

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/0127
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<b>Responsible Officer:</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 3 DP 1018621, 6 Namona Street NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster (Designated Development)
<b>Zoning:</b>	SP2 Infrastructure
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	NSW Government - Minister For Education
<b>Applicant:</b>	Department of Education

<b>Application Lodged:</b>	21/02/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	Yes
<b>State Reporting Category:</b>	Community facility
<b>Notified:</b>	02/06/2023 to 30/06/2023
<b>Advertised:</b>	30/06/2023
<b>Submissions Received:</b>	2
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 719,565.00
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### EXECUTIVE SUMMARY

The proposal seeks consent for alterations and additions to an educational establishment, namely Narrabeen North Public School (NNPS).

The application is for 'Designated Development' under Section 2.7 of State Environmental Planning Policy (Resilience and Hazards) 2021. The proposal is also 'Nominated Integrated Development' under Section 89 of the Water Management Act 2000. However, the Department of Planning and

Environment has confirmed that the proposal is exempt from controlled activity approval requirements, under 'Water Management Act (General) Regulation s41 - Works undertaken by public authorities'.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to its classification as 'Designated Development' under the Environmental Planning and Assessment Regulation 2021. This classification is based on the proposed development's location on land marked as 'Coastal Wetlands'.

Critical assessment issues included the proposal's performance against the relevant provisions of the PLEP 2014, P21 DCP, State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Resilience and Hazards) 2021. The proposal aligns well with the site's context, environmental conditions, and constraints. It is also harmonious with the existing built environment, providing a high standard of comfort for staff and students. No negative impacts on the neighborhood's character, public areas, or environmental qualities are anticipated.

As such, the proposal has been found to be consistent with the principles of SEPP (Transport and Infrastructure) 2021 and SEPP (Resilience and Hazards) 2021, alongside the relevant objectives of the PLEP and P21 DCP.

The application was advertised for two periods of 28 days and attracted two (2) submissions in objection to the proposal. The primary concerns raised in the submissions relate to:

- Access to NNPS during construction and operation of the school;
- Level of public consultation;
- Various other concerns beyond the scope of this assessment.

These concerns have been addressed in the report and do not warrant the refusal of the application, and on balance, the improvements to the NNPS are deemed beneficial in terms of the public interest.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable and appropriate development for the site.

Accordingly, the application is recommended for **APPROVAL**, subject to the conditions attached to this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application involves alterations and additions to an educational establishment (Narrabeen North Public School).

Specially, the works include:

- Removal of eight (8) trees;
- New accessible pedestrian pathways, including reconstruction of entry from Namona Street;
- New substation on Namona Street frontage with fence enclosure;
- New fire hydrant booster;
- Construction of a new 2.1 metre security fence and gate; and
- Associated landscaping works, including the planting of twelve (12) new trees.

The proposal does not seek any changes to student enrolments, staff numbers or car parking.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone SP2 Infrastructure  
 Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation  
 Pittwater Local Environmental Plan 2014 - 5.21 Flood planning  
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils  
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
 Pittwater Local Environmental Plan 2014 - 7.4 Floodplain risk management  
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection  
 Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation  
 Pittwater 21 Development Control Plan - B6.1 Access driveways and Works on the Public Road Reserve  
 Pittwater 21 Development Control Plan - B6.2 Internal Driveways  
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements  
 Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan  
 Pittwater 21 Development Control Plan - C5.1 Landscaping  
 Pittwater 21 Development Control Plan - D14.7 Front building line

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	The subject site consists of one (1) allotment on the northern side of Namona Street. The site is commonly known as North Narrabeen Public School

(NNPS).

NNPS consists of one allotment and has an area of 23,750m<sup>2</sup> and one street frontage to Namona Street. The site adjoins the NBISC to the west, R2 Low Density Residential zone to the east, and the Warriewood Sports Ground to the north.

The land is affected by SEPP (Hazards and Resilience) 2021 and contains 'coastal wetlands'. This development application involves works that affect the coastal wetlands and is therefore designated development.

The land is flood prone and falls within DPE's Biodiversity Values map.

NNPS contains concrete geodesic domes known as the 'Binishells' which are locally listed heritage items, and are on the Department of Education's S170 Heritage Register. In addition, the double shell is on the NSW State Heritage Register as part of the Binishell Collection under SHR N.2038.

NNPS includes 12 buildings and 19 demountable buildings.

In 2022, the school had an enrolment of 719 students (K to Year 6) and 62 staff.

Map:



## SITE HISTORY

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

- Development Application **N0213/05** New building containing new canteen, covered learning area and toilets - Approved by Council on 4 July 2005.
- Development Application **N0509/15** - Installation of two demountable classrooms - Approved by Council on 30 March 2016.
- Development Application **DA2020/0395** - Installation of a demountable building - Withdrawn by the applicant.
- Development Application **DA2022/1259** - Tor tree removal and tree replacement planting at North Narrabeen Public School (NNPS) and Narrabeen Sports High School (NSHS) - Approved by Council on 25 November 2022.
- Development Application **DA2022/1649** - Nominated Integrated Development - Alterations and additions to an educational establishment (Narrabeen North Public School and Narrabeen Sports High School) - Approved by SNPP on 5 June 2023.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan (P21DCP) applies to this proposal. The relevant provisions of P21DCP are discussed elsewhere in this report.
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&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a recommended condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was not requested in this instance.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures.</p>

Section 4.15 Matters for Consideration	Comments
	<p>This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a recommended condition of consent.</p> <p>Other provisions of the Regulations are relevant to the proposed Designated development. Refer to the table below for a more detailed discussion on these matters.</p>
<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>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed in the Applicants Environmental Impact Statement (EIS) and Council's assessment under the Pittwater Development Control Plan and Referrals sections in this report. In summary, the impacts are within a reasonable extent and can be appropriately managed and mitigated.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

### Designated Development - Environmental Planning and Assessment Act 1979 and Associated Regulations

The following tables discusses those matters that are relevant to the proposed development under the

Designated development provisions of both the Act and its associated Regulations.

**Environmental Planning & Assessment Act 1979 (Part 4, Division 4.3)**

**Comments**

Section 4.10 (1) Designated development - Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations

The proposed development has been identified as being Designated development under Section 2.7 of State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP). This identifies that development for which consent is required by subsection (1) within Coastal Wetlands and Littoral Rainforests Areas, is declared to be designated development.

Section 4.12 (8) - Designated development

Any application for Designated development is to be accompanied by an Environmental Impact Statement (EIS), prepared by or on behalf of the applicant in the form prescribed by the Regulations.

An EIS has been provided by the applicant, prepared by DFP Planning, dated May 2023. A discussion on the EIS's consistency with the prescribed form is provided elsewhere in this report.

Section 4.16(9) - Restrictions on determination of development applications for designated development

The application cannot be determined until the consent authority has forwarded to the Planning Secretary any submissions received during notification. The two (2) submissions received during notification were forwarded to the Secretary (acknowledged in their correspondence dated 1 August 2023), as required by Section 4.16(9).

**Environmental Planning and Assessment Regulation 2021 (Part 3, Division 5; Part 8, Divisions 2 and 5 and Schedule 3)**

**Comments**

Section 56 - Notice of development applications

The provisions of Section 56 require that Designated development be publicly notified in the following manner:

- the consent authority must publish notice of the application on the consent authority's website;
- give notice of the application to any public authorities that, in the consent authority's opinion, may have an interest in the determination of the application and persons that own or occupy the land adjoining the land to which the application relates; and
- ensure that the public notice contains the relevant information specified in Section 56(6).

The application was publicly exhibited on Council's website, for a period of 30 days, between 9 March 2023 and 6 April 2023.

Notification was made in writing to adjoining property owners to the

subject site.

The application was also referred to the following public authorities:

- NSW Department of Planning and Environment - Water;
- NSW Department of Planning and Environment - Heritage;
- Ausgrid; and
- Aboriginal Heritage Office.

Furthermore, between June 2, 2023, and June 30, 2023, the application underwent re-notification. This re-notification was deemed necessary due to a review of the available information at the time. The proposal was initially considered 'Nominated Integrated Development' according to Section 4.46 of the EP&A Act and under Section 58 of the Heritage Act. However, after consulting Heritage NSW, it was determined that the Development Application (DA) is not subject to approval under the Heritage Act. This is because the proposal does not involve any works within the established SHR curtilage.

The responses from these public authorities are discussed elsewhere in this report. In summary, no in-principle objection was raised by any of these public authorities to the proposed development.

Section 58 - Exhibition of notice of designated development application

The applicant was provided with a sign, with the necessary information, prior to the notification period commencing. The applicant has provided photographic evidence that the sign was installed on the site, in a location that was able to be read from the adjoining road reserve of Namona Street.

Section 60 - Submissions about designated development to be given to Planning Secretary

During the public exhibitions of the application as Designated Development, two (2) submissions were received from the public. These submissions have been forwarded to the Planning Secretary (on 1 August 2023), as required by Section 60.

Section 173 - Application to Planning Secretary for environmental assessment requirements

The applicant for any Designated Development is to apply to the Planning Secretary for environmental assessment requirements to be provided in the environmental impact statement that supports the application.

The NSW Department of Planning has provided the applicant with "Planning Secretary's Environmental Assessment Requirements SEARS (1718)" in correspondence dated 9 September 2022. The SEARS were used in the preparation of the EIS.

Section 176 - Notice of environmental assessment requirements

Written notice of the requirements of SEARS 1718 were received by Council on 13 September 2022.

Section 177 - Expiry of environmental assessment

SEARS (1718) was issued on 9 September 2022 and the application has been made within the 2 year period since the



requirements for State significant requirements were issued.  
development

Section 190(1) - Form of environmental impact statement / following information:  
information

- (a) *the name, address and professional qualifications of the person who prepared the statement,*
- (b) *the name and address of the responsible person,*
- (c) *the address of the land—*
- (i) to which the development application relates, or*
- (ii) on which the activity or infrastructure to which the statement relates will be carried out,*
- (d) *a description of the development, activity or infrastructure,*
- (e) *an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.*

This information is adequately provided for in the EIS.

Section 190(3) - Form of environmental impact statement / declaration

Section 190(3) requires that the person who has prepared the EIS has done so in accordance with the Regulations; all available information relevant to the proposal; and that all the information contained in the statement is not false or misleading.

The EIS (see page 21 of the EIS) affirms that these requirements have been complied with.

Section 191 - Compliance with environmental assessment requirements

Section 191 requires that the EIS contains all of the necessary requirements for assessment made under SEARS 1742. The SEARS requirements were (in summary):

- the strategic and statutory context of the subject land;
- coastal wetland;
- biodiversity and aquatic ecology;
- trees and landscaping;
- flooding;
- soil and water;
- heritage;
- utilities;
- contamination;
- hazards and risk;
- air quality;
- construction noise and vibration;
- construction traffic management; and
- construction waste management.

The EIS (see appendix A for reference table) has provided a detailed response to the SEARS. This satisfies the requirements of Section 191.

A more detailed review of the adequacy of the response to the SEARS in the EIS, is provided further in this report.

Section 192 - Content of environmental impact statement

Section 192(1) specifies certain basic content requirements for an EIS, in subsections (a) to (f).

A review of the EIS provided with the application has found that this necessary content has been provided, to the satisfactory compliance with Section 192.

Section 193 - Principles of ecologically sustainable development

Section 193 requires a consideration of the principles of ecologically sustainable development as they relate to the proposal; which include:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The EIS contains a detailed discussion on this matter within Section 6.5, which adequately considers the principles of ecologically sustainable development as they relate to the proposal.

Section 194 - Publication of environmental impact statements—the Act, s 5.8

The application has been publicly notified, most recently between the period of 2 June 2023 and 30 June 2023. The EIS was made available in hard copy form at Council offices in Dee Why, Manly, Mona Vale and Avalon. The public exhibition notice of the EIS was made available on the NSW Planning Portal. The EIS was also made available on Council's website, as both the determining authority and the Council within which the land is located. Therefore, the application is consistent with the requirements of Section 194.

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited from 02/06/2023 to 30/06/2023 in

accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

<b>Name:</b>	<b>Address:</b>
Northern Beaches Indoor Sports Centre	PO Box 1621 WARRIEWOOD SHOPPING SQUARE NSW 2102
The Academy Netball Club INC	20 Bungoona Avenue ELANORA HEIGHTS NSW 2101

The issues raised in the submissions are addressed as follows:

- **Access during construction and ongoing operation**

***The submissions raised concerns that the proposed construction access and work hours will adversely impact the use and safety of the adjacent Northern Beaches Indoor Sports Centre (NBISC) car park. Concern was also raised regarding the proposed use of the new pedestrian entry to the school from the NBISC car park and compliance with the NBISC lease conditions.***

Comment:

The subject application pertains solely to the southern setback area adjacent to Namona Street. The proposed activities within this area include the removal and replacement of trees, landscaping enhancements, and the installation of a substation and fire hydrant booster.

Furthermore, it is important to note that the amended Construction Traffic Management Plan (CTMP) has been revised. As part of this revision, there is no requirement for construction access through the NBISC car park. The anticipated impact of the proposed works and the suggested construction access route on access to and from the NBISC is not deemed unreasonable.

To ensure appropriate traffic management, a condition has been imposed. This condition mandates a thorough review and approval of the CTMP by Council's Traffic Section before a Construction Certificate can be issued.

It is crucial to highlight that there are no proposed alterations to school access through the western gate to the NBISC car park under this application. Any potential disputes regarding the NBISC lease conditions or the intended use of this entry and gate fall under the purview of the relevant parties. These matters are beyond the scope of the current assessment.

These matters do not warrant refusal of the application.

- **Public consultation**

***The submissions raised concerns that the applicant did not undertake adequate consultation with the community prior to lodgement of the application.***

Comment:

Further to Council's advertising and notification of the proposal, the applicant has provided a Community Consultation Record detailing the consultation process undertaken by the applicant from August 2022 to September 2022.

This matter does not warrant refusal of the application.

- **Fencing**

***The submissions raised concerns regarding the existing fence that is partially located on No. 7 Namona Street and has requested that the fence is realigned to follow the subject site's boundary.***

Comment:

No works are proposed to the existing fence along the western boundary under this application and as such, this matter is beyond the scope of this assessment.

This matter does not warrant refusal of the application.

- **Miscellaneous**

***The submissions raised various other concerns including vehicular access to the NBISC car park form Namona Street and the previous and future loss of car parking associated with NNPS and NSHS.***

Comment:

The above matters are unrelated to the subject application and as such, are beyond the scope of this assessment.

These matters do not warrant refusal of the application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported without conditions.</b></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Acid Sulfate)	<p><b>Supported, subject to conditions.</b></p> <p>ASS mapping indicates that the proposed work area is located within an area of high probability of ASS occurrence below 1-3 m depth.</p>

Internal Referral Body	Comments
	<p>Douglas Partners Pty Ltd have prepared an "Acid Sulfate Soil Management Plan Project 86973.04 August 2022".</p> <p>Environmental Health supports the proposal with conditions.</p>
<p>Environmental Health (Contaminated Lands)</p>	<p><b>Supported, subject to conditions.</b></p> <p><b>General Comments</b>  Relevant information is reproduced below from - Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022".</p> <p>Conclusions and Recommendations:</p> <p>Contamination identified in the soils within the investigation areas requiring consideration is largely related to asbestos. In this regard the following is noted:</p> <ul style="list-style-type: none"> <li>• Asbestos impacted areas are identified in the NNPS AMP (PB, 2013). The area in the western section of the school overlaps with some of the areas proposed to be subject to the upgrade works;</li> <li>• The historical aerial photographs show the demolition of older structures both within the investigation areas and the greater school boundaries;</li> <li>• The investigation areas include existing buildings, the footprints of which have not been investigated;</li> <li>• Asbestos was detected in soil samples TP1001A/0.2-0.4, TP1007/0-0.2, TP1008/0-0.2, BH1027/0- 0.5, as well as additional samples outside of the current investigation area on NSHS;</li> <li>• Fragments of ACM have been observed on the ground surface at A01-A04, confirmed by laboratory analysis of representative samples A02 and A04;</li> <li>• Asbestos has previously been identified in other areas of the schools (NNPS - northern and western areas as outlined in PB (2013); NSHS - HBM identified friable asbestos beneath the school hall (Building 6)); and</li> <li>• Building rubble (concrete, glass and plastic) was observed in some sample locations which can be an indicator for the potential presence of asbestos.</li> </ul> <p>The HBM reports prepared by DP also identified asbestos and other HBM in buildings within the school sites, and, as such, there is potential for HBM to further impact on surface soils as a result of demolition and refurbishment as part of the proposed works. ASS was identified in the natural soil profiles across both NNPS (predominantly in the deeper natural soil profile) and NSHS (predominantly in the natural soil around and beneath the groundwater table).</p> <p>Based on the above, the following comments and recommendations are provided:</p> <ul style="list-style-type: none"> <li>• Post demolition investigations should be conducted in the building footprints, where appropriate. Assessment would include asbestos and other COPC for comparison against the adopted SAC;</li> <li>• Development of a remediation action plan (RAP) to address the</li> </ul>

Internal Referral Body	Comments
	<p>asbestos impacted soils within the investigation areas / proposed works areas, most notably in the central, western and northern sections of the NNPS investigation area. From a contaminated land perspective, soils with low levels of asbestos (i.e., below the SAC) may not require remediation, although from DP's experience on NSW school sites, a more stringent approach has been applied on occasions resulting in all asbestos impacted soils being remediated. DP has been advised NSW Department of Education that this more stringent approach to asbestos impacted fill is to be applied for this project. Remediation approaches would typically comprise:</p> <ul style="list-style-type: none"> <li>o Dig and dump strategy which removes the impacted material from the school and disposes it to a suitable licensed disposal facility; and / or</li> <li>o Cap and contain strategy where a barrier is constructed over the impacted soils (e.g., building slab) and managed in the long term under the school's AMP.</li> </ul> <ul style="list-style-type: none"> <li>• Additional ASS assessment may be required for the new NNPS buildings depending on the final depth and nature of works, e.g., if works are limited to 2.5 m or a driven pile approach then further investigations may not be warranted;</li> <li>• Development of an ASS management plan. This is expected to be required on the NSHS site, whilst its need on the NNPS will be informed by the final depth and nature of the proposed works. In this regard, if soils on NSHS below 1.5 m bgl are proposed to be disturbed as part of the works, these would require treatment for ASS (e.g., liming);</li> <li>• For all buildings where proposed disturbance of the building materials is proposed (e.g., maintenance, refurbishment, demolition), a HBM assessment should be undertaken. Subsequently the HBM to be disturbed during the works is to be removed and disposal of by an appropriately licensed and qualified contractor, at an appropriately licensed disposal facility;</li> <li>• Validation / clearance of the works area post-demolition of buildings should be conducted by a qualified occupational hygienist upon completion of demolition and removal of the buildings. The validation / clearance is to confirm that there are no residual ACM or other HBM remaining on the site; and</li> <li>• Implementation of an unexpected finds and asbestos finds protocol by the contractor, and in agreement with the client, prior to commencing works.</li> </ul> <p>It is noted that validation of the remedial works will be required during the works by a qualified environmental consultant. In addition, final waste classification assessments of soils will be required prior to soils being disposed off-site.</p> <p>The above recommendations and future investigations should be undertaken in consultation with other relevant project consultants such as, project manager, architect, geotechnical, civil, structural, heritage, landscape and arborist. Should the scope, boundaries or depths of the proposed development change, a suitably qualified environmental consultant should be engaged to assess their implications.</p>

Internal Referral Body	Comments
	<p>In conclusion, DP considers that the investigation areas could be made suitable for the proposed school upgrade works, subject to implementation of the above recommendations and any associated remediation and / or management requirements.</p> <p>Environmental Health supports the proposal subject to conditions.</p>
<p>Environmental Health (Industrial)</p>	<p><b>Supported, subject to conditions.</b></p> <p>A noise and vibration assessment report has been produced by Acoustic Studio Construction Noise and Vibration Impact Assessment for Designated Development ref: 20230119 SVM3450.0004.Rep.CNVIA.DD.docx 19 January 2023 to determine potential proposed works under the Designated Development for Narrabeen North Public School (NNPS) as part of the Narrabeen Education Precinct project.</p> <p>Comments include :</p> <p>"The existing noise environment has been established based on long-term and short-term monitoring data. Appropriate criteria for both noise and vibration have been established based on relevant guidelines and standards. A summary of the outcomes and recommendations of this noise and vibration assessment are as follows:</p> <p>Construction Noise</p> <ul style="list-style-type: none"> <li>• Proposed construction hours are as follows: <ul style="list-style-type: none"> <li>o Monday to Friday - 7:00am to 6:00pm</li> <li>o Saturday - 8:00am to 1:00pm</li> <li>o Sunday and Public Holidays – No works.</li> </ul> </li> <li>• Based on the results from the high-level assessment based on the indicative works, we make the following comments: <ul style="list-style-type: none"> <li>o Construction works noise impacts will be greatest at existing classroom receivers adjacent to the construction sites. Noise from various plant and equipment operating individually are generally predicted to be above the NMLs due to the proximity to the nearest affected receivers but generally within the “Highly Noise Affected” noise levels. The worst-case noise impacts are for excavators with hammers with noise levels predicted to be above the NMLs by up to 28 dB (to classrooms with windows open, and 18 dB with windows closed).</li> <li>• Where NMLs are exceeded, mitigation measures to be considered and incorporated where reasonable and feasible would include: <ul style="list-style-type: none"> <li>o Schedule noisy activities to less sensitive times of the day for each nominated receiver (i.e. daytime hours).</li> <li>o Hoarding that may already be included as part of the site works can reduce noise levels by 5 to 10 dB.</li> <li>o Including Respite Periods where activities are found to exceed the 75 dB(A) Highly Affected Noise Level at receivers, such as 3 hours on and 1 hour off.</li> <li>o The predictions for noise levels above NMLs is</li> </ul> </li> </ul> </li> </ul>

Internal Referral Body	Comments
	<p>not unusual given the heavy plant and equipment that must be used, and the proximity to on campus sensitive receivers (some of which are within 20m). o Implementation of all reasonable and feasible mitigation measures for all works will ensure that any adverse noise impacts to surrounding residential, commercial and recreational receivers are minimised when NMLs cannot be met due to safety or space constraints.</p> <ul style="list-style-type: none"> <li>• Based on the scope of works and typical equipment required, there is a low potential for human perception vibration impacts on nearby NNPS and NSHS buildings and there is requirement to review works processes during detailed works planning to ensure that minor cosmetic impacts to structures are avoided. The significance of these impacts will need to be determined as part of the CEMP prepared by the Contractor.</li> <li>• The Contractor determine whether the existence of significant vibration levels justifies a more detailed investigation. Construction Environmental Management Plan • A CEMP shall be prepared further to this assessment by the engaged Contractor."</li> </ul> <p>Environmental Health supports the proposal subject to conditions.</p>
Landscape Officer	<p><b>Supported, subject to conditions.</b></p> <p>The proposal is supported with regard to landscape issues.</p> <p>Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D14 Warriewood Locality</li> </ul> <p>The Arboricultural Impact Assessment (AIA) identifies 61 trees in the scope of works, of which eight trees are proposed to be removed. Of the eight trees proposed to be removed two trees are exempt by species, trees 22 and 88, and as such do not require consent for removal. The remaining six trees can be supported for removal as 12 native tree replacements are proposed, as shown on the Landscape Plans. A Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained, and all tree protection recommendations and tree sensitive construction techniques outlined in the AIA are supported, subject to the imposed conditions.</p> <p>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>
NECC (Bushland and Biodiversity)	<p><b>Supported, subject to conditions.</b></p> <p>The proposal has been assessed against the following applicable biodiversity-related provisions:</p>



Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• NSW Biodiversity Conservation Act 2016</li> <li>• SEPP (Resilience and Hazards) - Coastal Wetlands</li> <li>• SEPP (Resilience and Hazards) - Coastal Wetlands Proximity Area</li> <li>• Pittwater LEP Clause 7.6 - Biodiversity Protection</li> <li>• Pittwater DCP Clause B4.4 - Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> </ul> <p>The proposal will result in impacts to native vegetation within the NSW Biodiversity Values Map and as such, exceeds the threshold for entry into the NSW Biodiversity Offsets Scheme (BOS). Accordingly, the Biodiversity Development Assessment Report (BDAR) has been prepared by an ecologist accredited to apply the Biodiversity Assessment Method. The BDAR has determined that the proposal will require the retirement of five (5) ecosystem credits for the 'Coastal Sand Bangalay Forest' Plant Community Type (PCT 1793) (which aligns with the Bangalay Sand Forest Endangered Ecological Community) and sixteen (16) species credits for threatened microbats.</p> <p>Given the site's designation as a Special Fire Protection Purpose development, a bushfire assessment has been prepared which recommends that: "That all grounds within the subject property are to continue to be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' and Appendix 4 of Planning for Bush Fire Protection 2019." Thus is it assumed that no further clearing of native vegetation is required to achieve compliance with PBP 2019.</p> <p>In addition to offsets, sixteen (16) locally native trees are proposed to be established to replace the six (6) prescribed native trees proposed for removal. Conditions have been applied in accordance with recommendations of the submitted BDAR and arborist report to further avoid and minimise impacts to native vegetation and wildlife habitat (including land identified on the Coastal Wetlands map), in accordance with s7.1.2 of the Biodiversity Assessment Method.</p>
NECC (Coast and Catchments)	<p><b>Supported, subject to conditions.</b></p> <p>The application has been assessed in consideration of the:</p> <ul style="list-style-type: none"> <li>• Plans and documents lodged in support of the DA;</li> <li>• Coastal Management Act 2016,</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021; and</li> <li>• Pittwater LEP 2014 and Pittwater 21 DCP.</li> </ul> <p><b>Coastal Management Act 2016</b></p>

Internal Referral Body	Comments
	<p>The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the DA. The proposed development is generally consistent with the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b></p> <p>The subject land has been included on the 'Coastal Wetlands and Littoral Rainforest Area' as well as the 'Coastal Environment Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021 (SEPP R &amp; H). Hence, Divisions 1, 3 and 5 of the SEPP R &amp; H apply to this application. In this regard please see Biodiversity Referral Assessment for comments relating to Division 1: Coastal Wetlands and Littoral Rainforest Area.</p> <p>On internal assessment, the application is considered to largely satisfy requirements under Divisions 3 and 5 of SEPP R &amp; H. As such, it is considered that the application does comply with the provisions of State Environmental Planning Policy (Resilience &amp; Hazards) 2021, subject to conditions.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>No other coastal related planning controls or development controls relevant to the subject DA were identified. As such, it is considered that the application is compliant with the coastal relevant requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p><b>Supported, subject to conditions.</b></p> <p>The subject site is flood affected and as such OSD is not required. Connection of stormwater from the proposed works to the kerb in Namona St is acceptable. The proposal includes some footpath works in the road reserve to accommodate the new pedestrian access. These works will need to be supported by Road Assets. A condition has been included for an Infrastructure application to be lodged with Council.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>
NECC (Flooding)	<p><b>Supported, subject to conditions.</b></p> <p>The development proposes to remove trees from landscape and construct a new pedestrian pathway, substation, fire hydrant booster and modification to landscaping at this site.</p> <p>Subject to conditions the development is compliant with Council's flood related development controls.</p>
NECC (Riparian Lands and Creeks)	<p><b>Supported, subject to conditions.</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Coastal Management Act 2016;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• Relevant LEP and DCP clauses; and</li> <li>• Northern Beaches Water Management for Development Policy</li> </ul> <p>The proposal is on land identified as coastal wetland and as such the development must not significantly impact on the biophysical, hydrological or ecological integrity of the coastal wetland areas, or the quantity and quality of surface and ground water flows that they receive.</p> <p>As described in the submitted Aquatic Ecology Assessment and also the Biodiversity Report, no Coastal Wetland was identified on site. Further, no watercourses were found on or immediately adjacent to the site, no significant aquatic flora was identified on site, and as a result no aquatic fauna was expected on site. A native plant community type was identified on site and the proposal includes measures to enhance the biophysical, hydrological and ecological integrity of this land as part of the proposal.</p> <p>The potential of the proposal to impact nearby coastal wetland areas and watercourses must also be mitigated, of which site soil contamination, acid sulfate soil, and groundwater are the key considerations. These factors must be managed appropriately in line with the advice of the submitted reports. Should any discharge of groundwater or tailwater be required then it must achieve Council water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.</p> <p>Appropriate sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p> <p>On assessment the application on assessment meets the requirements of the relevant Environmental Planning Instruments and policies relating to waterways, riparian areas, and groundwater.</p> <p>Please also refer to the comments in the Water Management Referral.</p>
NECC (Water Management)	<p><b>Supported, subject to conditions.</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Northern Beaches Water Management for Development Policy (WM</li> </ul>

Internal Referral Body	Comments
	Policy); and • Relevant LEP and DCP clauses  On assessment, the proposal is considered acceptable.
Road Reserve	<p><b>Supported, subject to conditions.</b></p> <p>There is no impact on existing road infrastructure.</p> <p>It is noted that the proposed development encompasses the road reserve; nevertheless, the boundary fences are intended to be constructed within the property boundary. It is further noted that the plan does not propose any permanent structure outside the property boundary on the road reserve. However, garden beds are proposed in the landscape plans-sheet 01, with grasses and ground covers planted in accordance with the planting plans.</p> <p>On that note, the proposal is supported.</p>
Strategic and Place Planning (Heritage Officer)	<p><b>Supported, subject to conditions.</b></p> <p><b>HERITAGE COMMENTS</b></p> <p>Discussion of reason for referral</p> <p>The proposal has been referred to Heritage as the subject site contains heritage items</p> <p><b>SHRN02037 - The Binishell Collection - 6 Namona Street</b></p> <p><b>Concrete Geodesic Domes</b> (Local heritage listing) - 6 Namona Street</p> <p>Details of heritage items affected</p> <p><b>The Binishell Collection</b>  <u>Statement of Significance</u>            The Binishell Collection (Department of Education) is of state heritage significance for its historic values as part of the innovative NSW Public Works Binishell Program which successfully and quickly responded to the sudden growth in public schools in NSW at the end of the 1960s and through the 1970s.</p> <p><u>Physical Description</u>            North Narrabeen Public School            This binishell structure comprises 3 multi-use Binishell buildings, two of which interconnected domes designed as a library with the third being an administration office for the school. The binishells are 18 metres in diameter and are constructed of steel and concrete with glass windows. An internal steel reinforcing frame was installed after the original construction</p> <p><b>Concrete Geodesic Domes</b>  <u>Statement of Significance</u>            The concrete geodesic domes are one of a very limited number of Binishells in Australia and one of the few remaining constructed as</p>

Internal Referral Body	Comments	
	<p>part of the NSW Department of Public Works building program for schools in the 1970s. This program sought to construct 10 binishells across the state to provide large open floor spaces for schools, using the new construction method invented by Italian architect, Dr Dante Bini. This method of construction has been used around the world, mainly to build houses. These buildings are aesthetically and technically significant as they represent a new method of public building construction in the 1970s. The North Narrabeen Binishells were the first 18 metre domes built in NSW and were one of the first such buildings in NSW public schools.</p> <p><u>Physical Description</u> The development of the Binishell process of pneumatically inflating concrete made the construction of concrete domes possible with both speed and economy, and introduced a new dimension into the range of architecture in new educational buildings in NSW The first 18 metre diameter dome to be constructed in NSW was at Narrabeen North Public School, where a three-domed complex was erected. The project consisted of 2 interconnected domes, which were designed to be used as a library, while a third binishell served as an administration office for the school.</p>	
	<p><b>Other relevant heritage listings</b></p>	
	<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>	<p>No</p>
	<p>Australian Heritage Register</p>	<p>No</p>
	<p>NSW State Heritage Register</p>	<p>Yes Building B, the double shell is on the state register and a curtilage has been established around it.</p>
	<p>National Trust of Aust (NSW) Register</p>	<p>Yes The shell's at North Narrabeen are on the Trust's register</p>
	<p>RAIA Register of 20th Century Buildings of Significance</p>	<p>No</p>
	<p>Other</p>	<p>Yes Both Building A and B are on the Department of Education's S170 register</p>
	<p><b>Consideration of Application</b></p>	
	<p>The proposal has been referred to Heritage as the subject site contains heritage items known as the Binishells. The double shell known as Building B is listed on the State Heritage Register as part of the Binishell Collection. The single shell known as Building A is listed on the Pittwater Local Environmental Plan 2014 as a local heritage item.</p> <p>There is a broader program of works occurring at North Narrabeen Public School under a variety of different pathways. This proposal seeks consent for tree removal and replacement plantings,</p>	

Internal Referral Body	Comments
	<p>landscaping, pathways and new services. The works will take place at the front of the site, closest to the Namona Street frontage and away from the Binishells. The works will also establish the new main entrance to the site with a view corridor through the site to the Binishells. As the works are located away from the shells and will improve visibility of the heritage item from Namona Street, Heritage raises no objections to this proposal.</p> <p>The proposal has also included a Heritage Impact Statement which provided an assessment of the proposal. It has recommended approval of the development with conditions for a stop works procedure for unexpected finds, photographic archival recording of the Binishells, and the appointment of a heritage specialist to guide development on the site. Heritage agrees with these recommendations and has provided conditions for them.</p> <p>Therefore Heritage raises no objections to the proposal and requires three conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No  Has a CMP been provided? No  Is a Heritage Impact Statement required? Yes  Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p><b>Supported, subject to conditions.</b></p> <p>The development application is for ancillary works to support the existing Narrabeen North Public School. The proposed works are not of a traffic generating nature and as there is no associated increase in staff or student numbers there is no parking impact. The works include changes to facilitate accessible paths through the site which will improve pedestrian access and this is a positive outcome that is supported. It is however noted that the main accessible ramp off Namona Street includes construction of ramps and retaining walls over the Namona Street Road Reserve and linking to the existing footpath with removal of the existing steps on the nature strip area also proposed. Council's Development Engineers will require these works to be the subject of a separate Roads Act approval which the development engineer will need to condition.</p> <p>It is noted that 50 bicycle rails are also proposed as part of the development works. Both of the accessible ramp and bicycle rack works will facilitate active travel to and from the site and an improved standard of access to the school . A preliminary construction management plan has been lodged which provides some information relating to construction traffic management aspects however a full construction traffic management plan will be required to ensure construction impacts on the school operations and surrounding residential area and road network will be appropriately managed.</p>

Internal Referral Body	Comments
	There are no traffic engineering concerns relating to the development application subject to conditions.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><b>Supported, subject to conditions.</b></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
Aboriginal Heritage Office	<p><b>Supported, with conditions</b></p> <p>An Aboriginal cultural heritage due diligence assessment was undertaken by Kayandel Archaeological Services in November 2022. The report recommends the following:</p> <ol style="list-style-type: none"> <li>1. No further assessment of the Aboriginal heritage within the Subject Area is required to inform the DA for the proposed works (refer to Section 9);</li> <li>2. Should the proposed works be amended and result in potential impacts to areas previously not inspected as part of this assessment, further investigations may be required;</li> <li>3. All relevant staff and contractors should be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction;</li> <li>4. If, during the course of development works, suspected Aboriginal cultural heritage material is uncovered, work should cease in that area immediately. Heritage NSW should be notified Narrabeen Education Precinct Redevelopment, and works only recommence when an approved management strategy has been developed;</li> <li>5. In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The Proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene, or possible Aboriginal remains. If the remains are thought to be Aboriginal, Heritage NSW must be contacted by ringing the Enviroline 131 555. A Heritage NSW officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence; and,</li> <li>6. A copy of the final report should be sent to the Registered Aboriginal Parties (RAPs) identified in Table 4.</li> </ol> <p>The Aboriginal Heritage Office agrees with the recommendations put forward by Kayandel Archaeological Services.</p>
Nominated Integrated Development - Department of Planning and Environment	<p><b>Supported without conditions.</b></p> <p><u>DPE Water Comment:</u></p>

External Referral Body	Comments
- Water - Water Management Act 2000, s89 - Water use approval to use water for a particular purpose at a particular location	<p>The Department of Planning and Environment—Water has reviewed documents for the above development application and considers that, for the purposes of the <i>Water Management Act 2000</i> (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.</p> <p>Exemption: Water Management Act (General) Regulation s41 - Works undertaken by public authorities.</p>
Nominated Integrated Development - Heritage NSW - Heritage Act 1977	<p><b>Supported without conditions.</b></p> <p><u>Heritage Council of NSW Comment:</u> HNSW is bound by this definition of 'land' and if the works are not within the hatched area of the SHR curtilage, the DA does not require approval by the Heritage Council of NSW.</p> <p>Therefore the referral of the current DA in CNR and HMS should be withdrawn.</p> <p><u>Planner Comment:</u> The subject application does not involve any works within the established SHR curtilage, no further assessment is required in this instance.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

### SEPP (Transport and Infrastructure) 2021

#### 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.

### **Chapter 3 – Educational establishments and child care facilities**

#### **Part 3.4 - SCHOOLS**

Part 3.4, Section 3.36 of Chapter 3 stipulates that:

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

*(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*

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

#### **Principle 1 – context, built form and landscape**

***Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.***

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

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

Comment:

The central portion of the site contains 'Binishells' of state and local heritage significance while the southern setback area to Namona Street comprises a densely vegetated coastal wetland area. The works subject to this application are only located within the southern setback area to Namona Street and involves the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster. The proposal incorporates new landscaping and includes a net increase of 4 trees that will contribute to on-site amenity and offset any environmental impacts.

#### **Principle 2 – sustainable, efficient and durable**

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

***resources and reduce waste and encourage recycling.***

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

Comment:

The broader program of works being undertaken at NNPS and NSHS incorporates sustainability considerations including solar control, cross-ventilation, PV panels, use of recycled materials and flexible layouts. It is noted that the application is accompanied by an Environmentally Sustainable Design (ESD) Report. The proposed design measures are anticipated to minimise the consumption of energy, water and natural resources, reduce waste and encourage recycling.

### **Principle 3 – accessible and inclusive**

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

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

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

Comment:

The proposed landscape design and travel paths facilitate wayfinding and improved access to and around the school grounds.

### **Principle 4 – health and safety**

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

Comment:

The proposed redevelopment of the primary entrance from Namona Street will allow an accessible and secure path of travel to the existing building and the school grounds.

### **Principle 5 – amenity**

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

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

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

Comment:

The revised landscaping scheme within the Namona Street frontage will result in a net increase of 4 trees that will contribute to the local amenity. In addition, the proposal will create new open learning spaces within the southern setback.

**Principle 6 – whole of life, flexible and adaptive**

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

Comment:

The subject application forms part of the Narrabeen Education Precinct Masterplan, which seeks to provide flexibility in relation to both daily use and long-term change of function to meet current and future needs.

**Principle 7 – aesthetics**

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

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

Comment:

The proposed landscape setting softens the visual bulk of the built form as viewed from surrounding land.

**Conclusion**

The proposal is considered to achieve the design quality principles and contribute to the quality of the site and surrounding locality.

**SEPP (Resilience and Hazards) 2021**

**Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

**Division 1 Coastal Wetlands and littoral rainforest area**

**2.7 Development on certain land within coastal wetlands and littoral rainforests area**

- 1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:

- a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,
- b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,
- c) the carrying out of any of the following:
  - i) earthworks (including the depositing of material on land),
  - ii) constructing a levee,
  - iii) draining the land,
  - iv) environmental protection works,
- d) any other development

## **2.8 Development on land in proximity to coastal wetlands or littoral rainforest**

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
  - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
  - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

### Comment:

The site contains areas identified as 'coastal wetlands' and 'proximity areas for coastal wetlands'. As such, Clauses 2.7 and 2.8 apply to the development.

The proposed works are located within the areas of the site identified as 'coastal wetlands'. The application involves the removal of native vegetation within the coastal wetland and is therefore designated development as per subsection (2) of this clause. The proposal has been reviewed by Council's Coastal, Riparian Lands, Water Management, Environmental Health, and Bushland & Biodiversity Officers who have raised no objection to the works and their impacts to the surrounding natural environment.

The application is also supported by a *Aquatic Ecology Assessment* prepared by ADE Consulting Group Pty Ltd which concludes "*Field surveys contained within the report by LandEco (2022) and ADE (2022) found that there is no Coastal Wetland present on the Site. The BDAR Assessment (LandEco, 2022) prepared to address the clearing of vegetation within the mapped Coastal Wetland Area found that this vegetation conforms to 'Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions' which is not recognized as having wetland values.*" This report makes a series of environmental management measures to mitigate any potential residual impacts on aquatic biodiversity and habitat as a result of the project. The recommendations of this report will be included within any consent. Appropriate conditions have also been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management report, Construction Environmental Management Plan, Waste Management Plan and Remedial Action Plan.

Therefore, it can be concluded that the proposal is reasonably sited, designed and will be managed to avoid an adverse impact upon the coastal wetland areas.

### **Division 3 Coastal environment area**

#### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - f) Aboriginal cultural heritage, practices and places,
  - g) the use of the surf zone.

#### Comment:

Council's Natural Environment referral sections raised no concerns in relation to the impacts of the proposal on the natural environment, coastal values and processes, water quality or marine vegetation subject to the recommended conditions of consent. The proposal will not impact upon foreshore access or the surf zone. The application was also referral to the Heritage Council of NSW, the Aboriginal Heritage Office and Council's Heritage Officer, none of whom raised objection to the works, subject to conditions.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### Comment:

Council is satisfied that the proposal will have no adverse impacts in relation to the matters referred to in subsection (1).

### **Division 4 Coastal use area**

#### **2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- i) existing, safe access to and along the foreshore, beach, headland or rock
  - ii) platform for members of the public, including persons with a disability,
  - iii) overshadowing, wind funnelling and the loss of views from public places to
  - iv) foreshores,
  - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
- b) is satisfied that:
- i) the development is designed, sited and will be managed to avoid an
  - ii) adverse impact referred to in paragraph (a), or
  - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed works are appropriately sited and will not cause adverse impacts in relation to foreshore access, overshadowing, views, visual amenity or Aboriginal or built heritage values.

**Division 5 General**

**2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposal is unlikely to cause increased risk of coastal hazards on the site or surrounding land.

As such, it is considered that the application with the requirements of Chapter 2 of the State Environmental Planning Policy (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.

In response to the above requirements of Chapter 4, the applicant has submitted a Preliminary Environmental Site Investigation dated 6 March 2020, prepared by Douglas Partners. In its conclusion, the investigation states:

*"In summary, whilst noting the preliminary nature of this assessment, gross widespread chemical contamination of the site does not appear to be prevalent, however, the primary risk driver for soil contamination, and likely future soil management, is considered to be associated with asbestos.*

ASS was identified in the natural soil profiles across both NNPS (predominantly in the deeper natural soil profile) and NSHS (predominantly in the natural soil around and just beneath the groundwater table).

In regard to groundwater, DP does not consider there to be broad or significant contamination of the groundwater within the investigation areas. This is generally consistent with the field observations and chemical analysis results of site soils (fill and natural).

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, sub-section 4.6 (1)(b) and 7(1)(c) of this chapter must be considered."

Sub-section 4.6(1)(b) stipulates that if the land is contaminated, the consent authority must be "satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out".

Given the claimed potential of contamination on the site as noted in the Phase 1 Investigation, a Phase 2 Environmental Site Assessment should be provided to confirm whether contamination is actually present, at what levels and at what locations. A Detailed Site Investigation dated 17 August 2022, prepared by Douglas Partners, has been provided which confirms the location and type of contaminants on the site and provides recommendations for the remediation of the site to enable the development to be safely carried out. In its conclusion, the investigation states:

*"In conclusion, DP considers that the investigation areas could be made suitable for the proposed school upgrade works, subject to implementation of the above recommendations and any associated remediation and / or management requirements."*

The application is also accompanied by the following reports prepared by Douglas Partners, which are incorporated into the recommended conditions of consent:

- Acid Sulfate Soil Management Plan; and
- Remediation Action Plan.

In this regard, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the Detailed Site Investigation and supplementary reports are included as conditions in the Recommendation of this report.

Sub-section 4.6 (1)(c) stipulates that "if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the Detailed Site Investigation and supplementary reports are included as conditions in the Recommendation of this report.

#### **Pittwater Local Environmental Plan 2014**

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

zone objectives of the LEP?	Yes
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Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings	8.5m	2.1m (Security fence)	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.4 Floodplain risk management	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

**Zone SP2 Infrastructure**

The subject site is zoned SP2 Infrastructure, with the purpose of that infrastructure being specified on the Land Zoning Map LZN\_019 of the PLEP 2014 being '**Educational Establishment**'.

The Dictionary of the PLEP 2014 defines educational establishment as:

**Educational establishment** means a building or place used for education (including teaching), being

(a) a school, or

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

NNPS is a **school** as defined under the *Education Act 1990* and therefore the development is permitted with consent.

**5.10 Heritage conservation**

NNPS (Public School) contains several concrete geodesic domes known as "The Binishell Collection" that are of state and local heritage significance.

Accordingly, the application was referred to Council's Heritage section and the Heritage Council of NSW. The Heritage Council of NSW advised that approval was not required as the works subject to



this application were located outside of the established SHR curtilage. Council's Heritage section raised no objection to the proposal subject to the recommended conditions of consent.

The site is in proximity to areas mapped as high and extremely high potential for Aboriginal sites. An Aboriginal cultural due diligence assessment was submitted with the proposal and the application was referred to the Aboriginal Heritage Office, who raised no objection subject to the recommendations of the submitted due diligence assessment.

## 5.21 Flood planning

The site is located within the low, medium and high risk precincts on Council's Flood Hazard map.

The application was referred to Council's Floodplain Engineering section, who raised no objection to the proposal subject to the recommended conditions of consent

## 7.1 Acid sulfate soils

Under this clause, development consent must not be granted for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

Specifically subclause (2) and (3) provide:

*(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

<b>Class of land</b>	<b>Works</b>
1	Any works
2	Works below the natural ground surface Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface Works by which the watertable is likely to be lowered more than 1 metre below the na
4	Works more than 2 metres below the natural ground surface.  Works by which the watertable is likely to be lowered more than 2 metres below the n.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Au:

*(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

The site is located in an area identified as Acid Sulfate Soil Class 3, as indicated on Council's Acid Sulfate Soils Planning Map.

The development is supported by an addendum to the Acid Sulfate Soil Management Plan (ASSMP) (prepared by Douglas Partners Pty Ltd, August 2022), which states the following:

*"The information from previous investigations along with the recommendations and procedures outlined in the relevant aforementioned reports for works at NNPS should also be applied to the DD works (subject application). Hence this information is considered to address the Planning Secretary's*

*Environmental Assessment Requirements (ref: SEAR 1718 dated 9 September 2022) associated with geotechnical and contamination issues. It is also noted that the recommendations and procedures are considered by DP to not significantly impact the Coastal Wetland Zone that is mapped to be present in the southern section of NNPS."*

The application was referred to Council's Environmental Health section, who raised no objection to the proposal subject to the recommended conditions of consent.

## **7.2 Earthworks**

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

*(e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment: The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment: The subject site is located within Coastal Wetlands and an Aquatic Ecology Assessment was submitted with the application. The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management, Environmental Health, and Bushland & Biodiversity Officer who have raised no objection to the works and their impacts to the surrounding natural environment.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The proposed earth works will not result in an adverse impact on the Binishell Collection (SHRN02037) as the development will only be carried out within the southern portion of the site that is well outside established SHR curtilage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

#### **7.4 Floodplain risk management**

The site is located within the low, medium and high risk precincts on Council's floor hazard map.

The application was referred to Council's Floodplain Engineering section, who raised no objection to the proposal subject to the recommended conditions of consent.

#### **7.6 Biodiversity protection**

The site contains coastal wetlands and falls within Council's Biodiversity Map and DPE's Biodiversity Values Map.

The application was referred to Council's Bushland and Biodiversity section, who raised no objection to the proposal subject to the recommended conditions of consent.

#### **Pittwater 21 Development Control Plan**

##### Built Form Controls

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
Front building line	Merit Assessment	Nil (Pathway)	N/A	Yes
Rear building line	N/A	N/A	N/A	N/A
Side building line	N/A	N/A	N/A	N/A
Building envelope	3.5m	Within Envelope	N/A	Yes
	3.5m	Within Envelope	N/A	Yes
Landscaped area	N/A	N/A	N/A	N/A

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.5 Accessibility	Yes	Yes
C5.7 Energy and Water Conservation	Yes	Yes
C5.8 Waste and Recycling Facilities	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
C5.15 Undergrounding of Utility Services	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.22 Environmental Sustainability	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14.7 Front building line	Yes	Yes

#### Detailed Assessment

#### **B4.22 Preservation of Trees and Bushland Vegetation**

The proposal seeks consent for the removal of eight trees (including two exempt trees) across the southern setback area. The landscape plans propose 12 native tree replacements within this area.

The application was referred to Council's Natural Environment sections (Bushland and Biodiversity, Coast and Catchments, Landscaping and Riparian Lands and Creeks), who raised no objection to the proposal, subject to the recommended conditions of consent.

#### **B6.1 Access driveways and Works on the Public Road Reserve**

The proposal does not include any alteration of access driveways. The works within the public road reserve have been reviewed by Council's Road Asset division and are subject to approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

#### **B6.2 Internal Driveways**

The proposal does not include any changes to vehicular access within the site.

#### **B6.3 Off-Street Vehicle Parking Requirements**

The proposal does not seek any increase to staff or student numbers and will not result in any change to car parking requirements or provision.

#### **B8.6 Construction and Demolition - Traffic Management Plan**

The proposal includes a Construction Traffic Management Plan and conditions are recommended in relation to further review and implementation of this plan.

#### **C5.1 Landscaping**

Council's Landscape Officer raised no objection to the proposal and has recommended appropriate conditions to ensure that the outcomes of the control are achieved.

#### **D14.7 Front building line**

#### Merit Assessment

There is no numerical front setback requirement applicable to the site and the control requires a merit assessment.

The proposal involves reconstructing the main entry from Namona Street, which is located on a nil setback. The retention of the densely vegetated setback to Namona Street ensures consistency with the outcomes of the control.

Based on the above assessment, the proposal complies with the control on merit.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$7,196 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$719,565.

### **CONCLUSION**

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

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

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

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

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

### **PLANNING CONCLUSION**

This is a Crown Development Application for alterations and additions to an Educational

Establishment, and has been referred to the Northern Beaches Local Planning Panel (NBLPP) as it is classified as 'Designated Development'.

The proposal has been assessed against the relevant provisions of the PLEP 2014, P21 DCP, State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Resilience and Hazards) 2021.

The proposed works are sited and designed to avoid adverse impacts to the environmental and heritage values of the land and the amenity of surrounding residential and public land.

The proposal will improve the amenity and function of the school and provide flexible spaces to meet the current and future needs of the students and staff.

The concerns raised in the objections have been addressed in this report and do not warrant refusal of the application.

Conditions of consent are recommended in response to the concerns and referral issues where deemed necessary. These conditions have been reviewed and endorsed by the Department of Education.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for **APPROVAL**.  
It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/0127 for Alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster (Designated Development) on land at Lot 3 DP 1018621, 6 Namona Street, NORTH NARRABEEN, subject to the conditions printed below:

### Terms and Reasons for Conditions

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

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
LA-DD-P-0120 - Rev A: Tree Removal	14 November 2022	DesignInc
LA-DD-P-0140 - Rev A: Site Plan	14 November 2022	DesignInc
LA-DD-P-1001 - Rev A: General Arrangement 01	14 November 2022	DesignInc
LA-DD-P-1002 - Rev A: General Arrangement 02	14 November 2022	DesignInc
LA-DD-P-1003 - Rev A: General Arrangement 03	14 November 2022	DesignInc
LA-DD-P-1004 - Rev A: General Arrangement 04	14 November 2022	DesignInc
LA-DD-P-1101 - Rev A: Fencing Plan	14 November 2022	DesignInc
LA-DD-P-2001 - Rev A: Planting Plan 01	14 November 2022	DesignInc
LA-DD-P-2002 - Rev A: Planting Plan 02	14 November 2022	DesignInc
LA-DD-P-2003 - Rev A: Planting Plan 03	14 November 2022	DesignInc
LA-DD-P-2004 - Rev A: Planting Plan 04	14 November 2022	DesignInc
LA-DD-P-3004 - Rev A: Section/Elevation 01	14 November 2022	DesignInc
LA-DD-P-3005 - Rev A: Section/Elevation 02	14 November 2022	DesignInc
LA-DD-P-4001 - Rev A: Typical Details 01	14 November 2022	DesignInc
LA-DD-P-4002 - Rev A: Typical Details 02	14 November 2022	DesignInc



LA-DD-P-4003 - Rev A: Typical Details 03	14 November 2022	DesignInc
LA-DD-P-4004 - Rev A: Typical Details 04	14 November 2022	DesignInc
LA-DD-P-0011 - Rev A: Schedules / Palette	14 November 2022	DesignInc

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
6683-CV-0002 - Rev C: Notes Sheet	25 January 2023	Enstruct
6683-CV-4001 - Rev C: Stormwater Drainage Plan Sheet 2	25 January 2023	Enstruct

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Aboriginal Cultural Heritage Assessment Report	Ver. 7.0, 7 November 2022	Kayandel Archaeological Services
Acid Sulfate Soil Management Plan	Rev. 0, 17 August 2022	Douglas Partners
Aquatic Ecology Assessment	Rev. Final, 1 February 2023	ADE Consulting Group
Arboricultural Impact Assessment	Rev. 8, 8 November 2022	Independent Arboricultural Service
Biodiversity Development Assessment Report	Rev. Final 1.0, 2 February 2023	Land Eco Consulting
Bushfire Assessment Statement	Rev. 0, 31 January 2023	Building Code & Bushfire Hazard Solutions
Construction Traffic Management Plan	Rev. 03, 5 July 2023	Ason Group
Detailed Site Investigation (Contamination)	Rev. 0, 17 August 2022	Douglas Partners
Flood Risk and Impact Assessment	Rev. Final, 20 January 2023	BMT
Geotechnical Investigation	Rev. 0, 5 March 2020	Douglas Partners
Geotechnical Investigation	Rev. 1, 5 September 2022	Douglas Partners
Heritage Impact Statement	Rev. 3, 27 January 2023	City Plan
Noise and Vibration Impact Assessment	Rev. Final 1.1, 19 January 2023	Acoustic Studio

Preliminary Construction Management Plan	Rev. 7, 1 February 2023	Johnstaff Projects
Preliminary Site Investigation (Contamination)	Rev. 0, 6 March 2020	Douglas Partners

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LA-DD-P-1001 - Rev A: General Arrangement 01	14 November 2022	DesignInc
LA-DD-P-1002 - Rev A: General Arrangement 02	14 November 2022	DesignInc
LA-DD-P-1003 - Rev A: General Arrangement 03	14 November 2022	DesignInc
LA-DD-P-1004 - Rev A: General Arrangement 04	14 November 2022	DesignInc
LA-DD-P-1101 - Rev A: Fencing Plan	14 November 2022	DesignInc
LA-DD-P-2001 - Rev A: Planting Plan 01	14 November 2022	DesignInc
LA-DD-P-2002 - Rev A: Planting Plan 02	14 November 2022	DesignInc
LA-DD-P-2003 - Rev A: Planting Plan 03	14 November 2022	DesignInc
LA-DD-P-2004 - Rev A: Planting Plan 04	14 November 2022	DesignInc
LA-DD-P-4001 - Rev A: Typical Details 01	14 November 2022	DesignInc
LA-DD-P-4002 - Rev A: Typical Details 02	14 November 2022	DesignInc
LA-DD-P-4003 - Rev A: Typical Details 03	14 November 2022	DesignInc
LA-DD-P-4004 - Rev A: Typical Details 04	14 November 2022	DesignInc
LA-DD-P-0011 - Rev A: Schedules / Palette	14 November 2022	DesignInc

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	Ver 1. 18 January 2023	MRA Consulting Group

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	20 March 2023
Aboriginal Heritage Office	AHO Referral Response	6 March 2023

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

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

Reason: Legislative Requirement.

**4. General Requirements (Crown Land Only)**

(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,
- 8.00 am to 1.00 inclusive on Saturday.

(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) 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.

(c) 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.

(d) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(e) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways,

parks or grass verges without Council Approval.

(f) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(g) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent or DA2022/1259 or DA2022/1649 including for the erection of any fences, hoardings or other temporary works.

(j) 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.

(k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

#### 5. **Compliance with Standards (Crown Land Only)**

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

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

#### 6. **Sewer / Water Quickcheck (Crown Land Only)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- o Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- o Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- o Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

#### 7. **Staff and Contractor Parking**

All Staff and Contractors are to be encouraged to use public transport, or carpool to the work site, if driving to the work site they are to park off-street rather than parking on street whenever off-street parking is available. Any barricading/fencing of parking spaces must be approved in advance by Council.

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

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### 18. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

a) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) tree protection requirements and works outlined in the Tree Management Plan (TMP) - Works Progress Development Phase, and drawing TMP Sheet 1,
- ii) additionally, the Project Arborist shall be in attendance and supervise any landscaping works within the TPZ of all existing trees to be retained.

b) Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

c) All tree protection measures specified 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 Project Arborist shall provide certification to the Crown Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

d) Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**19. Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended and identified by tree number in the Arboricultural Impact Assessment):

a) tree 2 - *Angophora costata*, tree 30 - *Eucalyptus botryoides*, tree 39 - *Glochidion ferdinandi*, tree 176 - *Eucalyptus botryoides*, tree 182 - *Eucalyptus robusta*, tree 183 - *Banksia integrifolia*,  
b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: tree 22 – *Cinnamomum camphora*, and tree 88 – *Cupaniopsis anacardioides* are exempt by their species and can be removed without Council consent.

Reason: To enable authorised development works.

**20. Work Zones and Permits**

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

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

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

**21. Submission of Minor Encroachment Application for Works in the Public Road**

The applicant is to submit a Minor Encroachments/ Constructions With Road Reserve Application for approval of landscaping works within the public road reserve(Form #4033).

The applicant is to enter into any appropriate agreements with Council. All costs related to the above application are to be borne by the applicant.

No work shall commence until written approval has been obtained from Council.

Reason: To ensure private works within the public road reserve are constructed in accordance with relevant standards and Council's specification and assign the responsibility for the structures on Council road reserve to the property owner.

**22. Noise Management preparation before and during works**

1. Prior to commencement of works neighbouring and on site affected receivers shall be notified in writing of noise implications and how these will be managed, as outlined in the Acoustic Review "Construction Noise and Vibration Impact Assessment for Designated Development by Acoustic Studio 19 January 2023" and measures put in place as recommended in the report to minimise nuisance by Noise and Vibration
2. A complaint register, including any action taken, shall be maintained on site during works.
3. The Crown Certifier is to be satisfied contractors are meeting the objectives of the Construction Noise and Vibration Impact Assessment.

Reason: To minimise nuisance by Noise and Vibration

**23. Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the proposed pedestrian access path and reinstatement of the existing stairs in Namona St which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. Plan and sections including proposed and existing levels.
2. Retaining wall details.
3. Services plan and concurrence from relevant service authority for any relocation required to suit the works.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Crown Certifier prior to the issue of the Relevant Crown Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

**24. Contaminated Land Requirements**

Prior to the issue of the Construction Certificate or Relevant Crown Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Crown Certifier. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Reports Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022" are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works and notification to the Council and Principal Certifier.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
  - (a) During construction in order to monitor water and soil quality the following is to be implemented:
    - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
    - ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling

Design Guidelines.

- (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
  - i) Fortnightly during excavation works
  - ii) Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

- f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997; and
- ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

The following standards applied at the time of determination:

- i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
  - o 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (\*) site at (\*), to the subject premises.
  - o Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
  - o Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Certifier (prepared in accordance with the Department of Environment & Climate Change's guidelines).

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

## DURING BUILDING WORK

### 25. Acid sulfate soils

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan by Douglas Partners Pty Ltd " Acid Sulfate Soil Management Plan Project 86973.04 August 2022".



Reason: To ensure management of potential acid sulfate soils.

**26. Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Crown Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

**27. 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 Crown 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 Crown 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.

**28. Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

**29. Compliance with BDAR Recommendations – During Construction and Demolition**

All 'during-construction and demolition' biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

**30. Wildlife Protection**

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

Reason: To protect native wildlife.

**31. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

**32. Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

**33. 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.

**34. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Crown Certifier.

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

**35. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**36. Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Crown Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

37. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Crown Certifier and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

38. **Unexpected Finds**

While site work is being carried out, if a person reasonably suspects archaeological deposits or a relic is discovered, the work in the area of the discovery must cease immediately and the Heritage Council must be notified. Site work may recommence at time confirmed in writing by the Heritage Council.

Reason: To ensure the protection of objects of potential significance during works

39. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Crown Certifier.

Reason: To protect human health and the environment.

40. **Compliance with the Contamination Management Plan**

The requirements of the Contamination Management Plan required by this consent and the report by Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022" are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

41. **Dust Control**

Dust control measures including best practice, and in accordance with NSW Workplace Health and Safety Regulations and the Protection of the Environment Operations Act 1997, shall be implemented to minimise dust to neighbouring residents, student and businesses and ensure any airborne substance is kept within the boundaries of the site

Measures may include but not be limited to:

- Water sprays
- Bunker storage
- Limiting size of stockpiles and covering stock piles
- Vertical barriers e.g. fencing with fine mesh attached
- Exhaust and capture

Reason: To minimise dust to neighbouring residents, students and businesses and avoid air pollution

42. **Pollution Control**

All stockpiles, materials, waste and slurry associated with works (including excavated material) are to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste and debris is to be removed off site and disposed of as frequently as required in accordance with the Waste Management Plan and applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.

43. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

Details demonstrating compliance are to be submitted to the Crown Certifier within seven (7) days of transport and made available to Council upon request.

Reason: For protection of environment.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

44. **Acid Sulfate Soil Management Confirmation**

Details demonstrating compliance during works with the approved Acid Sulfate Soil Management Plan by Douglas Partners Pty Ltd " Acid Sulfate Soil Management Plan Project 86973.04 August 2022" is to be submitted to the satisfaction of the Crown Certifier prior to the issue of the Relevant Crown Occupation Verification Certificate.

Reason: To ensure management of potential acid sulfate soils.

45. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plan(s), and inclusive of the following conditions:

- a) all tree planting shall be a minimum pre-ordered planting size of 100 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s),
- c) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- d) 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 any Relevant Crown Occupation Verification Certificate details from a landscape architect or landscape designer shall be submitted to the Crown Certifier certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

46. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Relevant Crown Occupation Verification Certificate, a report prepared by the Project Arborist shall be submitted to the Crown Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

47. **Compliance with BDAR Recommendations – Post Construction and Demolition**

All post-construction biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

48. **Protection of Habitat Features – Certified by Ecologist**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

Reason: To protect wildlife habitat.

49. **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 Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

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

50. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the Crown Certifier prior to the issue of a Relevant Crown Occupation Verification Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the

development.

**51. Waste Management Confirmation**

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

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

**52. Validation for Remediation**

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation.

The report shall reference the report by Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022 and stipulate that compliance with all recommendations and processes during works have been achieved.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: To ensure environmental amenity is maintained.

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

**53. 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.

**54. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

**55. Dewatering Management**

Discharge of groundwater or tailwater must achieve the following water quality targets in addition to any conditions/ documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment

Operations Act 1997 and Contaminated Lands Act 1997.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. If an alternative solution is required, you must contact Council's Catchment Team at [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au)

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Council proactively regulates construction sites for sediment management.

Reason: Protection of the receiving environment and groundwater resources and to ensure discharges remain within the capacity of the local stormwater system or waterway.