

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

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| Panel Reference | PPSSNH-347 |
| DA Number | DA2022/1649 |
| LGA | Northern Beaches |
| Proposed Development | Alterations and additions to an educational establishment |
| Street Address | Lot 12 DP 1119562, 10 Namona Street NORTH NARRABEEN NSW 2101 Lot 3 DP 1018621, 6 Namona Street NORTH NARRABEEN NSW 2101 |
| Applicant/Owner | Department of Education NSW Government - Minister For Education and Early Learning |
| Date of DA lodgement | 18/10/2022 |
| Number of Submissions | 11 |
| Recommendation | Approval |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011) | Crown development application for private infrastructure and community facilities over \$5 million |
| List of all relevant s4.15(1) (a) matters | |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> - Architectural plans - Statement of Environmental Effects - Clause 4.6 request - 6 Namona Street - Clause 4.6 request - 10 Namona Street - CTMP (amended) - Design Statement |
| Clause 4.6 requests | Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards |
| Summary of key submissions | <ul style="list-style-type: none"> - Access to NNPS during construction and operation of the school - Level of public consultation - Condition of the heritage-listed Binishells at NNPS - Various other concerns beyond the scope of this assessment |
| Report prepared by | Adam Croft, Principal Planner |
| Responsible Officer | Adam Croft, Principal Planner |
| Report date | 15 May 2023 |

Summary of s4.15 matters

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

YES

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

YES

Clause 4.6 Exceptions to development standards

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| If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | YES |
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Special Infrastructure Contributions

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| Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions | NO |
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Conditions

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| Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report | YES |
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EXECUTIVE SUMMARY

The proposal seeks consent for major alterations and additions to two educational establishments, namely; Narrabeen North Public School (NNPS) and Narrabeen Sports High School (NSHS).

The application is 'Nominated Integrated Development' under s89 of the *Water Management Act 2000* and s58 of the *Heritage Act 1977*. The Department of Planning and Environment advise that the proposal is exempted from the controlled activity approval requirement by '*Water Management Act (General) Regulation s41 - Works undertaken by public authorities*'. The Heritage Council of NSW provided general terms of approval (attached to this report) in accordance with s4.47 of the *Environmental Planning and Assessment Act 1979*.

The application is referred to the Sydney North Planning Panel for determination as the proposal is a Crown Development Application relating to an educational establishment with a capital investment value (CIV) greater than \$5 million.

Critical assessment issues included the proposal's performance against the relevant provisions of the PLEP, P21 DCP, State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Resilience and Hazards) 2021. The proposal is considered to respond appropriately to the site context and environmental qualities and constraints, and is compatible with the height, bulk and scale of existing buildings on the school sites. The resultant development will provide a high level of amenity for future staff and students and will not cause any adverse impacts upon the character of the streetscape or the amenity of surrounding residential properties or the environmental amenity of nearby public recreation lands.

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, and the relevant objectives of the PLEP and P21 DCP.

The proposal seeks variations to the height of buildings development standards of 13.29% for NNPS and 25.8% for NSHS. The applicant's Clause 4.6 written request adequately demonstrates that the proposal achieves the objectives of the development standard and that there are sufficient environmental planning grounds to justify the variations sought. The proposed building heights do not result in any undue amenity or visual bulk impacts and are compatible with the height of development that is anticipated by the complying development provisions for schools applying under SEPP (Transport and Infrastructure) 2021.

The application was advertised for a period of 28 days and attracted 11 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;
- Condition of the heritage-listed Binishells at NNPS; and
- Various other concerns beyond the scope of this assessment.

None of the concerns raised warrant refusal of the application and, on balance, the proposed improvements to NNPS and NSHS are considered to be in 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 sites.

Accordingly, based on the detailed assessment contained in this report, the application is recommended for **APPROVAL**, subject to conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to two educational establishments across two separate but adjoining sites, being:

- **6 Namona Street - Narrabeen North Public School ("NNPS")** - located on the northern side of Namona Street; and
- **10 Namona Street - Narrabeen Sports High School ("NSHS")** - located on the southern side of Namona Street.

Specifically, the proposed works include:

Narrabeen North Public School

- Removal of three (3) trees;
- Construction of a new part-one and part-two storey administration building, multipurpose hall, staff hub and out-of-school hours care (OSHC) building with associated Covered Outdoor Learning Area (COLA) (to be known as "Building D");
- New entry pathway from Northern Beaches Indoor Sports Centre (NBISC) car park to new building; and
- New hard and soft landscaping in the vicinity of the new building.

Narrabeen Sports High School

- Removal of three (3) trees;
- Alterations and additions to "Building A3" including:
 - Demolition of existing two (2) storey structure to the west of the existing gymnasium;
 - Construction of a two (2) storey extension to Building A3 comprising new stage to gymnasium, girls and boys amenities, girls and boys change rooms, storage and first aid room on the ground floor and movement studios, Physical Education (PE) classrooms, amenities and storage on the first floor;
 - Internal alterations to Building A3;

- New lift access; and
- New Covered Outdoor Learning Area (COLA)

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

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 - 4.6 Exceptions to development standards
 Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 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 - C5.9 Signage
 Pittwater 21 Development Control Plan - C5.10 Protection of Residential Amenity
 Pittwater 21 Development Control Plan - D14.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D14.7 Front building line

SITE DESCRIPTION

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| Property Description: | Lot 12 DP 1119562 , 10 Namona Street NORTH NARRABEEN NSW 2101 |
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|-----------------------------------|---|
| | Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101 |
| Detailed Site Description: | <p>The subject site consists of two (2) allotments which adjoin one another, being located on the northern and southern sides of Namona Street. The site falls within a wider area zoned SP2 Educational Establishment under PLEP 2014, which is bordered by Pittwater Road, Jackson Road, and Narrabeen Creek.</p> <p><u>NNPS (6 Namona Street)</u></p> <p>NNPS is located to the northern side of Namona Street and accommodates an established primary school.</p> <p>NNPS consists of one allotment and has an area of 23,750m² 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.</p> <p>The land is affected by SEPP (Hazards and Resilience) 2021 and contains 'coastal wetlands'. No works under this development application affect the coastal wetlands.</p> <p>The land is flood prone and falls within DPE's Biodiversity Values map.</p> <p>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.</p> <p>NNPS includes 12 buildings and 19 demountable buildings.</p> <p>In 2022, the school had an enrolment of 719 students (K to Year 6) and 62 staff.</p> <p><u>NSHS (10 Namona Street)</u></p> <p>NSHS is located to the southern side of Namona Street and accommodates a high school.</p> <p>The site has an area of 74,710m² and frontages to Namona Street to the north and Pittwater Road to the east. The site adjoins the NBISC to the north and the Pittwater Sports Centre to the south.</p> <p>The site is flood affected.</p> <p>NHSH accommodates a more compact arrangement of buildings, including 8 primary buildings and several fields.</p> <p>In 2022, the school had an enrolment of 1,024 students</p> |

(Year 7 – 12) and 106 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:

NNPS (6 Namona Street)

- 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 **DA2023/0127** - Designated Development - 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 - Under assessment by Council.

NSHS (10 Namona Street)

- Complying Development Certificate **CDC0016/12** - Construction of a building trade centre including refurbishment of existing workshop & construction of new outdoor work area - Approved by PCA on 10 February 2012.

The overall program of works within the *Narrabeen Education Precinct* also includes various works at NNPS and NSHS that are subject to separation REF application/s, as detailed in the applicant's SoEE.

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 |
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| 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 applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to construction traffic management, car parking and flooding.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the "Referrals" and Pittwater 21 Development Control Plan sections in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental</p> |

| Section 4.15 Matters for Consideration | Comments |
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| | economic impact on the locality considering the nature of the existing and proposed land use. |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/10/2022 to 21/11/2022 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 11 submission/s from:

| Name: | Address: |
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| Alex Mctaggart | Address Unknown |
| Mrs Maria Panetta | 31 Romford Road FRENCHS FOREST NSW 2086 |
| Duane Jordan | Address Unknown |
| Ms Jennifer Margaret Saggus | 18 Inala Place NORTH NARRABEEN NSW 2101 |
| Mrs Lynne Marie Ibbotson | 30 Collaroy Street COLLAROY NSW 2097 |
| Mr Brian Arthur Chapman | 20 Ian Lane NORTH CURL CURL NSW 2099 |
| Mrs Janet Lynne Bilton | 1 / 12 Gladstone Street NEWPORT NSW 2106 |
| Mr Steven John Ramage | 26 Wimbledon Avenue NORTH NARRABEEN NSW 2101 |
| Karen Koprivec | Address Unknown |
| Northern Beaches Indoor Sports Centre | PO Box 1621 WARRIEWOOD SHOPPING SQUARE NSW 2102 |
| Manly Warringah Basketball Association Ltd | 0 Aquatic Drive FRENCHS FOREST NSW 2086 |

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 amended Construction Traffic Management Plan (CTMP) does not require access through the NBISC car park. The suggested construction access route is not anticipated to unreasonably impact access to and from the NBISC; a condition is imposed requiring further review and approval of the CTMP by Council's Traffic section prior to the issue of a construction certificate. The proposed ramped pedestrian path replaces the existing school access to the western gate to the NBISC car park; any disagreement regarding the NBISC lease conditions or the intended use of this entry and gate is a matter for the relevant parties and is beyond the scope of this assessment. The preparation of pre and post-construction dilapidation surveys of the driveway access to NBISC is required by condition.

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 of the proposal, the applicant has provided a Community Consultation Record detailing the consultation process undertaken by the applicant from March 2022 to October 2022.

This matter does not warrant refusal of the application.

- **Condition of *Binishells***

The submissions raised concerns regarding the condition and usability of the heritage-listed *Binishells* at NNPS.

Comment:

No works are proposed to the *Binishell* buildings 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 the removal of the return and earn facility from the NBISC car park, vehicular access to the NBISC car park from 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 |
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| Building Assessment - Fire and Disability upgrades | <p>Supported, subject to conditions.</p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> |
| Environmental Health (Acid Sulphate) | <p>Supported, subject to conditions.</p> <p>General Comments</p> <p>Previous investigations have identified acid sulfate soils (ASS) within the site (and hence the proposed works areas) as reported in DP (2020)2 and DP (2022). These investigations identified that potential acid sulfate soil (PASS) are unlikely to be at NNPS at depths less than 2.5 m below ground level (bgl) although are likely to be present in the deeper natural soils at NNPS, whilst PASS is expected to be encountered at depths of approximately 1.5 m bgl or greater on NSHS. Given that the proposed works require disturbance of soils below these depths (e.g., piling for new buildings) an ASSMP was recommended (i.e., this ASSMP).</p> <p>The Acid Sulfate report requires further assessment prior to commencement of any works:</p> <p>Further Assessment at NNPS</p> <p>Given the potential to encounter ASS at depths below 2.5 m on NNPS (and generally increases in probability with depth) and that pile foundations may be in the order of 5 m (to be confirmed), additional ASS investigations are recommended to be undertaken to assess the need for ASS management of these disturbed soils.</p> <p>The additional investigation is best undertaken post finalisation of design features which confirm the depths of soils disturbance below 2.5 m bgl (e.g., pile depth, excavation of deeper service trenches if required, etc.). Based on DP's understanding of the proposed works, it is anticipated that works below 2.5 m bgl will be within or adjacent to the proposed building footprints.</p> <p>On this basis additional works are to comprise:</p> <ul style="list-style-type: none"> Investigations to at least 0.5 m below the final depth of soil disturbance (i.e., pile depth, service trench excavation); |

| Internal Referral Body | Comments |
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| | <ul style="list-style-type: none"> • A minimum of four boreholes are to be drilled in the footprint of the proposed buildings. Additional locations may be required (e.g. ,along service trench alignment(s) outside the building footprints) if determined to be required by the environmental consultant: • Collection of samples at regular intervals (i.e., approximately 0.5-1 m intervals); • Screening of samples for indication on the potential presence of ASS; • Laboratory analysis (e.g., SCr) of selected samples based on the screening results and to provide delineation through the subsurface profile (both vertically and laterally); and • Assessment report which determines the presence / absence of ASS within the range to be disturbed by the works and if ASS management of disturbed soils is required. <p>Environmental Health supports the proposal subject to conditions</p> |
| Environmental Health (Contaminated Lands) | <p>Supported, subject to conditions.</p> <p>General Comments</p> <p>A report on Detailed Site Investigation (Contamination) by Douglas Partners Project 86973.04 has been submitted :</p> <p>Conclusion and Recommendation</p> <p>This PSI with limited sampling comprised a review of site history, a walkover and limited intrusive soil and groundwater investigation to provide data on the potential nature of contamination at the site for the proposed redevelopment.</p> <p>Contamination identified in the soils, or considered likely based on the findings of this investigation, which are considered to require further investigation and/or management, are summarised as follows:</p> <ul style="list-style-type: none"> • Asbestos in fill and / or surface soils, based on: <ul style="list-style-type: none"> o Asbestos identified in the AMP for NNPS; o The historical aerial photographs which show the demolition of older structures both within the investigation areas and the greater NEP; o The presence of existing buildings, the footprints of which have not been investigated; o The results of the HBM assessment (DP, 2020a) showing friable asbestos beneath the school hall (Building 6); o The observation of building rubble (concrete, glass and plastic) in some borehole locations which can be an indicator for the potential presence of asbestos; and o The detection of asbestos (material sample collected from BH112/ 0.5 - 0.6 m) through borehole sampling which is inherently conservative with respect to the detection of asbestos and hence can be an indicator for the potential more widespread presence of asbestos in other boreholes sample and conformation. • Copper hotspot in sample BH8/0.05-0.15 (350 mg/kg) which exceeded the environmental SAC of 55 mg/kg; • TRH fraction F2 in the fill at BH102/0.4-0.5 (190 mg/kg) exceeded both the human health and environmental SAC of 110 mg/kg and 120 mg/kg, respectively; and |

| Internal Referral Body | Comments |
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| | <ul style="list-style-type: none"> • TRH fraction F3 in the fill at BH102/0.4-0.5 (440 mg/kg) exceeded the environmental SAC of 300 mg/kg. <p>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.</p> <p>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).</p> <p>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).</p> <p>Based on the above, the following is recommended:</p> <ul style="list-style-type: none"> • Further asbestos investigation across the site as DP considers that there is a moderate to high risk that asbestos may be present in other areas of the investigation areas; • Additional investigations in the building footprints post-demolition. Assessment required for asbestos and other COPC for comparison against the adopted SAC; • Additional investigation of the fill around BH8 and BH102, both laterally and vertically to assess the risk of copper and TRH at each location respectively; • Additional ASS investigations which should be undertaken to gain a better understanding of the nature and extent of ASS across the investigation areas. When developing the approach for such investigation's consideration should be given to the proposed redevelopment design (e.g., foundations, excavation depths, etc.). DP notes that an ASSMP for the redevelopment works is also anticipated to be required; • For buildings requiring demolition, the removal and disposal of the identified hazardous materials by an appropriately licensed and qualified contractor, at an appropriately licensed disposal facility; • Validation / clearance of the demolition works area by a qualified occupational hygienist upon completion of demolition and removal of the buildings, confirming that there are no residual asbestos-containing materials or other hazardous materials remaining on the site. <p>Fill across the site has been preliminarily classified as either general solid waste (non-putrescible) or general solid waste (non-putrescible) - special waste (asbestos). It is however, noted that soils in other areas not currently classified as asbestos contaminated (i.e., not limited to the capped areas on NNPS and the BH112) have the potential to be impacted by asbestos and hence also potentially classified as special waste (asbestos) in the future. This report cannot be used as a formal waste classification.</p> <p>8 DP notes that there is also considered to be a moderate to high risk that asbestos is present across the whole NEP site and beyond the investigation area of this PSI.</p> |

| Internal Referral Body | Comments |
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| | <p>In regard to natural soils, there were no exceedances of the published background levels for chemical contaminants, however, ASS has been identified in the natural soil across the investigation area and hence a VENM classification cannot be provided. DP notes that the natural soils may be preliminarily classified as general solid waste (non-putrescible) subject to the appropriate treatment and validation of such soils for ASS.</p> <p>As such, the following is recommended in regard to waste classification:</p> <ul style="list-style-type: none"> • For fill, confirmation of the preliminary waste classification by a qualified environmental consultant either in situ or ex situ including additional visual / analytical testing; and • Additional visual and analytical assessment of natural or suspected natural materials should be conducted (namely for ASS) to confirm the waste classification. <p>It is considered that these investigations could be undertaken in conjunction with the recommended additional investigations listed earlier in this section.</p> <p>The above recommendations and future investigations should be undertaken in consultation with other relevant project consultants such as, architect, geotechnical, civil, structural and heritage etc. In conclusion, DP considers that the site could be made suitable for the proposed development, 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> |
| Environmental Health (Industrial) | <p>Supported, subject to conditions.</p> <p>General Comments</p> <p>As the development involves both the high school and public school this proposal is referred to as the Narrabeen Education Precinct. As a significant development proposal the following detail is provided for the reader of this referral.</p> <p>The works the subject of the Development Application (DA) at NNPS comprise:</p> <ul style="list-style-type: none"> • Construction of a new two (2) storey building containing administration facilities, multi-purpose hall and out-of-school-hours care (OSHC) facility on the ground floor with staff facilities and amenities on the first floor; and • New Covered Outdoor Learning Area (COLA). <p>The works the subject of the DA at NSHS comprise:</p> <ul style="list-style-type: none"> • Alterations and additions to Building A (Gymnasium) to create new stage for gymnasium and new two (2) storey addition comprising canteen, boys and girls changing rooms and staff room on the ground floor; and movement studio and two (2) new General Learning Spaces (GLS) on the first floor. <p>The following noise sensitive receivers surround the existing the project boundaries:</p> |

| Internal Referral Body | Comments |
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| | <ul style="list-style-type: none"> • Residential receivers <ul style="list-style-type: none"> o Residential dwellings to the north east of the site at the shared border, along Oak Street (considered reasonably most-affected for both school sites) o Residential dwellings to the east of the site, beyond Pittwater Rd o Residential dwellings to the west of the project site, along Garden St o Residential dwellings to the south west of the site • Commercial Receivers <ul style="list-style-type: none"> o Businesses to the north of the site at Warriewood Square, across Jacksons Road o Pittwater Sports centre, top the south of the site at 1525 Pittwater Road o Northern Beaches Indoor Sports Centre to the west of the site, at Jacksons Rd. o Ted Blackwood Youth and Community Centre to the North of the site, across Jacksons Road o Businesses to the east of the site, across Pittwater road • Industrial receivers <ul style="list-style-type: none"> o To the west of the site, along Garden St • Active Recreation <ul style="list-style-type: none"> o Warriewood Valley Sports Ground, to the north west of the site • Passive Recreation <ul style="list-style-type: none"> o Progress Park to the west of the site <p>The main noise issue is construction noise with operational noise effectively managed by the Schools staff.</p> <p>An extensive Noise and Vibration Impact Assessment for the works and the completed operating development has been submitted. No increase in student numbers is proposed.</p> <p>Discussion and recommendations by the Acoustic Assessment are :</p> <p>A noise and vibration assessment report has been produced to determine the potential noise impacts and considerations for proposed refurbishment and upgrades at Narrabeen Education Precinct.</p> <p>The existing noise environment has been established based on long-term and short-term monitoring data.</p> <p>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"> • Proposed construction hours are as follows: <ul style="list-style-type: none"> o Monday to Friday - 7:00am to 6:00pm o Saturday - 8:00am to 1:00pm o Sunday and Public Holidays – No works. • Based on the results from the high-level assessment based on the indicative works, we make the following comments: |

| Internal Referral Body | Comments |
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| | <p>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 32 dB.</p> <ul style="list-style-type: none"> • Where NMLs are exceeded, mitigation measures to be considered and incorporated where reasonable and feasible would include: <ul style="list-style-type: none"> o Schedule noisy activities to less sensitive times of the day for each nominated receiver (i.e. daytime hours). o Hoarding that may already be included as part of the site works can reduce noise levels by 5 to 10 dB. 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. o The predictions for noise levels above NMLs is not unusual given the heavy plant and equipment that must be used, such as excavators and hammers, 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>Construction Vibration</p> <ul style="list-style-type: none"> • Based on the scope of works and typical equipment required, there is potential for human perception vibration impacts on nearby NNPS and NSHS buildings and Narrabeen Education Precinct 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. • The Contractor determine whether the existence of significant vibration levels justifies a more detailed investigation. <p>Construction Environmental Management Plan</p> <ul style="list-style-type: none"> • A CEMP shall be prepared further to this assessment by the engaged Contractor. <p>Operational Noise - Mechanical Plant</p> <p>Mechanical plant and equipment associated with the operation of the development is to be controlled to ensure external noise emissions are not intrusive and do not impact on the amenity of neighbouring receivers in accordance with the relevant criteria established in Section 0 of this report.</p> <p>Recommendations are provided for noise controls to key plant. During the detailed design stage, the acoustic consultant shall provide detailed design advice to the architect and mechanical engineer to ensure that noise emissions from mechanical plant are effectively</p> |

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| | <p>controlled to meet the relevant criteria at the nearest receiver boundaries.</p> <p>Operational Noise - The Use Noise emissions have been considered from the following areas:</p> <ul style="list-style-type: none"> • Noise emissions from new internal spaces including Administration and Classrooms in the new NNPS building • Noise emissions from the new hall building for NNPS • Noise emissions from the Covered Outdoor Learning Area (COLA) to be included as part of the new hall/admin building for NNPS. • Noise emissions from new internal spaces including movement studio and Classrooms in the new NNPS addition <p>Noise from the above areas are not expected to generate any additional impact above the existing noise emissions from the school and therefore is not expected to have adverse noise impact on noise sensitive receivers surrounding the site.</p> <p>Operational Noise – Outside Hours Use of the new NNPS school hall will occur during the daytime, and evening periods (6pm to 10pm). Noise emissions from the hall are expected to comply with the relevant criteria at the nearest residential boundary for the daytime and evening periods, assuming that the internal noise level (with windows/louvres open) does not exceed 85dB LAeq, 15-minute.</p> <p>Environmental Health supports the proposal subject to conditions.</p> |
| Landscape Officer | <p>Supported, subject to conditions.</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"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D14 Warriewood Locality <p>An Arboricultural Impact Assessment (AIA) and Landscape Plan is included in the application and will be assessed as part of the Landscape Referral. It is noted across both sites there will be a net gain of 37 trees and 420 square metres of tree canopy.</p> <p><u>Narrabeen North Public School</u> Three trees are proposed to be removed (trees 55, 57 and 58); however, trees 57 and 58 fall outside the development application scope of works boundary (falling within the REF application boundary) and as such their removal shall be assessed under the appropriate application. Tree 55 falls within the development application scope of works and its removal can be supported as sufficient tree replacement is proposed in more suitable locations. One <i>Ficus microcarpa hillii</i> is proposed (drawing LA-DA-P-2001) which is identified on the Northern Beaches Council Exempt Species list thus it shall be substituted with</p> |

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| | <p>a suitable native or indigenous alternative.</p> <p><u>Narrabeen Sports High School</u> Three trees are proposed to be removed (trees 65, 66 and 67) which are located in the existing courtyard adjacent to Block A3. The proposed COLA and resurfacing of the courtyard will result in a total loss of all three trees as identified by the Arborist. Trees 65, 66, and 67 can be supported for removal as sufficient tree replacement will occur elsewhere on site.</p> <p><u>General Comments:</u> All proposed planting at NNPS shall be installed as per the requirements outlined in the conditions of consent. All trees proposed to be retained shall be protected in accordance with the tree protection requirements outlined in the Arboricultural Impact Assessment and the imposed conditions. A Project Arborist shall be engaged to supervise all works within tree protection zones of trees to be retained.</p> |
| NECC (Bushland and Biodiversity) | <p>Supported, subject to conditions.</p> <p>The proposal has been assessed against the following applicable biodiversity-related provisions:</p> <ul style="list-style-type: none"> - NSW Biodiversity Conservation Act 2016 - NSW Biodiversity Conservation Regulation 2017 - SEPP (Koala Habitat Protection) 2021 - SEPP (Resilience and Hazards) - Coastal Wetlands and Coastal Wetlands Proximity Area - SEPP (Resilience and Hazards) - Coastal Environment Area - Pittwater LEP Clause 7.6 - Biodiversity Protection - Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p>The application is for removal of 2 locally native trees from the North Narrabeen Public School (NNPS) site and 2 locally native trees from the Narrabeen Sports High School (NSHS) site.</p> <p>It is noted that proposed replacement plantings will result in a net increase in trees across the two sites. In addition, the submitted flora and fauna report confirms that "no native hollow bearing trees will be impacted by the proposed school upgrade".</p> <p>The flora and fauna report confirms that no evidence of koala occupation was found on the site and that none of the threatened ecological communities (TECs) which occur on the site will be impacted by this application. In addition, the report includes tests of significance for the following threatened species in accordance with Section 7.3 of the Biodiversity Conservation Act 2016:</p> <ul style="list-style-type: none"> - Southern Myotis (<i>Myotis macropus</i>) |

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| | <ul style="list-style-type: none"> - Fork-tailed Swift (<i>Apus pacificus</i>) - Eastern Freetail Bat (<i>Micronomus norfolkensis</i>) - Eastern Long-eared Bat (<i>Nyctophilus bifax</i>) - Grey-headed Flying Fox (<i>Pteropus poliocephalis</i>) - Powerful Owl (<i>Ninox strenua</i>) <p>The tests of significance conclude that the trees proposed for removal represent a minor proportion of the overall habitat available within the surrounding area and as such, the development will not result in a significant impact to the assessed species. Whilst this conclusion is concurred with, mitigation measures will be required to ensure that wildlife and retained habitat are not harmed during tree clearing works. As the submitted flora and fauna report does not address these measures, a Tree Removal Protocol is to be prepared by the project ecologist to ensure that any wildlife utilising trees to be removed are safely relocated, and important habitat such as hollows are retained. This will be conditioned.</p> |
| NECC (Coast and Catchments) | <p>Supported, subject to conditions.</p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience and Hazards) 2021 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Coastal Wetlands Area', 'Proximity to Coastal Wetlands Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.7, 2.8, 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p><u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by dfp Planning Consultants dated 21 July 2022, the DA satisfies requirements under clauses 2.7, 2.8, 2.10, 2.11 and 2.12 of the SEPP R&H. No tree removal has been proposed within the Coastal Wetlands Area.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> |

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| | <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> |
| NECC (Development Engineering) | <p>Supported, subject to conditions.</p> <p>The stormwater management report and plans as prepared by the Entruct group were reviewed and are satisfactory. As both the primary and high school sites are affected by the 1/100AEP Flood extents and in accordance with Councils Water Management policy for development on site stormwater detention is not required.</p> <p>The stormwater drainage works consist of amendments to the current systems with the inclusion of Bio retention swales.</p> <p>No objections to both school developments subject to conditions.</p> |
| NECC (Flooding) | <p>Supported, subject to conditions.</p> <p>The proposed development is for the demolition, alterations and additions at Narrabeen North Public School (NNPS) & Narrabeen Sports High School (NSHS). Works are proposed to be undertaken in multiple stages. From the Statement of Environmental Effects, the works which are the subject of this DA include:</p> <p>NNPS - construction of a new Building D at NNPS.</p> <p>NSHS - alterations and additions to Building A3 including demolition of an existing two storey structure to the west of the existing gymnasium; construction of a two storey extension comprising at ground floor level a new stage to the gymnasium, amenities, change rooms, storage and a first aid room; new lift access; refurbishment of rooms along the northern wall of the gymnasium and construction of a new COLA to the south of it. The extension is significantly larger in area than the structure to be demolished.</p> <p>This assessment refers to the Flood Risk and Impact Assessment Report (16.09.2022) and its Addendum #1 (23.02.2023), both by BMT. The Addendum provides further detail and justification for the design of Building A at NSHS.</p> <p>Flood information from the Narrabeen Lagoon Flood Study (NLFS) (2013) includes:</p> <p>1% AEP flood level: 3.03m AHD</p> <p>1% AEP flood level with climate change: 3.79m AHD</p> <p>Probable Maximum Flood (PMF) level: 4.87m AHD</p> <p><u>NNPS</u></p> <p>The Building D site is affected by the Low to Medium Flood Risk Precinct and a Flood Life Hazard Category of up to H3. Floor levels for Building D are above the PMF level and the development is outside of the 1% extent.</p> <p>There are no flood related objections for the construction of Building D</p> |

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| | <p>at NNPS.</p> <p><u>NSHS</u> The Building A site is affected by the Medium to High Flood Risk Precinct and a Flood Life Hazard Category of H5.</p> <p><u>Floor levels:</u> Control C2 states that "All floor levels within the development shall be at or above the Probable Maximum Flood level or Flood Planning Level (FPL), whichever is higher". Control B3.12 of the Pittwater DCP relating to consideration of climate change in determining FFLs does not apply as the proposed development does not meet the definition of 'intensification'. The Finished Floor Levels (FFLs) in the proposed extension west of the gymnasium are not only below the PMF level of 4.87m AHD, but also below the 1% AEP level and FPL. The Addendum to the Flood Risk and Impact Assessment Report provides justification for the low FFLs for each of the areas below the FPL.</p> <p>The FFL for the stage is 3.32m AHD and the FFL for the amenities, change rooms, storage and first aid room ranges from 2.42 to 2.55m AHD.</p> <p>It is considered that the <u>amenities, change rooms and corridors</u> may be permitted at the low FFLs, provided that they are constructed and furnished with flood compatible materials which would not be damaged during a flood event.</p> <p>The <u>stage</u> may be permitted at a FFL of 3.32 mAHD. Figure 1.2 of the Addendum shows that there is suitable access from the gymnasium to the second storey for occupants to shelter in place above the PMF. This consideration also assumes that the stage level has been based on an optimum height above the floor level of the gymnasium for viewing of performances.</p> <p>The <u>chair store</u> area may be permitted at the lower FFL as it needs to be at the same FFL as the gymnasium for access purposes. Also, chairs would probably be made from plastic and metal and so would not suffer high value flood damage.</p> <p>The <u>P&C store</u> is currently located on the ground floor within the building which is being demolished. This room is for the storage of equipment used outdoors during out of school hours events, which may include BBQ equipment, bunting, folding plastic/steel tables, etc. An external entry is required because this store would be used out of school hours. Items stored in these areas would be flood resilient, designed for outdoor and all-weather use and/or would be low value items that would not suffer high value flood damage.</p> <p>The <u>bulk store</u> is for the storage of bulk goods and requires easy access for deliveries. This room may sometimes contain a desk and</p> |

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| | <p>workbench for the GA. The GA also currently has a desk within the main Administration building. It is noted in the Addendum that the Applicant intends to store the high value computing equipment in the existing GA room in Block E. Any high value items within the Bulk Store that may be damaged by floodwaters (e.g. electrical tools) would be stored above the FPL.</p> <p>The <u>outdoor store</u> is for the storage of outdoor, all weather use items which would not suffer high value flood damage.</p> <p>The <u>cleaner store room</u> may be permitted at the lower FFL provided that all potentially hazardous chemicals can only be stored above or are protected (in accordance with industry standards) from flood waters at the FPL</p> <p>The room labelled as a <u>First Aid room</u> is only a temporary assessment room rather than an area where injured or ill students would remain for extended periods of time. Instead, a severely ill/injured child would be transferred to an existing sick bay within NSHS. Under the EFSG (school design guidelines) direct access is required for a room such as this to the gymnasium. Additionally, as advised by SINSW, a clear line of sight is also required from the gymnasium into the first aid room due to child protection concerns. The gym itself has a FFL of only 2.42m AHD. Therefore, it is not practical to locate the first aid room above the PMF level of 4.87 mAHD. Given the justification and constraints, it is considered that this room may be permitted as per the plans. It is noted in the Addendum that the Applicant will detail the management strategy for the use of the first aid room in the Safety in Design Report for NSHS and include this in the School's Flood Emergency Response Plan.</p> <p>The areas to be refurbished including the <u>Large Equipment Store</u> and <u>Sports Store</u> may retain their existing FFLs.</p> <p><u>Flood Storage:</u> Control A2 states that "Development shall not be approved unless it can be demonstrated in a Flood Management Report that in all events up to the 1% AEP event there is no net loss of flood storage. Consideration may be given for exempting the volume of standard piers from flood storage calculations. If Compensatory Works are proposed to balance the loss of flood storage from the development, the Flood Management Report shall include detailed calculations to demonstrate how this is achieved".</p> <p>The loss of available flood storage without any compensatory flood storage would be 178m³, based on the difference in flood storage taken up by the proposed Building A (295m³) and the flood storage currently taken up by the section of Building A to be demolished (117m³).</p> <p>This loss could be reduced to 54m³ as outlined in the Addendum through compensatory flood storage. This would involve allowing flood</p> |

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| | <p>waters to enter into the ground floor amenities (toilets and change rooms) through open style security gates, and into the Outdoor Store, P&C Store and Bulk Store through a gap under external doors. It is considered that a loss of 54m³ is insignificant for this property of 74,710m² in area, being equivalent to 0.5m³ for a typical property size of 700m².</p> <p><u>Electrical:</u> It is noted in the Addendum that the lift motors would be located inside the shaft at the highest level served. Lift equipment would be above FPL.</p> <p>The proposed development is consistent with Clause B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p> |
| NECC (Riparian Lands and Creeks) | <p>Supported, subject to conditions.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The proposal is on land containing areas identified as proximity area for coastal wetlands and also as coastal wetlands. 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. As noted in the Ecological Report, the delineation of ecological areas and education of all site personnel about the need to protect said areas during construction will be an essential part of mitigating the potential impacts of this proposal. This should form part of a Construction Environment Management Plan (CEMP).</p> <p>The proposed development does not include any land mapped as coastal wetland, for which a buffer would be maintained. A key consideration for this proposal is, therefore, to mitigate any effects the proposed development may have on the surrounding areas during construction and on an ongoing basis. Water quality and quantity will be a key component to be managed. Please refer to the comments in the Water Management Referral. It is noted that the proposal was deemed exempt from requiring controlled activity approval by the Department of Planning and Environment – Water.</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> |
| NECC (Water Management) | <p>Supported, subject to conditions.</p> |

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| | <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • State Environmental Planning Policy (Resilience and Hazards) 2021 (clauses 2.8 and 2.12); • Northern Beaches Water Management for Development Policy (WM Policy); and • Relevant LEP and DCP clauses. <p>The proposed stormwater management strategy for environmental protection is satisfactory.</p> |
| Strategic and Place Planning (Heritage Officer) | Supported, subject to conditions. |
| | HERITAGE COMMENTS |
| | Discussion of reason for referral |
| | <p>The proposal has been referred to Heritage as the subject site contains a heritage item</p> <p>SHRN02037 - The Binishell Collection - 6 Namona Street</p> <p>Concrete Geodesic Domes (Local heritage listing) - 6 Namona Street</p> |
| | Details of heritage items affected |
| | <p>The Binishell Collection <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>Concrete Geodesic Domes <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 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</p> |

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| | and were one of the first such buildings in NSW public schools. | | |
| | <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. | | |
| | Other relevant heritage listings | | |
| | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | No | |
| | Australian Heritage Register | No | |
| | NSW State Heritage Register | Yes | Building B, the double shell is on the state register and a curtilage has been established around it. |
| | National Trust of Aust (NSW) Register | Yes | The shells at North Narrabeen are on the Trust's register |
| | RAIA Register of 20th Century Buildings of Significance | No | |
| | Other | Yes | Both Building A and B are on the Department of Education's S170 register |
| | Consideration of Application | | |
| The proposal seeks consent for works at both 6 Namona Street (North Narrabeen Public School) and 10 Namona Street (Narrabeen Sports High). The heritage Binishells are only located on 6 Namona Street, and the high school site is separated from the public school site by Namona Street. There is adequate physical separation and thus the works at the high school site are not considered to impact the heritage items and are not considered further in this response. | | | |
| There is a broader program of works occurring at the North Narrabeen Public School site under a variety of different pathways. This proposal specifically seeks consent for the construction of the new Building D complex including the administration block, school hall, Covered Outdoor Learning Area (COLA), some landscaping and the removal of Trees 55, 57 and 58. The new northern GLS Hub (Building E) refurbishment of buildings K, V and the Double Binishell (Building B) are to be undertaken under separate applications. The removal of buildings H, J and demountables 14-18 which opens up views to the Binishells from Namona Street are | | | |

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| | <p>also proposed to take place under a separate application.</p> <p>As the double shell (Building B) is listed on the State Heritage Register, the proposal has been referred to Heritage NSW for comment. Heritage NSW has responded with its General Terms of Approval, including a condition for a schedule of conservation works for Binishell B. Given this requirement from Heritage NSW it is also an opportune time to require one for Binishell A, given they would address the same issues.</p> <p>Council's Heritage team is broadly supportive of the proposal through creating the central heritage courtyard around the Binishells, the opening up of view to the items from Namona Street and locating the new Building D to the west of the site. Heritage notes that there are two separate proposed breaches of the 8.5m height limit, namely the roof ridge over the upper level staff lounge, and the COLA roof as it rises to the east. Heritage raises no objections to the breach of height over the staff lounge or the COLA roof height breach as it does allow for views to the shells, however it notes that the proposed battens to the underside of the COLA hang down into the view corridor of the Binishell and these will need to be raised. Heritage will condition that the battens be raised out of the view line.</p> <p>A Heritage Impact Statement has been provided with the proposal which has assessed the proposal against the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan and Heritage NSW publication, Statements of Heritage Impact (2002). This assessment has concluded that the proposal is consistent with all three documents with only minor impacts upon the heritage items. Heritage can mostly agree with these conclusions. Heritage also broadly agrees with the suggested conditions in the Heritage Impact Statement and recommends they be included.</p> <p>Therefore Heritage raises no objections to the proposal and but requires a number of conditions</p> <ul style="list-style-type: none"> • Photographic Archival Recording • Heritage consultant to oversee works • Binishells Temporary Protection Plan • Raising of battens • Schedule of Conservation Works for Binishell A <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 | Supported, subject to conditions. |

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| | <p><u>Planning Comments:</u> Council's Traffic Engineer comments regarding the provision of designated "pick-up/drop off" facilities are noted, however as identified below, such works are beyond the scope of the subject application. As no change to student enrolments or vehicular access and parking is proposed, the provision of such facilities through the subject application is not considered necessary.</p> <p><u>Traffic Comments:</u> Revised comments following review of supplementary material - 30/3/23</p> <p>The applicant has lodged a response to the traffic concerns raised in the original referral comments.</p> <p>It was hoped that the applicant would expand the scope of works to incorporate changes to address the concerns associated with the lack of any drop off and pick up facility to serve the schools. As there is no appropriate area on-street to facilitate drop off and pick up it was hoped that the scope of works would be expanded to ensure that on-site pick up and set down areas were created.</p> <p>The preliminary proposal for an on-site pick up and set down area should be further pursued by the NSW Department of Education as a separate DA however the provision of such a facility should not be at the expense of existing off-street parking for staff but should be provided in addition to existing parking. Any staff parking lost should be relocated elsewhere on school property.</p> <p>It is however acknowledged that this is beyond the scope of the current works and as the current works do not propose any increase in staff or student numbers at either school and there are no changes which will result in any increase or decrease in available on or off-street parking there are no traffic engineering grounds upon which to oppose the current development proposal subject to conditions of consent.</p> <p>It is noted that a construction traffic management plan has been lodged with the development application. While this document is noted, it will require review prior to release of the construction certificate as it may require revision to allow for changes to the plans or construction circumstances nearer to commencement of the works.</p> <p>Original comments - 13/12/22</p> <ul style="list-style-type: none"> · Site: Narrabeen Education Precinct (NEP) includes <ul style="list-style-type: none"> - 6 Namona St, North Narrabeen – Narrabeen North Public School (NNPS) |

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| | <ul style="list-style-type: none"> - 10 Namona St, North Narrabeen – Narrabeen Sports High School (NSHS) <p>NNPS & NSHS have been identified by the NSW Department of Education (DoE) as requiring upgrade works.</p> <p>The DA seeks consent for ...</p> <ul style="list-style-type: none"> • Narrabeen North Public School (NNPS): <ul style="list-style-type: none"> - Removal of three (3) trees. - Construction of a new part-one and part-two storey administration building, multipurpose hall, staff hub and out-of-school hours care (OSHC) building with associated Covered Outdoor Learning Area (COLA) (to be known as Building D); - New entry pathway from Northern Beaches Indoor Sports Centre (NBISC) car park to the new building. - New hard and soft landscaping in the vicinity of the new building. • Narrabeen Sports High School (NSHS): <ul style="list-style-type: none"> - Removal of three (3) trees. - Alterations and additions to Building A3 including: <ul style="list-style-type: none"> • Demolition of the existing two (2) storey structure to the west of the existing gymnasium. • Construction of a two (2) storey extension to Building A3 comprising a new stage to the gymnasium, girls' and boys' amenities, girls and boys change rooms, storage and first aid room on the ground floor and movement studios, Physical Education (PE) classrooms, amenities and storage on the first floor. • Internal alterations to Building A3. • New lift access. - New Covered Outdoor Learning Area (COLA) to the south of Building A3 with new hard and soft landscaping. <p>The proposed development does not seek to increase staff or student numbers. The developer does not therefore propose any changes to the existing traffic, transport and parking arrangements.</p> <p>Also, no works are proposed within the road reserve as part of this</p> |

| Internal Referral Body | Comments |
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| | <p>DA.</p> <p>Traffic Generation:</p> <p>The proposed development does not seek to increase staff or student numbers and traffic generation from the schools is therefore unlikely to increase.</p> <p>Preliminary School Travel Plans have been prepared for NNPS and NSHS. These Plans identify site-specific measures to promote and maximise the use of sustainable travel modes, including active transport, public transport and carpooling. These strategies, if implemented will assist in reducing reliance on private vehicle usage, support sustainability initiatives and promote healthy outcomes for students. Traffic generation from the schools may reduce as a result of increased levels of walking, cycling and public transport use.</p> <p>The proposed development is unlikely to increase traffic generated by the schools.</p> <p>Parking:</p> <p>The proposed development does not seek to increase staff or student numbers. The parking arrangements are not proposed to be changed under this DA and the traffic impact assessment report concludes that there is no impact on parking and that the development application should be supported.</p> <p>The staff travel surveys have however highlighted that there is an existing shortfall in staff parking (28 space shortfall for the high school and a 35 space shortfall for the primary school). The shortfall has been determined from data outlining that 85% of high school staff drive to school and 89% of primary school staff drive to school. The Transport Impact report also highlights that staff have a low propensity to use active travel modes or public transport to travel to and from school as they are generally needing their vehicles to transport equipment and materials to and from the workplace. This means that even if Work Place travel plans are introduced they are unlikely to result in significant levels of staff travel behaviour change and many staff will be unable to park on school premises and will therefore remain reliant, to a large extent, upon parking on surrounding streets or parking informally on school green space. Neither option is considered appropriate.</p> <p>It is also noted that neither school currently provides any offstreet facilities for drop off or pick up of students and there are no on-street drop off and pick up parking restrictions. The high school also provides no parking facilities for students who drive to school.</p> |

| Internal Referral Body | Comments |
|------------------------|---|
| | <p>These are deficiencies in the existing school operations and improvements such as the provision of an on-site kiss and drop facility should be explored in conjunction with the school development works.</p> <p>Drop-off / Pick-up facility (<i>Preliminary proposal subject to a separate DA</i>)</p> <p>Neither NNPS or NSHS have any formal drop-off/pick-up facilities. This is a deficiency and student drop off/pick facilities are required to ease congestion. Observations suggest that parents undertaking school drop off and pick ups are currently parking illegally within clearly signposted Bus Zones and No Stopping zones. These Bus Zones and No Stopping zones are however necessary and there are no appropriate locations on-street within close proximity to either school where drop off and pick up zones can be created. A drop off and pick up zone located on one or both school premises is required.</p> <p>The Transport Assessment report prepared by Ason Group have identified the above as a concern and have prepared a preliminary proposal for a 17 space drop-off/pick-up facility with a turning circle accessed off Namona Street within the NSHS site (off-street). This facility would be made available for use by both NNPS and NSHS students. A new footpath is also proposed to be constructed around the new facility, which will ensure that students can safely exit/enter vehicles without crossing any vehicle travel paths.</p> <p>The above change is strongly supported and considered essential given the current absence of appropriate drop off and pick facilities. It is however noted that the work would result in the loss of 40 offstreet parking spaces that can currently be used by staff. The loss of these spaces is not supported and they must be relocated elsewhere on school property to prevent a worsening of existing staff parking shortfall on the site.</p> <p>As the material provided with the current DA has highlighted that there is both an absence of any formal drop off and pick up zone and an undersupply of staff parking it is considered that the implementation of the off-street kiss and drop facility together with the construction of an additional staff carparking area to offset the loss of staff parking should be completed in conjunction with the current DA and not as a separate DA.</p> <p>Bicycle Parking</p> <p>Currently, Narrabeen North Public School and Narrabeen Sports High School have 94 bicycle parking spaces each.</p> |

| Internal Referral Body | Comments |
|------------------------|---|
| | <p>A total of 200 new bicycle parking spaces will be provided across the NEP site (100 spaces at NNPS and 100 spaces at NSHS). These bicycle parking spaces will be designed as a Class B facility in accordance with the requirements of AS 2890.3 (2015) In addition, an end-of-trip facility will be provided at NSHS for the use of staff.</p> <p>the increase in bicycle parking is supported and appropriate to encourage greater take up of active travel for trips to and from school.</p> <p>Accessible Parking</p> <p>Existing accessible parking remains and no changes are proposed.</p> <p>Access and swept paths:</p> <p>Existing vehicular accesses are retained.</p> <p>As parking layouts are not changed, Swept paths are not needed</p> <p>Pedestrian safety:</p> <p>No major concerns.</p> <p>Public transport availability</p> <p>Available from Namona Street, Jacksons Road and Pittwater Road. Consistent with current arrangements.</p> <p>Waste Collection and Other Services</p> <p>No changes in Servicing. Deliveries and waste collection will continue to occur within the existing staff car park. Delivery times are organised to take place outside the school's peak drop off and pick up hours.</p> <p>Conclusion</p> <p>While the development work is supported it is considered that the proposed offstreet drop off and pick up parking facility together with creation of relocation of lost staff parking spaces should be undertaken in conjunction with the current Development Application rather than as a separate DA .</p> |

| External Referral Body | Comments |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, | Supported, subject to conditions. |

| External Referral Body | Comments |
|--|---|
| s2.48 | 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. |
| Aboriginal Heritage Office | <p>Supported, with conditions</p> <p>An Aboriginal cultural heritage due diligence assessment was undertaken by Kayandel Archaeological Services in September 2022. The report recommends the following:</p> <ol style="list-style-type: none"> 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 1.3); 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; 3. That where the archaeologically sensitive landform (refer to Figure 13) may be potentially impacted by development activities, that either of the management strategies presented in Section 10.3 is implemented; 4. 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; 5. 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, 6 & 10 Namona Street (Lot 3 DP1018621 and Lot 12 DP1119562), North Narrabeen, Northern Beaches Council LGA, NSW Aboriginal Cultural Heritage Assessment Report 61 and works only recommence when an approved management strategy has been developed; 6. 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, 7. A copy of the final report should be sent to the Registered Aboriginal Parties (RAPs) identified in Table 4. <p>The Aboriginal Heritage Office agrees with the recommendations put forward by Kayandel Archaeological Services.</p> |
| Nominated Integrated Development - Department of Planning and Environment - Water - Water Management | <p>Supported without conditions.</p> <p><u>DPE Water Comment:</u> The Department of Planning and Environment—Water has reviewed</p> |

| External Referral Body | Comments |
|---|--|
| Act 2000, s89 - Water use approval to use water for a particular purpose at a particular location | 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. Exemption: Water Management Act (General) Regulation s41 - Works undertaken by public authorities. |
| Nominated Integrated Development - Heritage NSW - Heritage Act 1977 | Supported with conditions. <u>Heritage Council of NSW Comment:</u> As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the following general terms of approval are granted. <u>Planner Comment:</u> The Heritage Council's general terms of approval are incorporated into the recommended conditions of consent. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Part 3.3 EARLY EDUCATION AND CARE FACILITIES

The proposed out-of-school hours care (OSHC) component of NNPS is consistent with the PLEP 'school-based child care':

"school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only."

As such, Part 3.3 does not apply to the proposed development.

A condition of consent is recommended to ensure that the ongoing operation of the OSHC is in accordance with this definition.

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.

The project architects, DesignInc have provided a comprehensive Architectural Design Development Application Report which, inter alia, provides an assessment against the Schedule 8 *Design quality principles in schools*, which has been used to inform the below assessment.

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:

NNPS

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 proposal involves the demolition of two existing buildings and the removal/relocation of various demountable buildings.

The proposed Building D is sited and designed to respond to the heritage, environmental and landscape values of the site. The proposal involves the removal of only one significant tree (as conditioned) and the consolidated building location and COLA design will improve the visibility and presentation of the heritage-listed Binishells within the site. The proposal incorporates new landscaping and includes a net increase of 37 trees across Nos. 6 and 10 Namona Street that will contribute to on-site amenity and offset any environmental impacts. The proposed building is centrally located on the western side of the site with substantial separation from the southern street front and adjoining residential properties to the east; the existing and proposed landscaping will provide an appropriate visual buffer from adjoining land.

NSHS

The general layout of the school site consists of a central spine running north-south, consisting of buildings, circulation spaces and courtyards. Beyond this central spine, the site is comprised of a range of sports fields and associated facilities, landscaped outdoor learning and play areas, various detached buildings and car parks; the western extent of the site contains a heavily vegetated coastal wetland

area.

The proposed Building A3 responds appropriately to the site conditions and the spatial organisation of adjacent buildings. The siting of the proposed works avoids adverse impact to the nearby coastal wetland area and minimises removal of trees and permeable surfaces. In response to flood risk, the habitable room uses are largely located at the upper level with the ground floor primarily comprising storage and amenities. The location of the additions reinforces the existing layout of buildings while co-locating related amenities and facilities.

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. The proposed materials and finishes are durable and the included facilities will enable the school to meet future requirements of students, staff and the community.

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:

NNPS

The proposed landscape design and travel paths facilitate wayfinding and improved access to and around the new building.

NSHS

The proposal reinforces the existing travel paths through the central spine of the school and provides accessible bridges/ramps between buildings at the ground and upper levels. A new lift is proposed to the east of the gymnasium.

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:

NNPS

The proposed new entry from NBISC and secondary fencing provide an accessible and secure path of travel to the new building and the school grounds. The existing primary entrance from Namona Street is proposed to be redeveloped under a separate development application.

NSHS

A secure and accessible path of travel is provided from the school entry to the proposed building. The existing school fencing and security systems remain unchanged.

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:

NNPS

The proposed hall and COLA provide weather protected areas for educational, recreational and community activities, while remaining separated from the adjoining residential properties to the east. The removal/relocation of the existing buildings and consolidation of new buildings (through this application and the broader works program) will create open learning and play spaces centrally within the site.

NSHS

The proposal will provide improved and additional facilities for educational, recreational and community activities. The COLA provides a new weather protected area within the courtyard area adjacent to the gymnasium while the change rooms and store areas are co-located with the playing fields, tennis courts and cricket nets to the west. The new stage will increase the usability of the gymnasium and the level 1 uses provide improved facilities for students and staff.

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:

NNPS

The proposed Building D design is responsive to the positive elements of the site, namely the heritage-listed Binishells and the existing vegetation. The building design and roof forms provide a high level of articulation and the COLA opens up views to the Binishells from the school entrance and grounds. The external finishes add to the visual interest of the proposal and the integrated landscaping softens the visual bulk of the built form as viewed from surrounding land.

NSHS

The proposed additions to Building A3 are designed to complement the built form of the existing school buildings, which are characterised by Brutalist architecture. The perforated coloured panels, glazing and sun shade elements provide visual relief and interest.

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 'proximity areas for coastal wetlands'. The application is accompanied by an Ecological Assessment report and was referred to Council's Natural Environment sections (Bushland and Biodiversity, Coast and Catchments and Riparian Lands and Creeks). No objection to the proposal, subject to the recommended conditions of consent.

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 adverse impact referred to in paragraph (a), or
 - ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - iii) 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 sites 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;
- Hazardous Building Materials (HBM) Assessment (NNPS);
- Hazardous Building Materials (HBM) Assessment (NSHS); 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 |

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|---------------------|----------------------------|---------------------------|-------------|----------|
| Height of Buildings | Public School - NNPS: 8.5m | 9.63m (to RL14.13) - max | 13.29% | No |
| | High School - NSHS: 8.5m | 10.69m (to RL13.53) - max | 25.8% | No |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 2.7 Demolition requires development consent | Yes |
| 4.3 Height of buildings | No |
| 4.6 Exceptions to development standards | Yes |
| 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 |

| Clause | Compliance with Requirements |
|-----------------------------|------------------------------|
| 7.6 Biodiversity protection | Yes |
| 7.10 Essential services | Yes |

Detailed Assessment

Zone SP2 Infrastructure

Both of the sites are zoned for SP2 Infrastructure, with the purpose of that infrastructure 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 and NSHS are both **schools** as defined under the *Education Act 1990* and therefore the development is permitted with consent.

4.6 Exceptions to development standards

Description of Non-compliance

6 Namona Street (Public School - NNPS)

| | |
|--------------------------------------|---------------------|
| Development standard: | Height of Buildings |
| Requirement: | 8.5m |
| Proposed: | 9.63m |
| Percentage variation to requirement: | 13.29% |

10 Namona Street (High School - NSHS)

| | |
|--------------------------------------|---------------------|
| Development standard: | Height of Buildings |
| Requirement: | 8.5m |
| Proposed: | 10.69m |
| Percentage variation to requirement: | 25.8% |

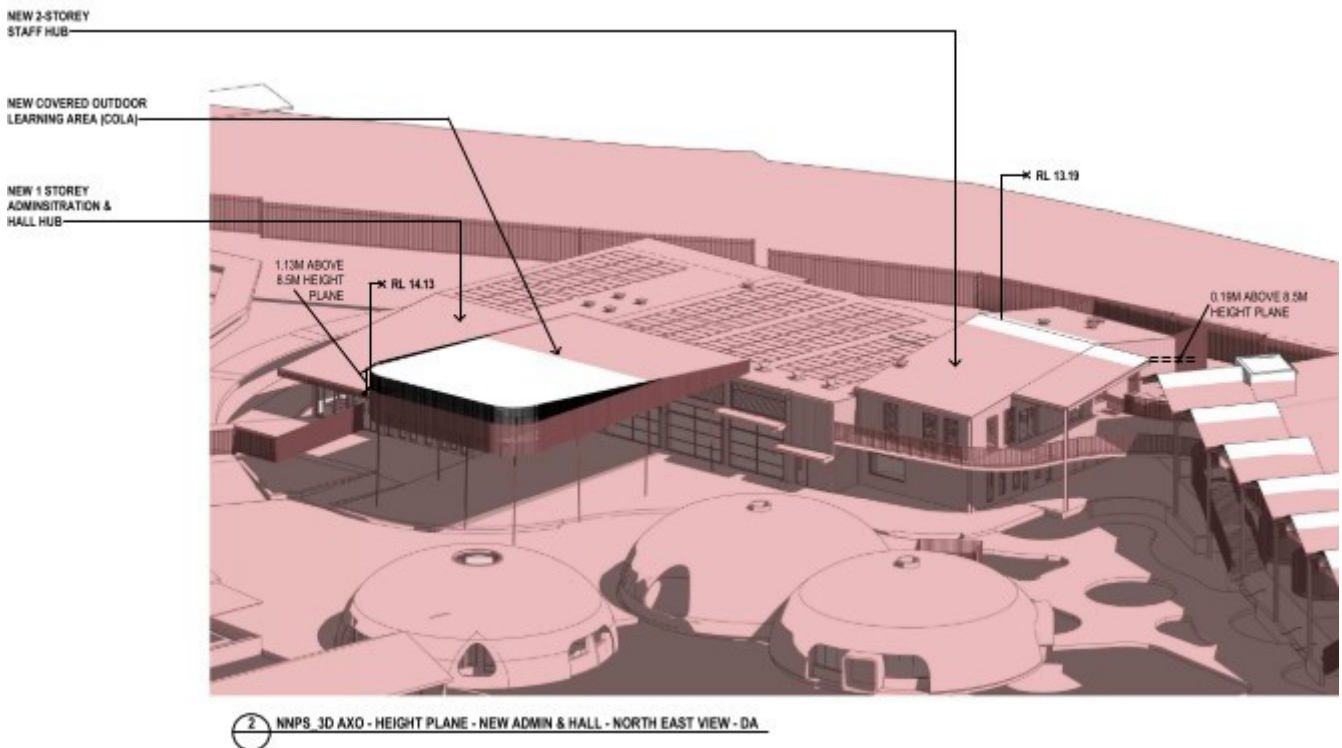
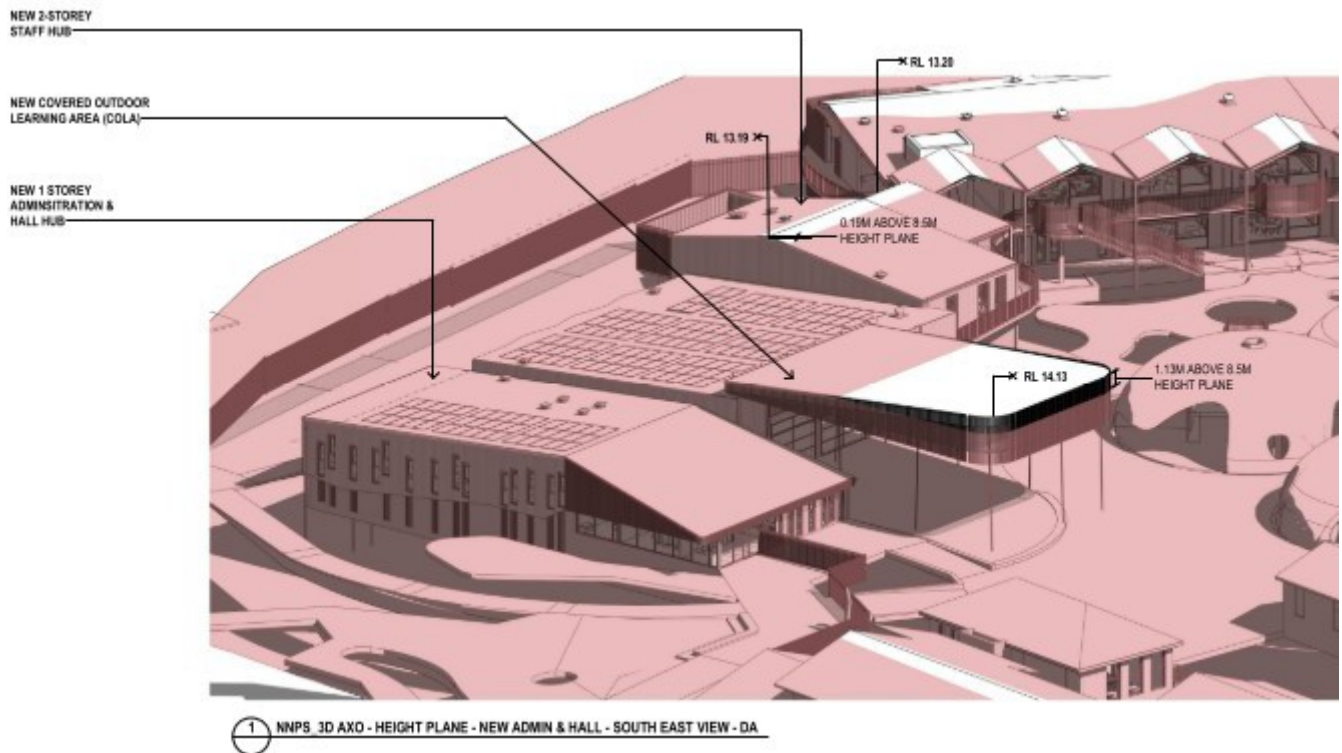


Figure 1. NNPS Axonometric height plane diagrams (Drawing No. DA-P-0303, prepared by DesignInc).

The above height plane diagrams are not certified, however the portions of buildings projecting above the 8.5m height plane are generally in alignment with Council's calculations, and are presented in a more practical format than a two dimensional elevational drawing. On that basis, the diagrams can be used for assessment purposes.

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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excluded from the operation of this clause.

Comment:

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) Assessment

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

6 Namona Street (Public School - NNPS)

The applicants written request argues, in part:

1. *That by virtue of the building's siting and design and the screening affording by vegetation and existing school buildings, the development will not cause adverse visual impact as viewed from the public domain or nearby residential properties.*
Comment: It is agreed that the proposal will not cause adverse visual impacts from surrounding land. While this lack of impact contributes to the proposal's consistency with the objectives of the standard, it is not identified as an environmental planning ground.
2. *That the proposal will not adversely impact the heritage significance of the heritage-listed Binishells and has been designed at such a height to improve the visual presentation and landscape setting of the item.*
Comment: It is agreed that the height and design of the COLA structure are such that, in conjunction with the removal of existing buildings to the south, views to the Binishells are facilitated from the school entry and within the grounds. As such, the second environmental planning ground provided by the applicant is sufficient to justify the building height breach in relation to the COLA structure.
3. *That the proposal will not cause overshadowing of adjoining residential properties and will facilitate adequate solar access to spaces within the school.*
Comment: It is agreed that the proposal will not cause adverse overshadowing on surrounding land. While this lack of impact contributes to the proposal's consistency with the objectives of

the standard, it is not identified as an environmental planning ground.

4. *That the flood affectation of the site necessitates that buildings be elevated above the existing ground level, thereby contributing to the extent of the proposed building height variation.*
Comment: It is agreed that the FFL of the ground floor is dictated by the probable maximum flood level and that this matter contributes to the overall height of Building D. As such, the fourth environmental planning ground provided by the applicant is sufficient to justify the building height breach in relation to the roof structure over the staff lounge.
5. *That the proposed design and height of the building are partially dictated by the NSW Department of Education's Educational Facilities Standards and Guidelines (EFSG).*
Comment: The relevant requirements of the EFSG and their contribution to the height variation are not specifically identified in the submitted documentation. As such, the fifth environmental planning ground provided by the applicant is not sufficient.

Accordingly, the Environmental Planning Grounds (2) and (4) provided by the applicant are sufficient to justify the variation to the development standard.

In this regard, the applicant's written request has demonstrated that the proposed development has regard for orderly and economic use and development of the land, promotes the sustainable management of built and cultural heritage and is of good design and amenity, therefore satisfying cls 1.3 (c), (f) and (g) of the EPA Act.

10 Namona Street (High School - NSHS)

The applicants written request argues, in part:

1. *That by virtue of the building's siting and design and the screening affording by vegetation and existing school buildings, the development will not cause adverse visual impact as viewed from the public domain or nearby residential properties.*
Comment: It is agreed that the proposal will not cause adverse visual impacts from surrounding land. While this lack of impact contributes to the proposal's consistency with the objectives of the standard, it is not identified as an environmental planning ground.
2. *That the proposal will not adversely impact the heritage significance of the heritage-listed Binishells located at NNPS.*
Comment: It is agreed that the proposal will not cause adverse impact to the heritage significance of the Binishells at NNPS. However, the building height breach has no relevance to the heritage item and the lack of impact is not identified as an environmental planning ground.
3. *That the proposal will not cause overshadowing of adjoining residential properties and will facilitate adequate solar access to spaces within the school.*
Comment: It is agreed that the proposal will not cause adverse overshadowing impacts on surrounding land. While this lack of impact contributes to the proposal's consistency with the objectives of the standard, it is not identified as an environmental planning ground.
4. *That the upper level of the building will provide a shelter-in-place refuge in the event of a flood event.*
Comment: The ground floor level has not been set above the flood planning level (or the PMF) and makes no contribution to the height breach. As such, the flood affectation of the site is not a sufficient environmental planning ground.

5. *That the proposed design and height of the building are dictated by the uses of the internal spaces and the integration of the works with the existing gymnasium and by the NSW Department of Education's Educational Facilities Standards and Guidelines (EFSG). The applicant's amended written request (dated 10 May 2023) identifies the specific requirements primarily contributing the overall building height as follows:*
 - "Sufficient space in-between ground floor ceiling and first floor slab to cater for services;
 - Minimum 6m internal height to be clear of any obstructions (floor to ceiling height) for 'Stage' – Ground Floor of Block A3; and
 - Clear height of 4m above floor to structures, beams, fans and cable trays for "movement studio" – Level 1 of Block A3."
6. *That the building height variation largely relates to the roof form of Building A3, and that the proposed parapet is an essential design element to maintain the predominant architecture and aesthetic of the school.*
Comment: It is agreed that the proposed height breach occurs largely as a result of the minimum required internal ceiling heights and the roof parapet element. It is also agreed that the inclusion of the roof parapet is an appropriate design response to the character of the existing school buildings. As such, the fifth and sixth environmental planning grounds provided by the applicant are sufficient to justify the building height breach in relation to Building A3.
7. *That Schedule 6 Complying development in schools - Chapter 3 of SEPP (Transport and Infrastructure) 2021 permits buildings up to a maximum height of 4 storeys or 22m from ground level, and that the proposed building height is well below that which is achievable under the SEPP on other sites.*
8. *That the alternative to the proposed height breach would be the construction of an additional building in lieu of the upper level of Building A3, and that this alternative approach would result in a loss of open space areas and potential loss of vegetation.*
Comment: It is agreed that the proposed height is significantly below the maximum height of school buildings envisaged by the SEPP, notwithstanding the breach of the PLEP control. Further, the proposed height is compatible with that of existing surrounding buildings. Given the location of the height breach centrally within the site and the absence of any material impacts to surrounding land, the proposal is considered to achieve a superior planning outcome to one that includes a larger footprint or an additional building. As such, the seventh and eighth environmental planning grounds provided by the applicant are also sufficient to justify the building height breach in relation to Building A3.

Accordingly, the Environmental Planning Grounds (5), (6), (7) and (8) provided by the applicant are sufficient to justify the variation to the development standard.

In this regard, the applicant's written request has demonstrated that the proposed development has regard for orderly and economic use and development of the land and is of good design and amenity, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) Assessment

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the SP2 Infrastructure zone. An assessment against these objectives is provided below.

Objectives of Development Standard

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The proposed building height breaches occur centrally with the NNPS and NSHS sites and will be minimally discernible from surrounding public and private land. Further, the proposed buildings are not of a height or scale that would conflict with the desired character of the locality. For these reasons, the proposal is assessed as achieving Objective (a).

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The height and scale of the proposed buildings are not incongruent with the existing school buildings or with surrounding and nearby development. For this reason, the proposal is assessed as achieving Objective (b).

c) to minimise any overshadowing of neighbouring properties,

Comment:

By virtue of the siting of the proposed buildings, the development will not result in any adverse overshadowing of adjoining properties. For this reason, the proposal is assessed as achieving Objective (c).

d) to allow for the reasonable sharing of views,

Comment:

The proposal will not adversely impact views from nearby residential properties. For this reason, the proposal is assessed as achieving Objective (d).

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The design of the proposed buildings respond appropriately to the natural topography of the land, noting the flood affectation of the sites. For this reason, the proposal is assessed as achieving Objective (e).

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

The proposed development minimises its visual impact on the natural environment and heritage items. Notably, the proposed NNPS COLA is designed to facilitate views to the heritage-listed Binishells and improve the visual presentation of the item. Further, the proposed buildings are positioned to maximise the retention of trees and new landscaping is integrated to visually screen the development. For these reasons, the proposal is assessed as achieving Objective (f).

Zone Objectives - SP2 Infrastructure

The underlying objectives of the SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*

Comment:

The proposal maintains the existing use of the sites as educational establishments.

- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Comment:

The proposal maintains the permitted educational use of the site.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the SP2 Infrastructure zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) Assessment

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning & Infrastructure, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Sydney North Planning Panel.

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 provided general terms of approval and 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.

7.1 Acid sulfate soils

The site is identified as Class 3 on Council's Acid Sulfate Soils map and an acid sulfate soils report was submitted with the application.

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

7.4 Floodplain risk management

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.

7.6 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

6 Namona Street (Public School - NNPS)

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|------------------|-----------------|--------------|----------|
| Front building line | Merit Assessment | 46.4m | 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 |

10 Namona Street (High School - NSHS)

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|------------------|----------------------|--------------|----------|
| Front building line | Merit Assessment | Pittwater Rd: 140.4m | N/A | Yes |
| | | Namona St: 62.9m | N/A | Yes |
| 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 |
| B1.4 Aboriginal Heritage Significance | 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 |
| B5.13 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 |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| C5.9 Signage | N/A | N/A |
| C5.10 Protection of Residential Amenity | Yes | Yes |
| C5.16 Building Facades | 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 |
| 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 six trees across the NNPS and NSHS sites.

The removal of Trees #57 and #58 is not supported by Council or the Heritage Council of NSW and these trees are conditioned to be retained.

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

The proposal does not include any alteration of access driveways or any works within the public road reserve.

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

Construction traffic management plans were submitted for both NNPS (amended) and NSHS and conditions are recommended in relation to further review and implementation of these plans.

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.

C5.9 Signage

No signage is proposed as part of the subject application.

C5.10 Protection of Residential Amenity

The proposed works are located centrally within NNPS and NSHS and will not materially impact the level of solar access or privacy of nearby residential development.

D14.1 Character as viewed from a public place

The proposed buildings are located centrally within the respective sites with substantial separation from the public domain. The proposed buildings are integrated with the existing developments and incorporate existing and proposed landscaping to screen the built form.

D14.7 Front building line

Merit Assessment

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

Public School - NNPS

The proposed Building D is set back a minimum distance of 46.4m and is behind the front building line to the existing Block V. The proposed setback distance is adequate and the retention of the densely vegetated setback to Namona Street ensures consistency with the outcomes of the control.

High School - NSHS

The proposed works to Building A3 are well-behind the front building line to Namona Street (Block A1) are located at the rear of the site in relation to the Pittwater Road frontage. Building A3 is minimally visible from either street frontage and the proposed works do not preclude 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 \$200,640 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$20,063,992.

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

PLANNING CONCLUSION

This is a Crown Development Application for alterations and additions to two adjoining educational establishments, and has been referred to the Sydney North Planning Panel (SNPP) as it relates to an educational establishment with a capital investment value (CIV) greater than \$5 million.

The critical assessment issues considered in this application include; the Clause 4.6 variations to the building height development standard under the Pittwater Local Environmental Plan 2024, the environmental impacts of the proposal and compliance with *Schedule 8 Design quality principles in schools* of SEPP (Transport and Infrastructure) 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 schools 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 necessary.

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 Northern Beaches Council as the consent authority vary clause 4.3 Height of Buildings development standard pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly Sydney North Planning Panel as the consent authority grant Development Consent to DA2022/1649 for Alterations and additions to an educational establishment on land at Lot 12 DP 1119562, 10 Namona Street, NORTH NARRABEEN, Lot 3 DP 1018621, 6 Namona Street, NORTH NARRABEEN, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

DEVELOPMENT CONSENT OPERATIONAL 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 |
| 6 Namona Street (NNPS) | | |
| DA-P-0521 New Site Plan - School - Ground Floor | Rev. B, 23 August 2022 | DesignInc |
| DA-P-0522 New Site Plan - School - Level 01 | Rev. B, 23 August 2022 | DesignInc |
| DA-P-0523 New Site Plan - School - Roof | Rev. B, 23 August 2022 | DesignInc |
| DA-P-1040 New Hall & Admin - Ground Floor | Rev. A, 18 August 2022 | DesignInc |
| DA-P-1041 New Hall & Admin - Level 1 | Rev. B, 23 August 2022 | DesignInc |
| DA-P-1042 New Hall & Admin - Roof Plan | Rev. B, 23 August 2022 | DesignInc |
| DA-P-3001 New Admin & hall - Site Elevations | Rev. A, 18 August 2022 | DesignInc |
| DA-P-3002 New GLS Hub - Site Elevations | Rev. A, 18 August 2022 | DesignInc |
| DA-P-3040 New Admin & Hall - GA Elevations | Rev. A, 18 August 2022 | DesignInc |
| DA-P-3041 New Hall & Admin - GA Elevations | Rev. B, 23 August 2022 | DesignInc |
| DA-P-3042 New Hall & Admin - GA Sections | Rev. A, 18 August 2022 | DesignInc |
| DA-P-0220 Materials Board - New Admin & Hall | Rev. A, 18 August 2022 | DesignInc |
| 10 Namona Street (NSHS) | | |
| AR-H-0512 Demolition Site Plan - Ground Floor | Rev. A, 15 September 2022 | DesignInc |
| AR-H-0513 Demolition Site Plan - Level 1 | Rev. A, 15 September 2022 | DesignInc |
| AR-H-0521 Proposed Site Plan - Ground Floor | Rev. A, 15 September 2022 | DesignInc |
| AR-H-0522 Proposed Site Plan - Level 1 Plan | Rev. A, 15 September 2022 | DesignInc |
| AR-H-0523 Proposed Site Plan - Roof Plan | Rev. A, 15 September 2022 | DesignInc |

| | | |
|--|---------------------------|-----------|
| AR-H-0553 Demolition Plan - Ground Floor_Block A South | Rev. A, 15 September 2022 | DesignInc |
| AR-H-554 Demolition Site Plan_Block A South_Level 1 | Rev. A, 15 September 2022 | DesignInc |
| AR-H-555 Demolition Plan_Block A South_Roof Plan | Rev. A, 15 September 2022 | DesignInc |
| AR-H-1010 Proposed Plan_Block A South_Ground Floor | Rev. A, 15 September 2022 | DesignInc |
| AR-H-1011 Proposed Plan_Block A South_Level 1 | Rev. A, 15 September 2022 | DesignInc |
| AR-H-1012 Proposed Plan_Block A South_Roof Plan | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3000 Elevations - Street Elevations | Rev. 2, 9 September 2022 | DesignInc |
| AR-H-3007 Demolition Elevation - Block A3 | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3008 Demolition Elevation - Block A3 | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3010 Proposed Elevations - Block A - South & East | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3011 Proposed Elevations - Block A - East, North & West | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3012 Proposed Elevations - Block A_Gym_North Elevations | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3041 Sections - Block A | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3041 Sections - Block A | Rev. A, 15 September 2022 | DesignInc |
| AR-H-3001 Materials Board_Block A_New Extension | Undated | DesignInc |

Reports / Documentation – All recommendations and requirements contained within:

| Report No. / Page No. / Section No. | Dated | Prepared By |
|---|--------------------------|------------------|
| Geotechnical Investigation | Rev. 0, 5 March 2020 | Douglas Partners |
| Geotechnical Investigation | Rev. 1, 5 September 2022 | Douglas Partners |
| Preliminary Site Investigation (Contamination) | Rev. 0, 6 March 2020 | Douglas Partners |
| Detailed Site Investigation (Contamination) | Rev. 0, 17 August 2022 | Douglas Partners |
| Hazardous Building Materials (HBM) Assessment - Narrabeen North Public School | Rev. 0, 5 March 2020 | Douglas Partners |
| Hazardous Building Materials (HBM) Assessment - Narrabeen Sports High | Rev. 0, 19 March 2020 | Douglas Partners |

| | | |
|--|-----------------------------------|-------------------------------------|
| School | | |
| Acid Sulfate Soil Management Plan | Rev. 0, 17 August 2022 | Douglas Partners |
| Remediation Action Plan | Rev. 0, 26 August 2022 | Douglas Partners |
| Preliminary Construction Management Plan | Rev. 2, 14 September 2022 | Johnstaff Projects Pty Ltd |
| Construction Traffic Management Plan - Narrabeen North Public School | Rev. 12, 16 February 2023 | Ason Group |
| Construction Traffic Management Plan - Narrabeen Sports High School | Rev. 02, 15 September 2022 | Ason Group |
| Noise and Vibration Impact Assessment | Rev. Final 1.0, 14 September 2022 | Acoustic Studio |
| Arboricultural Impact Assessment - Narrabeen North Public School | 12 September 2022 | Independent Arboricultural Services |
| Arboricultural Impact Assessment - Narrabeen Sports High School | 12 September 2022 | Independent Arboricultural Services |
| Aboriginal Cultural Heritage Assessment Report | Ver. 6.0, 14 September 2022 | Kayandel Archaeological Services |
| Heritage Impact Statement | Rev. 03, 15 September 2022 | City Plan Heritage P/L |
| Narrabeen Educational Precinct - Ecological Assessment | Ver. 4, 16 September 2022 | ADE Consulting Group |
| Narrabeen Educational Precinct - Flood Risk and Impact Assessment | Ver. 01, 16 September 2022 | BMT |
| Narrabeen Educational Precinct - Addendum #1 to Flood Risk and Impact Assessment | 23 February 2023 | BMT |
| Access Capability Statement - Proposed Upgrades to North Narrabeen Public School | 31 August 2022 | Philip Chun Building Compliance |
| Access Capability Statement - Proposed Narrabeen Education Precinct | 31 August 2022 | Philip Chun Building Compliance |
| Preliminary School Travel Plan - Narrabeen North Public School | Rev. IV, 19 September 2022 | Ason Group |
| Preliminary School Travel Plan - Narrabeen Sports High School | Rev. 02, 15 September 2022 | Ason Group |

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:

| Landscape Plans | | |
|-----------------|-------|-------------|
| Drawing No. | Dated | Prepared By |
| | | |

| | | |
|-------------------------------------|------------------------|-----------|
| 6 Namona Street (NNPS) | | |
| LA-DA-P-0100 Site Plan | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-0120 Tree Removal | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-1000 Overall Plan | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-1001 General Arrangement 01 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-1002 General Arrangement 02 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-1101 Fencing Plan 01 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-2001 Planting Plan 01 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-2002 Planting Plan 02 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-3001 Sections 01 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-3002 Sections 02 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-4001 Typical Details 01 | Rev. A, 2 August 2022 | DesignInc |
| LA-DA-P-5001 Schedules / Palette | Rev. A, 2 August 2022 | DesignInc |
| 10 Namona Street (NSHS) | | |
| LA-DA-H-0100 Site Plan | Rev. A, 19 August 2022 | DesignInc |
| LA-DA-H-0120 Tree Removal | Rev. A, 19 August 2022 | DesignInc |
| LA-DA-H-1033 General Arrangement 03 | Rev. A, 19 August 2022 | DesignInc |

| | | |
|---|------------------------|----------------------|
| Waste Management Plan | | |
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan - Narrabeen North Public School | Ver. 1, 10 August 2022 | MRA Consulting Group |
| Waste Management Plan - Narrabeen Sports High School | Ver. 1, 10 August 2022 | 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:

| | | |
|---|---|-----------------|
| Other Department, Authority or Service | EDMS Reference | Dated |
| Ausgrid | Ausgrid Referral Response | 4 November 2022 |
| Heritage Council of NSW | Heritage Council of NSW Referral Response | 6 April 2023 |
| Aboriginal Heritage Office | Referral - Aboriginal Heritage Office | 24 October 2022 |

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

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

3. **Approved Land Use**

This consent shall not authorise any increase to the existing/approved student enrolments of staff numbers.

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

4. **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.

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

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- i 7.00 am to 5.00 pm inclusive Monday to Friday,
- i 8.00 am to 1.00 pm inclusive on Saturday,
- i No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- i 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) 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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

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

(f) 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.

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

(h) 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.

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

(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

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

6. 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.

7. 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 for:

- i Quick Check agents details - see Building Developing and Plumbing then Quick Check;

- and
- i Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- i Or telephone 13 20 92.

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

FEES / CHARGES / CONTRIBUTIONS

8. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$200,639.92 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$20,063,992.00.

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

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

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

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

9. Security Bond

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

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

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

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

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

10. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$30000 as security against damage to Council's roads and footpaths fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

11. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Councils water Management policy for Development. Engineering plans / calculations are to be prepared by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows and or compliance with the Council's policy are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

12. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.03m AHD. Flood storage compensation is to be provided as outlined in the Addendum. External doors to the ground floor amenities (toilets and change rooms) are to be open style security gates, and external doors into the Outdoor Store, P&C Store and Bulk Store are to have a gap below the door which is at least 750mm high and which is permitted to contain an open style grated panel.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.53m AHD shall be designed and constructed from flood compatible materials.

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood level of 4.87m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

Electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.53m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events. The lift motors are to be located above the Flood Planning Level. Any high value items such as computers and electric tools are to be stored above the Flood Planning Level.

Floor Levels – C2

New floor levels within the development shall be set at or above the levels shown on the

approved plans. As outlined in the Addendum to the Flood Risk and Impact Assessment Report, the management strategy for the use of the first aid room is to be detailed in the Safety in Design Report for NSHS and this is to be included in the School's Flood Emergency Response Plan.

Fencing – F1

Any new fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

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

13. **Preparation of a Tree Removal Protocol**

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- i a pre-clearance survey
- i direct supervision of tree removal
- i protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat

The Tree Removal Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey.

The Tree Removal Protocol is to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native wildlife.

14. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- i Site Boundaries and contours
- i Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- i Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- i Existing and proposed drainage patterns with stormwater discharge points

- i Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- i North point and scale.

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

Reason: Protection of the receiving environment.

15. **Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

16. **Construction Environment Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Ecology Report and must be kept in the site office.

An induction plan for site personnel must be prepared that addresses the CEMP.

The CEMP and site induction plan must be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

17. **Detailed Design of Stormwater Treatment Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the **Civil Engineering Report (enstruct December 2022)** and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

18. **Heritage Consultant**

A suitably qualified and experienced heritage consultant must be appointed for this project. The nominated heritage consultant must be available at all times and provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Details of the appointment of this heritage consultant are to be submitted to Council's Heritage Officer, prior to the issue of a Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice

19. **Binishells Temporary Protection Plan**

A temporary protection plan for both Binishells (Building A and B) must be prepared by a suitably qualified and experienced consultant to guide demolition, relocation and construction works within the vicinity of the shells. The plan must detail the protection measures and strategy to protect the shells and be prepared prior to the issuing of the Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority

Reason: To ensure a plan is prepared to guide the protection of the heritage items

20. **Construction Traffic Management Plan**

A revised Construction Traffic Management Plan (CTMP) and report shall be prepared by a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the school surrounds, truck movements will be restricted during the major school peak times being 8.00-9.30am and 2.30-4.00pm. Truck movements must be agreed with Council's Traffic prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i The proposed development involves works within the Narrabeen Education Precinct, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm)

weekdays).

- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- i Proposed protection for Council and adjoining properties
- i The location and operation of any on site crane

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

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

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

21. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

22. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **Boundary Identification Survey**

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

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

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

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

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

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Pre-Construction Certificate Capability Statements for DA prepared by Philip Chun, dated 13/9/2022 and 16/9/2022, are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of the Construction Certificate..

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

25. **Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access Capability Statements for DA dated 31/8/2022, are to be included as part of the Construction Certificate assessment. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

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

26. **Photographic Archival Record**

A full photographic archival recording is to be made of the Binishells (including interiors and exteriors), surrounding structures and buildings as well as their setting (including any major landscape elements). This archival record is to also record, in-situ, all identified items of moveable heritage within the Binishells, prior to their removal for storage or relocation. This record is to be prepared generally in accordance with the guidelines issued by NSW Heritage and must be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate.

The photographic record should be made using digital technology and should include:

- i Location of property, date of survey and author of survey;
- i A site plan at a scale of 1:200 showing all structures and major landscape elements;
- i Floor plans of any buildings at a scale of 1:100;
- i Photographs which fully document the site (including items of moveable heritage), crossreferenced in accordance with recognised archival recording practice to catalogue sheets.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To provide an archival photographic record of this heritage item and any moveable heritage onsite, prior to the commencement of any works.

27. Covered Outdoor Learning Area Battens

The battens proposed to be affixed to the roof of the Covered Outdoor Learning Area are to be reduced in length by 500mm.

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

Reason: To ensure that views of the heritage item are not impacted

28. Schedule of Conservation Works - Binishell A

A detailed schedule of conservation works (SCW) must be prepared for the Binishell A building. The SCW must include roof repairs, works to concrete structure to address damp issues and conservation of internal finishes and be prepared by suitably qualified consultants including a heritage structural engineer. The schedule is to be provided to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate.

Reason: To ensure the local listed building is conserved appropriately

29. Further Acid Sulfate Assessment prior to Construction Certificate

Further Assessment and Management Plan review of Acid Sulfate Soils shall be carried out prior to the issue of a Construction Certificate.

Additional assessment is to include:

A. Investigations to at least 0.5 m below the final depth of soil disturbance (i.e., pile depth, service trench excavation);

- B. A minimum of four boreholes are to be drilled in the footprint of the proposed buildings. Additional locations may be required (e.g. ,along service trench alignment(s) outside the building footprints) if determined to be required by the environmental consultant;
- C. Collection of samples at regular intervals (i.e., approximately 0.5-1 m intervals);
- D. Screening of samples for indication on the potential presence of ASS;
- E. Laboratory analysis (e.g., SCr) of selected samples based on the screening results and to provide delineation through the subsurface profile (both vertically and laterally); and
- F. Assessment report which determines the presence / absence of ASS within the range to be disturbed by the works and if ASS management of disturbed soils is required.

Any findings from the additional testing is to be incorporated into an updated acid sulfate management plan.

Reason: To manage acid sulfate soils and protect the environment

30. **Contaminated Land Data gap Analysis Investigation**

Prior to the issue of any Construction Certificate and post demolition a data gap analysis investigation is to be undertaken with a report prepared detailing findings and recommendations.

Further investigation is to be carried out in accordance with the Detailed Site Investigation (Contamination) Project 86973.04 August 2022 to determine if there is any further contamination under building footprints and list what further actions are to be taken regarding any contamination discoveries. The investigation is to be in accordance with relevant industry guidelines including Resilience and Hazards SEPP and NSW EPA guidelines.

The report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and supplied to the Principle Certifier together with any recommendations around Contamination Management to be include in an amended Disposal/ Remediation Action Plan before work proceeds.

Reason: Protection of the environment, Resilience and Hazards SEPP Compliance

31. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc), including the Warriewood Valley Sportsground car park driveway (7 Jacksons Road, North Narrabeen). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council and the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. **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 and tree protection requirements as nominated in the Arboricultural Impact Assessment for NNPS and NSHS. 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 Principal 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.

33. **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):

i) Narrabeen North Public School

tree 55 - *Eucalyptus botryoides*,

ii) Narrabeen Sports High School

tree 65 and 66 - *Eucalyptus robusta*, tree 67 - *Lophostemon confertus*,

iii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

34. **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 and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

35. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road or at a signalised intersection or pedestrian crossing.

Reason: Requirement of TMC for any works that impact on traffic flow.

36. Demolition Traffic Management Plan

As the proposed development works within the Narrabeen Education Precinct, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion and pedestrian activity throughout the school surrounds, truck movements will be restricted during the major school peak times being 8.00-9.30am and 2.30-4.00pm.

The DTMP must:-

- i Make provision for all construction materials to be stored on site, at all times.
- i The DTMP is to be adhered to at all times during the project.
- i Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- i Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- i The proposed development works are within the Narrabeen Education Precinct, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- i Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- i Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- i Specify spoil management process and facilities to be used on site.
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

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

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

37. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

38. **Construction Noise Management Plan**

A construction Noise Management Plan also referred to as a Construction Environmental Management Plan (CEMP) is to be prepared in conjunction with stake holders and comply with recommendations contained within Noise and Vibration Impact Assessment by Acoustic Studio 14 September 2022. A copy of the completed plan is to be sent to Council for its records.

Reason: To minimise construction noise impacts to students, residential and business receivers

39. **Nest Box Installation**

A minimum of 2 nest boxes suitable native microbats for the following species are to be installed in retained trees on the site/s.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods). Written certification of compliance with this condition is to be prepared by the Project Ecologist and submitted to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To replace wildlife habitat approved for removal.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

40. **Site Contamination – Acid Sulfate Soils**

A. Works to be carried out, as required in the assessment advice by Douglas Partners Project 86973.04 Acid Sulfate Soil Management Plan and subsequent additional assessment or findings required under the terms of this consent.

B. All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

C. 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.

D. Copies of all test results and disposal dockets must be retained by the property owner for at least 3 years and be made available to authorised Council officers on request.

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

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, Waste Classification Guidelines (2014);
- iii) Water Quality Australia, National Acid Sulfate Soils Guidance (2018); and
- iv) Acid Sulfate Soil Advisory Committee, Acid Sulfate Soil Manual (1998).

Reason: To protect environment and public health.

41. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 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 with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
 - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Principal Certifier must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

42. 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.

43. 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.

44. Impacts to Protected Native Wildlife

Trees approved for removal are to be inspected for native wildlife by the Project Ecologist prior to their removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist or a licensed wildlife rehabilitator.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier.

Reason: To protect native wildlife.

45. 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.

46. **Site inductions for Construction Environment Management Plan**

The site Environmental Officer (or appropriate equivalent) must induct all staff prior to starting work, with an induction record maintained and available onsite at all times.

Personnel conducting the site induction must:

- (a) Be familiar with any environmental protection conditions under the development approval and/or the Construction Environment Management Plan
- (b) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency.
- (c) Be familiar with the presence of environmentally significant areas within and surrounding the site.
- (d) Be able to identify threatened species of fauna if they enter the site, especially Red-crowned Toadlet.
- (e) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.

Reason: To ensure all personnel understand what must be done to protect native vegetation, wildlife, habitats and receiving waterways on the site.

47. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

48. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to park offstreet for the duration of the works. All necessary facilities are to be provided to accommodate this requirement including temporary parking areas, temporary vehicle access points, fencing, security cameras, etc.

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

49. **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.

50. **Ongoing Management**

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

Reason: To ensure public safety.

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

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

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

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

52. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

53. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

54. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

55. **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.

56. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

57. **Discovery of relics**

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

58. **Implementation of the Binishell Temporary Protection Plan**

The Binishell Temporary Protection Plan referred to elsewhere in the conditions must be implemented during works on site.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority

Reason: Protection of the heritage items during works

59. **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 Principal Certifying Authority.

Reason: To protect human health and the environment.

60. **Classification of waste**

Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification

of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Reason: Appropriate disposal of waste and protection of environment.

61. **Dust Control Measures**

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 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 and businesses and avoid air pollution.

62. **Contamination management**

Any recommendations within;

- Contaminated Land Reports including the Preliminary Site (Contamination) Investigation with Limited Sampling by Douglas Partners referenced as Project 86973.01 and dated March 2022,
- Detailed Site Investigation (Contamination) Report by Douglas Partners referenced as Project 86973.04 and dated August 2022,
- Remedial Action Plan by Douglas Partners referenced as Project 86973.04 and dated August 2022 and,
- the data gap analysis investigation & report to be completed prior to the release of the construction certificate

Must be followed during works.

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

63. **Construction Noise Management Plan**

The construction Noise Management Plan also referred to as a Construction Environmental Management Plan (CEMP) is to be adhered to at all times during construction works. A copy of the plan is to be maintained on site during all works.

Reason: To minimise construction noise impacts to students, residential and business receivers

64. **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 Principal Certifying Authority within seven (7) days of transport and made available to Council upon request.

Reason: Appropriate disposal of waste and protection of environment.

65. Existing Bus Stops

There shall be no impact upon existing bus stops or No Stopping areas on Namona Street for the duration of the works without approval. Bus stops along the frontages of the schools must remain in their current location and kept clear of construction related vehicles unless permitted under a Stand Plant or Works Zone approval. Approval of Keolis Downer and Council is required to relocate or amend any Bus Stops.

Reason: To ensure bus services are not impacted at any stage during the project.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

66. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawings LA-DA-P2001, LA-DA-P-2002, LA-DA-P-5001 by Design Inc dated 19/08/22) and inclusive of the following conditions:

i) substitute the *Ficus microcarpa hillii* with a suitable native or indigenous alternative.

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

Reason: Environmental amenity.

67. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal 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.

68. Certification of the Structural Stability of the Building (B2)

A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Probable Maximum Flood level of 4.87m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

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

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

69. Certification of Services (B3)

A suitably qualified electrician or contractor is to certify that electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.53m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

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

70. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

71. Tree Removal Protocol to be Certified as Completed

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

72. 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 Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

73. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

74. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

75. Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

76. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements

- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

77. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

78. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

79. 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.

80. Implementation of the Schedule of Conservation Works for Binishell A

The works identified in the Schedule of Conservation Works for Binishell A are to be satisfactorily undertaken and evidence provided to Council's Heritage Officer for approval, prior to the issuing of the Occupation Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure the local listed building is conserved appropriately

81. Validation for Remediation

At the completion of any required remediation works a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifier.

The Validation Report must be in accordance with the requirements of the following:

- Resilience and Hazards SEPP;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020.

The report shall document the following:

The extent of validation sampling, and the results of the validation testing; and
That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan and any additional requirements identified in the data gap analysis..

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment, Resilience and Hazards SEPP.

82. Verification of Acid Sulfate Management prior to issue of an Occupation Certificate

The Principle Certifier shall certify that all works and actions, as required in the assessment advice by Douglas Partners Project 86973.04 Acid Sulfate Soil Management Plan and subsequent additional assessment/s, required under the terms of this consent have been carried out in a compliant manner and in accordance with the conditions of consent.

Reason: To protect the Environment and comply with Legislation

83. Prior to Occupation Certificate - Noise

Prior to an OC being issued a suitably qualified person shall certify that noise emissions from mechanical plant and equipment are effectively controlled to meet the relevant criteria at the nearest receiver boundaries as stated in the Noise and Vibration Impact Assessment by Acoustic Studio 14 September 2022.

Reason: To maintain the amenity for residential receivers.

84. Fire Safety Matters

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

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement of the Environmental Planning and Assessment Regulation 2021.

85. Namona Street Vehicle Crossing

The Namona Street vehicle crossing and driveway serving Narrabeen North Public School

which is in a poor state of repair shall be reconstructed together with any other vehicle crossings damaged in conjunction with the development works.

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993 for any reconstructed vehicle crossings. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

Reason: <to ensure an appropriate level of vehicle access to the school >

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

86. **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 and any conditions of consent.

All weeds are to be managed in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

87. **Flood Management**

Storage of Goods (G1)

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

Flood Effects Caused by Development (A2)

There shall be no filling of the land below the 1% AEP flood level of 3.05m AHD, or obstruction of flow paths through the property. This includes the blocking of areas required by DA consent to be left open.

Flood Emergency Response (E1, E2)

Appropriate access to the second storey for sheltering in place during a flood event is to be maintained at all times from all internal areas within the new development. Sufficient clean water for all potential occupants; a portable radio with spare batteries; a torch with spare batteries; and a first aid kit must be kept available at all times on the second storey.

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

88. **Protection of Habitat Features**

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.

Reason: To protect wildlife habitat.

89. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

90. Maintenance of Stormwater Treatment Measures - Major

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

91. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

92. Landscaping and signage adjoining vehicular access

The applicant must ensure that the planting or signage chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

93. 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.

94. **Out-of-School Hours Care Facility**

The out-of-school hours care facility shall operate in accordance with the Pittwater Local Environmental Plan definition for school-based child care:

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

95. **Onsite Encapsulation of Contaminated Material**

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

96. **Education Precinct Operational Noise**

The ongoing use of the Education Precinct shall be in compliance with the recommendations of the Acoustic Assessment by Acoustic Studio 14 September 2022.

Reason: To minimise noise to neighbouring residential and business receivers