 855 1369 945">The applicant has provided details pertinent to NSW Planning Circular PS 24-006 Attachment A – “Further guidance and matters to consider”.</p> <p data-bbox="582 981 1329 1008">In summary, this includes measures in addressing flood risk of:</p> <p data-bbox="582 1043 1289 1102">An updated Ground Floor Plan which identifies flood design responses including:</p> <ul data-bbox="635 1106 1385 1751" style="list-style-type: none"> • No door openings on the western ground level to protect the IT rooms and library from water ingress on the western side. • Directed flow path along the western side of the library building so that water does not flow down the steps toward the lower-level rooms and therefore eliminates risk of flooding to the northern lower level (ground floor) rooms. The existing paver steps at the north-west corner will be removed and replaced with a hob wall so water is direct north away from the building (down slope open space area). • A threshold for ground floor entry in accordance with AS1428.1 • Self-actuating flood barrier at the main entry on the eastern side of the library that has a top edge 500mm above predicted 1:100 flood level at the door. • A waterproof membrane provided to a height of 500mm above the existing ground floor level. • A concrete / waterproof Hob to all ground floor windows will be provided to a height of 500mm above the existing floor level. <p data-bbox="582 1787 1216 1814">Draft conditions of consent that may be implemented:</p> <ul data-bbox="635 1818 1305 1944" style="list-style-type: none"> • Outline flood management procedures during the construction and operational phases of the proposal. • Require the preparation of a Flood Emergency Management Plan. <p data-bbox="582 1975 1369 2033">The revised details achieve an alternative solution to satisfying the objective of Clause 47.</p>

Internal Referral Body	Comments
	 <p>Image: New library building entry off courtyard area at south-east side of the existing library. Blue arrows indicate ground overflow path.</p> <p>The listed engineering plan numbers are subject to minor reference changes (see recommended conditions) due to finalisation / update of engineering drawings being undertaken to reflect the agreed details to be shown for Council Engineering requirements and the applicant's Consulting Engineer.</p>

External Referral Body	Comments
Ausgrid	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant <i>Ausgrid Network Standards</i> and <i>SafeWork NSW Codes of Practice</i> . These recommendations will be included as a condition of consent.
NSW Rural Fire Service (RFS)	The NSW Rural Fire Service has provided General Terms of Approval, dated 13 July 2023. RFS requirements address Asset Protection Zones, Construction Standards, Water and Utility Services, Landscaping Assessment and Emergency Evacuation.
Transport for NSW (TfNSW)	TfNSW provided no comments and no conditions in relation to the proposal as the works. The works do not affect the frontage to Forest Way or adjacent road / traffic intersections to Forest Way.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).*
- *immediately adjacent to an electricity substation.*
- *within 5.0m of an overhead power line.*
- *includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.*

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

Other Service Infrastructure Authorities

The application was referred to *Transport for NSW* and no other Service authority referral issues are raised. The requirements of *Sydney Water* are managed by separate administrative processes directly with *Sydney Water*.

Chapter 3 Educational establishments and childcare facilities

The proposal does not rely on Part 3.4 for exempt and complying development or Schedule 6 for the purpose of complying development in Schools.

The proposal has been designed in accordance with the Design quality principle in schools outlined in Schedule 8 of the SEPP. A design statement addressing *Schedule 8* has been prepared by *Bow Gould Architects*. In this case the proposal is to replace the library and staff buildings with an improved integrated single building and achieves the objectives of the General Principles. This includes use of an alternative solution to protect the building from flood water entering the building and minimizing risk from flood hazard to students and staff.

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 educational (school) 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 continuing school use.

Warringah Local Environmental Plan 2011 (WLEP 2011)

The C8 Belrose North Locality (which covers the land subject to this Application) under the WLEP 2000 was proposed to be zoned E3 Environmental Management in the draft 2009 version of Warringah's standard instrument LEP. This was based on a detailed translation methodology that was applied to all land within the former Warringah LGA.

In December 2011, the Minister for Planning and Infrastructure resolved that this area would be a "deferred matter" land in the Oxford Falls Valley and Belrose North areas from the

Warringah Local Environmental Plan 2011 (WLEP 2011) in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP 2011.

Accordingly, Warringah LEP 2011 and the current Warringah Development Control Plan 2011 do not apply to this application.

Warringah Local Environmental Plan 2000 (WLEP 2000)

Desired Future Character

The WLEP 2000 applies to the subject land and the application is made pursuant to this instrument.

Under WLEP 2000, the subject site is situated within the *C8 Belrose North Locality* and the proposed development, being for the library and staff room (being part of the Covenant Christian School complex) is defined by WLEP dictionary' as "further education" and "primary school", being listed under Category 3.

Pursuant to Clause 12 of WLEP 2000, before granting consent for development, the consent authority must be satisfied that the development is consistent with any relevant General Principles of Development Control in Part 4 of WLEP 2000, and any relevant *State Environmental Planning Policy* described in Schedule 5 (State Policies).

Furthermore, Clause 15 gives "extra procedures" for Category 3 development to be undertaken before granting consent. This includes detailed information addressing Schedule 15 and that such development has been considered by an independent public hearing.

Finally, Clause 16 deals with existing Category 3 development and allows for alteration and additions or expansion or intensification but *only if* in the opinion of the consent authority is *minor* and does not to any significant extent change the scale or size or degree of any building or land use. Given the magnitude of work to the library / staff building the proposed DA cannot rely on clause 16.

The DFC statement for the C8 Locality statement is as follows:

"The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows:

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Middle Harbour."

Each element of the desired future character statement is discussed as follows:

The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows:

The existing school has existing on site prior to WLEP 2000 and forms part of the existing character of the locality. The proposal does not change the present character.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

The proposed building colours and materials are used to suit the existing buildings and include medium to dark colours that are not highly reflective. Window spaces are proportionate and glazed areas are used to enhance the internal amenity of the library. The library building is not near any boundaries or overlooking neighbours private open space that would be adversely affected by the outward viewing from within the library / staff / student rooms. The use of wide eaves assists to minimise glare impact to the local amenity. No significant change of any landform is proposed and minor landscaping works are required in replanting that will occur within the vicinity of the development area. No major bushland area or large canopy trees are to be removed with the works.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

This component of the DFC requires that new development, if housing, should be “detached style” and consistent with the housing density. Other uses must be limited to *low intensity and low impact uses*. The statement “*low intensity, low impact uses*” is directly applicable to such uses other than “housing” that may be permissible in the locality. This includes the proposed development.

The terms “low intensity” and “low impact” are not defined in the dictionary of WLEP 2000. However, in the matter of *Vigor Master P/L v Warringah Council [NSWLEC 1128]*, Commissioner Hussey gave weight to the Council’s interpretation to give meaning and understanding to the term “intensity” and “impact”. In this regard, the following characterisation was given:

“Intensity: is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore, “low intensity” would constitute a development which has a low level of activities associated with it.”

“Impact: is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore ‘low impact’ would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality.

Further, the Commissioner made the important observation that “*any development must also satisfy a qualitative assessment as well as the quantitative controls so as to achieve a reasonable degree of consistency with the DFC for the locality*”.

The following assessment provides a detailed planning assessment of “low intensity” and “low impact” as it relates to the proposed development.

(a) Is the proposed development a “Low Intensity” use?

Further to the background information above, a “*low intensity use*” is a use which would be typified as having a low level of activities associated with it. The extent of activities associated with the operation of a particular use is largely determined by the following:

- The amount of traffic movements (cars, delivery and service vehicles),
- The number of pedestrian movements (internal and external)
- The physical size of the use (floor space, height, scale, building footprint amount of landscaping),
- The hours of operation of a use,
- The noise generation of the use,
- The light or other disturbance emitted by the use (activity, flood lighting and signage).

Based on the following assessment, the proposal is a low intensity use. The new library & staff building relies on existing parking and teaching staff of the school and does not seek further intensification. In this regard, the new library / staff facility seeks to replace the existing building with no change to staff or student numbers (as per existing approval).

(b) Is the proposed development a “Low Impact” use?

Further to the background information above, a “low impact use” is a use which would be typified as having a minimal, minor or negligible level of impact and would be unlikely to significantly change the amenity of the locality and can largely be determined by considering the following:

- The amenity of adjoining properties (in terms of privacy, solar access, and visual amenity).
- The bulk and scale of the development and how it relates to the streetscape and adjoining properties.
- The removal of any existing vegetation from the site as result of the proposed development (taking into any proposed landscaping).

The assessment of the application has found that the proposed development is ‘low impact’ for the following reasons:

- The proposal does not result in any significant impact or change to the natural features of the site in terms of visibility from residential or public spaces, distant views of the site, traffic, bushland setting, traffic, runoff or waste management.
- The scale of the new library building is consistent with the height and scale of other main buildings within the school complex.
- The non-compliances with the built form controls for height and wall height are relatively minor and addressed pursuant to Clause 20 of the LEP.
- The building design is integrated architecturally to the existing adjacent classroom and reception building and utilises building works (footprint elements) of the existing library / staff room.
- The new works do not overwhelm or appear jarring to the surroundings established school complex given the central position and adequate setbacks to the site boundaries.

(c) Conclusions on Low-Intensity and Low Impact:

The proposed new library within the school complex is therefore consistent with this element of the DFC statement relating to the requirement for the development to be a low intensity and low impact use.

A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

The site is located adjoining Forest Way and additional native canopy tree planting is proposed between the oval edge and the school boundary fronting Forest Way. Selected planting is also proposed toward the south-west corner of the site. No change the existing school fencing is proposed.

For the above reason, the proposed development is consistent with this component of the DFC.

Development in the locality will not create siltation or pollution of Middle Harbour.

The proposed development is not considered likely to result in siltation or pollution of Middle Harbour as it is not close to any creek lines, the site disturbance area is surrounded by landscape area and the broad site is not steeply sloping / geotechnically hazardous.

Therefore, the development is considered to satisfy this element of the DFC statement.

Conclusions on Consistency with the DFC Statement

Based upon the above assessment, the development is found to be consistent with the DFC statement for the C8 Belrose North locality. It is found to involve an existing Category 3 use. The library and staff room does not adversely detract from the requirement of being low intensity and low impact form of development on the site. Noting that the entire site is an existing category 3 use.

Overall the new building height and scale does not create any unacceptable impacts on the character of the area or the natural landforms and native vegetation on the site as a whole.

Built Form Controls for Locality C8 Belrose Locality

The following table outlines compliance with the Built Form Controls of the above locality statement.

Built Form Standard	Permitted	Proposed	Compliance
Housing Density	1 dwelling/20ha	Not applicable	N/A
Building Height	8.5m	8.8m	No
Wall Height	7.2m	(>3.5%)	(Clause 20)
(LEP measure is to NGL)		8.0m	No
		(>11%)	(Clause 20)

Built Form Standard	Permitted	Proposed	Compliance
Front Building Setback	20m (Forest Way)	157.8m	Yes
	20m (Linden Avenue)	102.1m	Yes
Extractive Industry	Not applicable	Not applicable	N/A
Rear & Side Building Setback	North boundary 10m	32.0m	Yes
	South boundary 10m	47.2m	Yes
Bushland Setting	50% site area (14,289m ²)	41.5% existing 14,566sqm No change	No (As approved) Clause 20 not required as no change proposed. New replenishment trees as per LP05 Revision C
National Park Setback	20m	Park boundary is 230m southwest	Yes

The proposed development satisfies the Locality's Built Form Controls with exception to the front setback and bushland setting.

Clause 20 Variations

Consent may be granted to proposed development even if the development does not comply with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy.

Merit Assessment

Building height and Wall height

The variation to the maximum building height is 0.3m (or 3.5%) with the apex of the roof being 8.8m above natural ground level (NGL):

The variation to the maximum wall height is 0.8m (or 11%) with the wall to the underside of the uppermost ceiling being 8.0m above natural ground level (NGL):

- ***Is the proposal consistent with the general principles of development control?***

The applicant has provided the following supporting comment:

The relevant provisions Part 4 (General Principles of Development Control) of the LEP apply and it is submitted that the proposal is consistent with the general principles identified in Part 4.

Specifically, Clauses 66 ‘:

- The building has variation in the wall planes and roof form with contemporary styling of the building, shape and external materials selected. The roof form has different height levels and the majority of the roof is below the 8.5m height plane.*
- The wall planes are varied by the irregular shape of the building footprint and generally the non-compliance with the wall height is not readily visually perceptible from land adjacent the school site due to the minor non-compliance and centralised location of the library/staff building.*
- Due to the natural topography of the land, some cut and fill is unavoidable in order to accommodate the development, as it utilised the existing library footprint.*
- There are no canopy trees or significant native vegetation occurs within the proposed new library building space.*
- The proposal will include some replenishment canopy tree planting toward the periphery of the site.*

Comment

It is agreed that the proposal will not result in bulk and scale to adjacent land or any unreasonable landscaping outcome in sustaining canopy trees for the school site.

- *Is the development consistent with the desired future character of the locality?***

The proposal is considered to be consistent with the desired future character of the locality, notwithstanding the non-compliance with the building height and wall height (as well as the existing landscape control variation)

Comment

It is agreed that the new library/staff building structure is relatively a minor in terms of visual presentation and that it will effectively fit in to the landscaped setting with appropriate colours and materials.

In assessing these non-complying elements of the proposal, consideration must also be given to its consistency with the following:

General Principles of Development Control

The variation to wall height and building height and overall landscaping proposed does not create inconsistency with the general principles of development control. In order to comply with the AEP the building would need to be raised further above ground level and given the location of the building centrally in the school complex and separation from surrounding land uses however this is not required and no unreasonable amenity impacts from the wall and roof height are raised pursuant to the General Principles, DFC or adjacent land uses. Overall, the proposal satisfies the landscape open space objectives, building bulk and other built form controls as per the development control table provided below in this report. No change is proposed to the overall (as previously approved) landscape area therefore no detailed assessment to the existing variation is required.

The building height and wall height development standards are intended to ensure that buildings have a visual bulk and an architectural scale consistent with the structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality Statement provides otherwise. Clause 66 is addressed as follows for the height variation:

- In this case the exterior walls are generally well below the 8.5 height plane and the building shape and appearance includes adequate setbacks to ensure no unreasonable impact on adjacent land. The surrounding school complex of associated buildings generally limits visibility of the library building from Forest Way and Linden Avenue.
- The building includes brick, metal cladding and glazing within a split-level design that allow for the roof and wall planes to be varied across the scale of the building.
- Landscape planting will be re-instated where appropriate near the building (in the form of garden beds) however due to connecting corridors and close position of the building to adjacent classrooms / school reception additional canopy tree planting is provided toward the outer periphery of the site. This is subject to bushfire requirements to maintain spacing of trees and in places where there is adequate deep soil for canopy trees.

Desired Future Character of the Locality

The proposal is consistent with the desired future character of the locality, in not detracting from the present character of the locality and retaining consistency with low intensity/low impact requirement. The proposal is consistent with the DFC regardless of the building height variation and wall height control. With respect to landscape open space control the existing landscaped area is retained as approved.

Relevant State Environmental Planning Policies

The proposal is generally consistent with the relevant State Environmental Planning Policies. The landscaped area, building height and wall height variation as per clause 20 has no impact on any SEPP or provisional strategic change in consideration to the WLEP 2000.

Accordingly, the non-compliant building height and wall height are supported pursuant to Clause 20. No change is proposed to the net landscaped area on site (as per the existing approved landscape variation from previous development consent.)

For the purposes of considering Category 3 development IHAP must be satisfied that the proposal is satisfactory with regard to the DFC for the Belrose North Locality. Additional consideration of *Clause 47 – Flood Affected Land* may be appropriately dealt with by the SNPP once the findings and recommendations of IHAP are made and the requirements of Clause 15 have been completed. A supplementary report will be provided for SNPP as required to ensure any minor flood design details are finalised prior to determination (e.g. plan annotation/supplement).

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development. The relevant general principles are addressed below.

In applying the General Principles the WLEP stipulates:

12 What matters are considered before consent is granted?

(1) Before granting consent for development the consent authority must be satisfied that the development is consistent with—

(a) any relevant general principles of development control in Part 4,

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	Yes	The colours of the external material and position of the library within the central part of the site will minimise glare and reflection in surrounding area. The colours and materials are appropriate for the DFC and natural environment / existing setting and would not give rise to unreasonable glare or reflection.	Yes
CL42 Construction Sites	Yes	The site provides for adequate space for the storage and handling of construction material and equipment. Suitable access is available from Bundaleer Avenue.	Yes
CL44 Pollutants	Yes	The proposed development will not generate any significant pollutants (odour, liquid, noise etc.) as a result of the library building. A waste management plan for construction works / demolition has been provided to address waste minimisation.	Yes
CL46 Radiation Emission Levels	Yes	The building is not in close proximity to any emission antenna.	N/A
CL47 Flood affected land	Yes	<p>The General Principles states: <i>Development on flood affected land is to be sited and designed to minimise impacts of flooding on property and have regard to the existing flood regime.</i> <i>In particular—</i></p> <ul style="list-style-type: none"> • <i>development is not to reduce flood storage area or impact upon the existing flood regime,</i> • <i>habitable floor areas of buildings are to be at a level of at least 500mm above the 1% annual exceedance probability flood level, and</i> • <i>buildings or works affected by flooding are to be constructed of flood compatible building materials.</i> <p><i>For the purposes of this clause, flood affected land means land below the 1 per</i></p>	<p>Yes</p> <p>Alternative solution provided.</p> <p>Subject to conditions.</p> <p>Minor design refinements may require updated engineering plan reference for (prior to) determination by SNPP.</p>

General Principles	Applies	Comments	Complies
		<p><i>cent annual exceedance probability flood level.</i></p> <p>The flood risk at the building in a 1% AEP event is considered relatively shallow water flowing down slope past the building with flood depth being approximately 0.2m at the upstream (southern) end of the building and reducing to approximately 0.1 m around the building ground floor main entry. Similar water depth may also flow along the western side passage as water will be deflected to the eastern and western side from the southern ground floor wall. Peak flood level near the main library south-east entrance is approximately 158.3m AHD. Therefore, a floor level of at least 158.8 is required (0.5m higher).</p> <p>The applicant has provided explanatory details for the proposed non-compliance in that:</p> <p><i>“Maintaining the existing library level allows for the existing link to adjacent administration and Block E. If the ground level is raised, the entire structure will need to be demolished. This includes the existing link. Central to the retained section of the library is the main computer frame which operates the entire site. Demolition of this area will mean that needs to be relocated, including all the data cabling throughout the school. The cost of this work will be prohibitive.”</i></p> <p>Council's Development Engineering referral provides detailed comments in relation to addressing this clause and compliance with the relevant objectives.</p> <p>In summary, the proposed lower floors of the building would be subject to minor inundation if not protected from water ingress as they are below the required floor level requirements of Clause 47. The building proposal seeks to retain part of the existing library / staff building (which includes toilet facilities) within the building footprint and maintain level pedestrian connection to adjacent school buildings. (That is approximately 295sqm of the existing floor slab elements are retained which accounts for 35% of the new building ground level areas (being split-level floor).</p>	

General Principles	Applies	Comments	Complies
		<p>The applicant has submitted additional details and information (received June 2024) relating to:</p> <ul style="list-style-type: none"> • The suitable use a flood self-actuating barrier at the main ground floor entry. • Flood risk and water ingress assessment by EPM Projects P/L (planning consultants), • Hydraulic engineering advice that the alternative solution is acceptable and effective. (Hydraulic engineering certification will be required by condition of consent that the installations are properly installed (WAE) and operate effectively) • Suitable conditions of consent for flood risk minimisation, and • Architectural details (Dwg DA-03, dated 30.5.2024). These additional details have been considered as part of this assessment. <p>A number of discussions with the applicant have been undertaken with Council staff in order to address this issue. A design response to raise the building floor level or other considerations, re-route water are not able to be reasonably achieved by the school. Council's engineers have considered a 300mm (rather than 500mm) above 1% AEP may be acceptable, but this has not been adopted in the additional information / amended plans.</p> <p>Therefore, given strict compliance against the Particulars of clause 47 cannot be achieved, the alternative solution employed is satisfactory to minimise risk to new habitable floor areas from flooding. This has included removal of 2 door openings and protecting the main entry with a self-actuating flood barrier at the door sill. Removing the northern paved steps that will ensure water passes northward to open space and not toward the lower split-level library rooms. Flood management plan / procedures and flood protection materials to ground floor walls, window spaces to protect the building.</p> <p>Importantly, the non-compliance with the flooding provision (for 500mm freeboard) does not affect consistency with the DFC for Category 3 use of the land. Council</p>	

General Principles	Applies	Comments	Complies
		assessment is satisfied that the proposed alternative solution will achieve the objective of this Clause, subject to conditions.	
CL48 Potentially contaminated land	No	The land is not identified as contaminated, and the existing building is not identified as containing asbestos material. Standard conditions may be applied in the event any building demolition material is uncovered that was pervious unidentified.	Yes
CL50 Safety & Security	Yes	The site will be adequately secured from unauthorised access, via the use of fencing, gated entry, and security cameras.	Yes
CL54 Provision and Location of Utility Services	Yes	The existing and proposed development will be connected to utility services as the new library / staff building is in the same general position.	Yes
CL56 Retaining Unique Environmental Features on Site	Yes	The plants to be removed, to enable the development to take place, will be replaced with locally occurring native species (generally this is minor garden planter box space near the building with some selected canopy trees at the periphery of the site). This will enable the semi-rural characteristic of area to be maintained in the setting of the site area and appropriate tree distribution subject to NSW RFS <i>Planning for Bushfire Protection</i> . No unique rock outcrops are affected.	Yes
CL58 Protection of Existing Flora	Yes	Council's Landscape and Natural Environment – Biodiversity sections, support the application subject to conditions. No significant trees are to be removed.	Yes
CL60 Watercourses & Aquatic Habitats	No	There are no nearby natural watercourses or aquatic habitats. The closest watercourses are at least 180m to the west and at least 130m south of the site, when measured from the property boundaries. The development has appropriate drainage and landscape areas to manage runoff.	Yes
CL61 Views	Yes	The proposal does not adversely impact views of surrounding land.	Yes
CL63 Landscaped open space	Yes	The quantum of deep soil landscaping within the site will remain unchanged. No trees are being removed and new	Yes

General Principles	Applies	Comments	Complies
		supplementary tree planting will be provided at selected points near the periphery of the school to provide additional long term canopy trees (in compliance with tree separation considerations with bushfire protection).	
CL66 Building bulk	Yes	<p>The development is integrated to the adjacent building corridors and forecourt areas. The cladding and material selected to match or are sympathetic to other newer buildings on the site. The building non-compliance with wall height and roof height is not readily visible from the public domain and is limited to minor sections of the wall and roof pitch.</p> <p>The development is consistent with the predominant pattern and scale of development in the overall complex.</p>	Yes
CL67 Roofs	Yes	The roof is a mid to dark colour and will not reflect to surrounding land as it has varied skillion sections within the central part of the site.	Yes
CL72 Traffic access and safety	Yes	<p>The site has secure access and gate controls with fencing. Traffic access is safe for Dell Street and the on-site parking available. No change is proposed.</p> <p>Construction vehicle access is possible from Bundaleer Avenue. The majority of demolition and construction phase is intended to occur during a main annual school holiday period to minimise impact on school operations.</p>	Yes
CL74 Provision of carparking	Yes	<p>No parking change is required, and the site has adequate parking for staff and bus pick up as per previous development consent arrangements and upgrading to the carpark.</p> <p>The proposal is not required to address Schedule 17 as there is no change to carparking or enrolment capacity of the school proposed.</p>	Yes
CL76 Management of stormwater	Yes	Stormwater engineering plans are provided to address this clause and can be implemented during works for library roof water runoff.	Yes

General Principles	Applies	Comments	Complies
CL77 Landfill	Yes	A minor amount of fill is required however existing soil material from excavation around the new works area is suitable.	Yes
CL78 Erosion and sedimentation	Yes	Erosion control plans are provided to address this clause and will be implemented during works.	Yes
CL83 Development of known or potential archaeological sites	Yes	No relics are recorded on the site and the building works are over the existing library building footprint. No referral required.	Yes

Schedule 5 – State Policies

The proposal is consistent with the relevant matters in Schedule 5.

- Bushland in Urban Areas – the works seek to replace an existing building and the land does not contain significant bushland area as part of the school grounds.
- Koala Habitat Protection – the site is not identified as containing koala habitat.
- Traffic – The school site has frontage to a main road (MR). *Transport for NSW* (formerly RMS) have no concerns or conditions regarding the development.

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 15 – Statement of environmental effects

Pursuant to Clause 15(1) adequate documentation has been submitted to address the proposal for category 3 use (for alterations and additions to an existing educational facility).

The following summary provides a detailed assessment in compliance with Schedule 15 extracted from the applicant's submitted Schedule 15 information as applied in conjunction with the relevant LEP considerations for Category 3 development.

1.Summary of the SEE	<p><i>The development application is for improvements to the existing Covenant Christian School (CCS) library staff building at 212 Forest Way, Belrose ("the subject site"). The proposal is submitted on behalf of CCS, the owner of the subject site.</i></p> <p><i>The subject site is situated in the C8 Belrose North locality and is classified as an existing Category Three Development pursuant to the provisions of Warringah Local Environmental Plan 2000.</i></p> <p><i>The proposal comprises alterations and additions to Buildings D which are required to support the refurbishment of the existing library and staff facilities. The refurbishment will be facilitated by the partial demolition of Block D, the demolition of an adjacent, single storey staff facility and the adjacent landscaped area.</i></p>
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	<p><i>The proposal does not seek to increase school population (allowable maximum enrolment), but rather it seeks to improve the operation of the school facilities and learning resources available for students.</i></p> <p><i>This report demonstrates that the proposed development is consistent with the desired future character of the C8 Belrose North Locality, would not adversely impact the environment or the locality, and subject to conditions, satisfies the relevant statutory, environmental and development control requirements.</i></p>
<p>Assessment Summary Comment: Full details of the summary of the SEE are provided with the DA to the submitted SEE report in Section 3.1 prepared by EPM Projects. The proposal is satisfactory in this regard.</p>	
<p>2. Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.</p>	<p><i>The site is an existing “primary school” and “further education facility” within Locality C8 Belrose North as designated by WLEP 2000. As an existing Category Three development within the locality the proposal is permissible with consent.</i></p> <p><i>Impacts associated with the proposed development have been assessed and are considered to result in no adverse impacts, relating to bushfire hazard, built form, flooding or desired future character of the locality.</i></p> <p><i>Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site including general principles of development control.</i></p> <p><i>Located centrally within the school campus, the alterations and additions would be sited in an area of the school campus that primarily comprises hardstand areas for access, internal courtyards and existing buildings. The scale of the alterations would be consistent with the existing school campus and due to the site’s topography and siting of existing buildings within the campus would not affect the locality’s broader landscape character.</i></p> <p><i>The development would result in the removal of one (1) planted tree and as a planted species is not a component of the locality’s natural landscape. The loss of this tree would be offset by additional eight (8) trees including six (6) native trees, which will embellish the tree canopy along the schools eastern and western boundary as well as the Forest Way Landscape buffer.</i></p>
<p>Summary Comment: The applicant has addressed consistency with the DFC and general principles under Table 3 of the Statement of Environmental Effects. The proposal is satisfactory in this regard with the exception of Clause 47 – Flood affected land.</p> <p>Concerns with Clause 47 has been addressed by the use of alternative solutions to protect the library to an acceptable standard, given the minor flood risk. This includes the use of a self-actuating flood barrier, minimising wall openings to protect water ingress and minor change to steps and paths to direct water past and away from the building.</p> <p>(It is noted that for the Applicant, the design approach seeks to retain part of the existing library staff building and the new building seeks to match in the existing floor level and the level pedestrian access for the adjacent buildings and passageways.)</p>	

3. Objectives of the proposed development	<p>The intent and objectives of the proposal are to:</p> <p><i>The proposed development seeks to provide alterations and additions and landscape embellishments to the existing school campus, consistent with the design and quality principles.</i></p> <p><i>The proposed development will create a new Learning Hub for the school containing library and a range of study areas and break out areas as well as improved staff facilities.</i></p> <p><i>Block D provides an adaptable learning environment capable of meeting the future needs of the school and has been designed to minimise the apparent bulk and scale of development. With the visual bulk of the additions integrating into the school's existing roofscape,</i></p> <p><i>The proposal seeks to include additional tree planting to that will embellish the existing landscaped embankment along the Forest Way and in accordance with Planning for Bushfire Protection</i></p> <p><i>The development will incorporate suitable flood mitigation measure to manage the safe evacuation of students during flood events and would incorporate suitable measures to manage the residual flood risk associated with the ground level of the alteration to Block D.</i></p>
<p>Assessment Summary Comment: The applicant has addressed the objectives of the proposal under sections 1 and 4 of the Statement of Environmental Effects and Appendix A (dated 5.2.2024) of the SEE. The proposal has addressed this requirement.</p>	
4. An analysis of feasible alternatives	<p>(a) The consequences of not carrying out the development The consequences of not carrying out the development are as follows:</p> <p><i>If the development is not undertaken as proposed, the school will be required to seek an alternative location for students and staff facilities within the campus. An alternative location would likely have a greater visual impact on the future character of the locality.</i></p> <p><i>The existing building would remain and may be re-purposed even though it was not constructed to be of sustainable design construction or flood resilient.</i></p> <p>(b) The reasons justifying the carrying out of the development The reasons justifying why the proposal should go ahead:</p> <p><i>The existing staff / library building's internal layout is not consistent with the School's pedagogy requirements and does not meet the curriculum requirements of a contemporary school.</i></p> <p><i>The existing building fabric of Block D and the adjoining staff facility are nearing their end-of-life phase and as a consequence are no longer fit for purpose.</i></p> <p><i>Block D's design and location would consolidate facilities into a single building learning hub and would be constructed using resilient materials, such as concrete and compressed fibre sheeting, which provide</i></p>

	<p><i>durability during flood events and require comparably minimal maintenance.</i></p> <p><i>The building would also facilitate greater accessibility throughout the campus by connecting the accessible walkway of Block H and would provide opportunities to increase student welfare and learning opportunities.</i></p>
<p>Assessment Summary Comment: The applicant has addressed the objectives of the proposal under sections 1 and 4 of the Statement of Environmental Effects and Appendix A of the SEE. The proposal has addressed this requirement.</p>	
<p>5. Analysis of the development</p>	<p>(a) Full description of the development</p> <p><i>The building works will involve minor cut and fill works to the area north of the current building footprint. The refurbishment works will be supported by ancillary access and services upgrades and will include replacement landscaping, drainage connections and ancillary site work. On ground level, the alterations and additions to Block D will include the footprint for the demolished staff room and will incorporate the former accessway between these buildings. The split-level design will use the level change provided by the natural ground level of the site to create a mezzanine level between ground and first floor.</i></p> <p><i>At first floor, the refurbishment will include a north facing staff verandah and the building will be finished with separate mono-pitched skillion and lean to roofs that would complement the rhythm and scale of the existing campus buildings.</i></p> <p><i>Internally, access to the mezzanine and first floor will be supported by a central lift core and stairs. External access would be supported by upgrades to the existing walkways and stairs from the proposed staff verandah.</i></p> <p>(b) Description of the environment likely to be affected</p> <p><i>The surrounding development adjacent to the existing school campus comprises early learning and educational facilities, detached residential dwellings as well as public recreation and bushland areas. Development to the immediate north comprises an early learning centre and detached residential dwelling with the Yanginanook School, Leonis Foundation and Kamaroi Rudolf Steiner School located to the north, on the opposite side of Bundaleer Street.</i></p> <p><i>To the east, the school is bound by the Forest Way (SP2 Classified Road) and a bushland area. The bushland contains intermittent large lot residential development and is functionally and physically separated from the school by the alignment of the Forest Way.</i></p> <p><i>To the south, the school is adjacent to the tennis courts of a residential and a RE1 zoned public recreation area. To the west, on the opposite side of Linden Ave, development comprises two (2) detached dwellings positioned on large lots with a resource recovery centre located behind the dwellings.</i></p> <p><i>The proposed development will occur within the central area of the school complex.</i></p>

	<p>(c) Description of likely impact on the environment These measures are addressed in the SEE accompanying the DA submission and the requirements to address the details of the proposed building relative to the standards of the Council LEP. <i>In summary, the proposed development will occur within the central portion of the existing school campus, with ancillary tree plantings provided adjacent to the eastern and western boundaries. Due to relative distance of the alterations from the site boundary and the existing and proposed tree plantings, the development would not have any adverse impacts to the adjoining land uses.</i></p> <p>(d) Measures to mitigate any adverse effects of the development on the environment The proposed alterations additions to the existing campus would not increase the capacity of the school in terms of student or staff numbers and is therefore not traffic generating development.</p> <p>Bushfire <i>A Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions in accordance with Section 4.14 of the EP&A Act and concludes that the proposed development would provide a reasonable and satisfactory level of bushfire protection.</i></p> <p>Tree removal and landscaping <i>The proposal would require the removal and demolition of the garden adjacent to the existing staff room. A landscape plan and planting schedule has been prepared by Matthew Higginson Landscape Architecture and details that a landscaped area would be reinstated following construction works.</i></p> <p><i>The planting schedule identifies that the landscaping would include a mix of native and exotic species and would include the refurbishment of artificial turf to the adjoining open space area. Additional tree plantings would also be provided at the eastern and western campus boundary.</i></p> <p>Stormwater Management <i>In accordance with the Northern Beaches Council Water Management Policy for Development (2021) a Stormwater Management Plan has been prepared by Sparks and Partners. The Stormwater Management Plan is supported by a sediment and erosion control plan.</i></p> <p>Demolition and Waste Management <i>A Waste Management Plan has been prepared by Bow Goold Architects (Appendix I) to demonstrate consistency with Australian Standard AS 2601—2001: The Demolition of Structures and details the expected volumes and management requirements for waste generated at the demolition, construction and operational phases of the proposed development.</i></p> <p>Flooding <i>The site is located within the Bare Creek catchment and has been identified as being affected by overland flow in a 1:100 AEP storm event. The site is located within a 'medium flood risk precinct'. A site-specific flood assessment has been undertaken by WMA Water.</i></p> <p><i>The Site Flood Assessment prepared by WMA Water concludes that the alterations and additions to Block D will not have an adverse impact on</i></p>
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	<p><i>flood behaviour. Whilst the finished floor level of Block D does not meet the minimum floor level requirements under the WDCP 2011, this is considered acceptable.</i></p> <p>Visual Impacts <i>There is a minor exceedance of the 8.5m height requirement for buildings located within the Belrose North locality under the WLEP 2000. However, the visual impacts are minor as Block D is predominantly screened from view Forest Way by the existing school buildings and vegetation along the site boundary. When viewed from Dell Street, the height, scale and form of Block D will be consistent with the other buildings on campus.</i></p>
<p><u>Assessment Summary Comment:</u> The above analysis of the proposal and as detailed in the applicants SEE within Section 3. The proposal satisfies this requirement of Schedule 15.</p> <p>The Category 3 use is acceptable with regard to the DFC, Clause 20 variations including Clause 66 for the overall built form given the context of the new library staff building within broader school complex and the surrounding local environment. The proposal has addressed this requirement.</p>	
<p>6. Justification for the development pursuant to the biophysical economic and social considerations and the principles of ecologically sustainable development</p>	<p><i>The proposal would facilitate building and landscape upgrades suitable to a modern school curriculum and would contribute to better student outcomes through the provision of a quality learning environment.</i></p> <p><i>The proposal would provide improved outcomes for students and teachers in terms of wellbeing and attentiveness with a focus on air quality, ventilation, natural lighting, thermal comfort and acoustic performance central to the pedagogy provided by alterations and additions to the campus.</i></p> <p><i>The proposed development would provide short term and long-term economic benefits. In the short term the proposal would support the creation of additional full-time employment in the construction industry which would in turn support vendors and allied services.</i></p>
<p><u>Assessment Summary Comment:</u> The justification for the proposed development is adequately detailed in the SEE is satisfies these requirements of Schedule 15. Details are provided by the architectural design statement and building design details on the architectural plans, including Appendix A of the SEE.</p>	
<p>7. Statement of measures to mitigate adverse effects of the development</p>	<p><i>Within the context of an existing primary school and further education facility, the alterations and additions to Block D would not, to a significant degree, change the scale of development at the site. The scale of development proposed would support improved accessibility within the school and would rationalise the height of the existing block H walkway.</i></p> <p><i>To mitigate the visual impact of previous development and to improve the tree canopy coverage across the school campus, additional trees would be planted along the school's northeastern and south-western boundaries.</i></p> <p><i>The building would have no adverse flooding impact on adjacent land.</i></p>
<p><u>Assessment Summary Comment:</u> The mitigation measures employed for the proposed development are detailed in the SEE (i.e reason to rebuild Block D in the current position and additional canopy tree planting. The proposal also relies on advice provided within the Bushfire Report and Flood Engineering consultant report. Flooding matters include evacuation plan and measures to minimise risk to the building and occupants and will appropriately mitigate risk. The proposal has addressed the requirement and</p>	

conditions are applied to ensure flood risk is minimised and managed.	
8. A list of approvals to be obtained before the development maybe lawfully carried out	Integrated Development - Bushfire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.
<p><u>Assessment Summary Comment:</u> The proposal is satisfactory in this regard for external referral approvals.</p> <p>The proposed development is integrated development under the Rural Fires Act 1997 and a fire safety authority approval has been provided by the RFS.</p> <p>TfNSW referral raised no requirements for the proposal.</p> <p>Ausgrid referral provided standard conditions and requirements.</p>	

POLICY CONTROLS

Northern Beaches 'Section 7.12' Contributions Plan 2021.

The monetary contribution is based on the development cost of \$6,759,596.00. A monetary contribution of **\$67,595.96** is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to 'section 7.12' of the *Environmental Planning & Assessment Act 1979* and the *Northern Beaches Section 7.12 Contributions Plan 2021*.

This may be addressed by a condition of consent if the application is approved by the SNPP.

CONCLUSION

The proposed development is for a new library and staff building that replaces an existing two storey library and staff building and is in a central position on the site. As a Category 3 use, the WLEP 2000 requires the proposal to be considered by an independent hearing and assessment panel (IHAP) prior to determination, to enable the consent authority to consider the "findings and recommendations" of IHAP with respect Clause 15 of the WLEP 2000. In this case the DA is then to be determined by the *Sydney North Regional Planning Panel* (SNPP) as the consent authority.

There is no objection to approval of the proposal by any external referral authority (Ausgrid, RFS, TfNSW) is raised and no submissions from surrounding landowners have been received with regard to the proposal.

The proposal has not received any submissions of objection during the notification period and the main assessment issues relate to stormwater flooding, landscaping and LEP building height non-compliance (wall and overall height).

The applicant has addressed the landscaping and building height matters by way of additional information provided during the assessment. The variation to the building height and wall height, built form controls have been addressed pursuant to Clause 20 of WLEP 2000 and are supported for the development proposal.

The circumstances of the schools IT infrastructure remaining in situ is critical to requiring an alternative solution to Clause 47 and it is noted that the flood depths are low and the school

has adequate shelter in place areas due to the accessible second storey links to adjacent buildings. The use of alternative solutions to address Clause 47 have been employed and in principle the proposal is acceptable, subject to final specific details being provided to the satisfaction of Council's Development Engineers. The site has been inspected by Council's Development Engineers and an agreement in principle reached that the use of a self-actuating barrier, minor path regrading / removing some redundant paver stairs and minimising ground floor openings to the library are satisfactory to enable a recommendation for approval (therefore *draft* conditions are able to be provided to accompany this report). Council planning assessment is satisfied that the proposal is suitable for the intended building position in context with the broader school complex and surrounding environment.

In conclusion, the proposal is considered to assessed as being consistent with the "C8 Belrose North" desired future character statement (DFC), including landscaping requirements. Additionally, the Clause 20 variations to wall height and building height are acceptable. It should be noted that the application has required alternative solution to be proposed to address 'Clause 47 – Flood Affected Land' of WLEP 2000. Principally, this is due to the lower floor levels being below the *annual exceedance probability* flood level requirements however the proposal will be able to achieve the objective of this clause.

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 2000;
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects and all other documentation supporting the application and public submissions.

In consideration of the proposal and the merit consideration of the development, the proposal is:

- Consistent with the Desired Future Character of the Belrose North Locality Statement.
- Consistent with the outcomes envisaged by the applicable built form controls, despite the height variations which have been considered pursuant to Clause 20 of WLEP 2000, including the existing net landscaped area retained.

In consideration of the proposal and development control matters, the proposal is:

- Consistent with the objectives of WLEP 2000 and General Principles of Development Control.
- Consistent with the objects of the Environmental Planning and Assessment Act 1979.
- Consistent with NSW Department of Planning advice (PS 21-006, PS 24-001) for addressing development on flood prone land.

Accordingly, the proposal is found to be consistent with the desired future character of the C8 Belrose North Locality, and the Panel note the alternative solution provided by the applicant to address General Principle 47.

This report is submitted to the IHAP for its findings and recommendations on the issue of being a Category 3 development prior to proceeding to the SNPP for determination.

RECOMMENDATION (Approval)

Part A

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the Independent Public Hearing, make their findings and recommendations for Application No. DA2023/0714 for alterations and additions to an educational establishment at Lot 101 DP1159742, Lot 1 & 2 DP725754 No.212 Forest Way, Belrose having regard to the Assessment Report and conditions.

Part B

That the outcome of the Independent Public Hearing Panel’s findings and recommendations be reported to the Sydney North Planning Panel, being the consent authority for this draft conditions, including any supplementary engineering details and conditions from following Council’s Engineers provided to SNPP for their consideration.

DRAFT CONDITIONS:

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 (Stamped)				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-01	B	Site Works	Bow Goold Architects	30.5.2024
DA-02	B	Demolition Plans	Bow Goold Architects	30.5.2024
DA-03	D	Ground Floor	Bow Goold Architects	30.5.2024
DA-04	A	First Floor	Bow Goold Architects	17.5.2023
DA-05	A	Roof Plan	Bow Goold Architects	17.5.2023
DA-06	D	Sections	Bow Goold Architects	30.5.2024
DA-07	B	Elevations & Perspectives	Bow Goold Architects	5.2.2024

Landscape Drawings

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
LP01	C	Landscape Plan 01	Matthew Higginson Landscape	22.8.2023
LP02	C	Landscape Plan 02	Matthew Higginson Landscape	22.8.2023
LP03	C	Elevations	Matthew Higginson Landscape	22.8.2023
LP04	C	Schedule and Details	Matthew Higginson Landscape	22.8.202
LP05	C	Native Replenishment Planting	Matthew Higginson Landscape	22.8.2023

Engineering Drawings				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA1-01	1	Cover Sheet Notes & Legend	Sparks & Partners	24.2.2023
DA2-01	1	Sediment & Erosion Control Plan	Sparks & Partners	24.4.2023
4.00	1	Stormwater Management Plan	Sparks & Partners	24.4.2023
DA4.01	1	Ground Floor Plan	Sparks & Partners	24.4.2023
DA4.02	1	First Floor Plan	Sparks & Partners	24.4.2023
DA4.03	1	Roof Plan	Sparks & Partners	24.4.2023
DA4.04	1	Details Sheet 01	Sparks & Partners	24.4.2023
DA4.05	1	Details Sheet 02	Sparks & Partners	24.4.2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Building Code of Australia Capability Report	J23- 014A	Benchmark Building Certifiers	17.5.2023
DA Access Report	-	John Evernden	3.5.2023
Bushfire Assessment Report	230862	Building Code & Bushfire Hazard Solutions	30.5.2023

Waste Management Plan	-	Andrew Lowry - CCS	28.4.2023
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with 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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	19.6.2023
NSW Rural Fire Service	NSW RFS Referral Response	13.7.2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) Where applicable, 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) Where applicable, 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.

4. **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.
- (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.

The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(m) 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.

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$67,595.96 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$6,759,596.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building components and structural soundness

B1 - All new development below the Flood Planning Level of 158.88 AHD shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of 158.88 AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

8. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Removal and replacement of *Raphiolepis indica* with a suitable alternative.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

9. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.

- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the building works being within Covenant Christian School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

10. 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:

- a) Council’s relevant development control plan,
- b) 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
- c) 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.

11. Building Code of Australia Fire Safety Requirements

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the NCC - BCA Capability Report prepared by Benchmark Building Certifiers, dated 25/11/2022, Ref No. 220212 is 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.

12. Access and Facilities for Persons with Disabilities

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In particular, the recommendations contained in the DA Access Report, prepared by Accessible Public Domain dated 3/5/2023 are to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction

Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

13. 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.

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 Stand Plant application is required with a Traffic Management Plan for standing of construction vehicles on Council's Road Reserve

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 not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- 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 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 certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

16. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

17. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP

must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation.

Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval.

A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

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. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

20. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawing LP01, LP02, LP05 by Matthew Higginson dated 30/05/23), and inclusive of the following conditions:

- a) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s),
- b) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

21. Building Components and Structural Soundness

B2 - A suitably qualified structural engineer is to certify of the new development up to the Flood Planning Level of 158.88m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

22. Building and design works

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

(i) There are to be no doorway openings on the western ground floor side of the proposed library. All other openings or points of water ingress must be located above the FPL of 158.88m AHD.

(ii) The existing paver steps at the north-west corner of the existing building have been removed and replaced with a hob wall so water is direct north away from the building (down slope open space area).

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

23. Self-actuating flood gate – Restriction as to User and Positive Covenant

The Applicant shall lodge the Legal Documents Authorisation Application with Council for the creation of a restriction as to user and a positive covenant on the Title, pursuant to Section 88B of the Conveyancing Act 1919. The application shall include a copy of the works as executed drawings, the Flood Gate Operation and Maintenance Plan and certification from a suitably qualified engineer that the flood gate functions as intended.

The restriction as to user shall be created to:

- a) Prohibit the removal or modification of the self-actuating flood gate, and,
- b) Ensure that the flood protection offered by the self-actuating flood gate is continuous and at a minimum level 158.88 AHD. The level is

to be detailed to Australian Height Datum on the Section 88B instrument

The positive covenant shall be created requiring the proprietor of the land to maintain the self-actuating flood gate in accordance with industry and manufacturing standards.

The terms of the restriction as to user and positive covenant are to be prepared to Council's standard requirements (available from Council) at the Applicant's expense and endorsed by Council prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant and restriction.

A copy of the certificate of title demonstrating the creation of the restriction as to user and positive covenant is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure the self-actuating flood gate is installed and maintained to an appropriate operational standard.

20. Self-actuating flood gate – Operation and Maintenance Plan

A Flood Gate Operation and Maintenance Plan shall be prepared to ensure the proposed flood gate remains effective. This Plan must be attached to the School Emergency Management Plan / School Management Plan as applicable, and contain as a minimum the following:

- a) Works as executed drawings,
- b) Identification of maintenance and management responsibilities,
- c) Maintenance and emergency contact information,
- d) Funding arrangements for the maintenance of the flood gate,
- e) Maintenance schedule and procedure,
- f) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: To ensure the self-actuating flood gate is maintained to an appropriate operational standard.

24. **No Weeds Imported on to the site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

25. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

Reason: To maintain local environmental amenity.

26. **No change to the maximum permitted Student numbers**

This consent does not permit any change to increase the maximum permitted student enrolment at the school from the existing approved capacity.

Reason: Maintain consistency with DFC requirements.