

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-67
DA Number	DA2019/1274
LGA	Northern Beaches
Proposed Development	Alterations and additions to the existing school and an increase in student numbers to 1,091
Street Address	Lot 1 DP 1215531, 70 South Creek Road DEE WHY NSW 2099
Applicant/Owner	Neeson Murcutt + Neille Architects The Pittwater House Schools Ltd
Date of DA lodgement	14/11/2019
Number of Submissions	5
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	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	Updated Statement of Environmental Effects Clause 4.6 request Traffic Report and additional cover letter
Clause 4.6 requests	Warringah Local Environmental Plan 2011 - 4.6 Exceptions to development standards
Summary of key submissions	Height of buildings, traffic and parking
Report prepared by	Louise Kerr Director, Planning and Place
Responsible Officer	Daniel Milliken, Planner
Report date	

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

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**

Special Infrastructure Contributions

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

require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of development application DA2019/1274 from The Pittwater House Schools Ltd c/o Neeson Murcutt + Neille Architects for alterations and additions to the existing school and an increase in student numbers to 1,091 at 70 South Creek Road, Dee Why.

It is important to note that, as outlined in the Site history section of this report, the school does not currently have approved maximum student numbers, however, they have stated that they currently operate with 887 students.

The subject site is zoned R2 Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011), and the proposed development is permissible with consent.

The public notification of the application resulted in five submissions in objection to the proposal, raising concerns regarding traffic, parking and lighting. The concerns raised in these submissions have been addressed in the assessment report, and overall, there were no matters raised that would warrant the refusal of the application in the public's interest, should the recommended conditions be imposed.

The proposed development is a response to the context of the site, compatible with the height, bulk and scale of the built form existing on the site. The resultant development will provide a high level of amenity for future staff and students, and will not result in any adverse impacts upon the character of the streetscape or the amenity of adjoining properties. As such, the proposal has been found to be consistent with the principles of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and the relevant objectives of the WLEP 2011 and Warringah Development Control Plan 2011 (WDCP 2011).

The proposal is reliant upon a variation to the maximum building height development standard prescribed by clause 4.3 of WLEP 2011, with a maximum variation of 36.82%. The maximum variation is to the new library and services building, with a lower maximum height to the new access core. The applicant's written request to vary this standard satisfactorily addresses the matters required, and overall, the consent authority can be satisfied of the relevant matters of clause 4.6 of WLEP 2011.

The remaining key issue is that of traffic and parking, a common concern with most schools. While the proposal does result in a non-compliance with the minimum parking rate, the development will increase the total number of on-site car parks and will construct a larger pick-up/drop-off area, an additional staff car park and formalised bus parking. The increase in parking is more than a proportional increase, compared to the increase in staff and students numbers?

The application seeks consent for an educational establishment greater than \$5 million. As such, the application is referred to the Sydney North Planning Panel for determination in accordance with the direction issued by the Minister for Planning on 23 February 2018.

PROPOSED DEVELOPMENT IN DETAIL

In summary the development proposes:

- Demolition works and site preparation. The demolition includes the removal of the small demountable services buildings and sheds on the southern frontage of the site as well as portions of the existing junior school building.
- The construction of a new, two storey library and student services building containing junior and senior libraries, student services rooms, offices and staff facilities.
- Alterations to the existing junior school building involving adjusted classrooms and offices, and the addition of AC units on the roof.
- Alterations and additions to the circulation core between the West and South Wings of the school, including the addition of a lift.
- The construction of a new student pickup and drop off, accessed from South Creek Road.
- The construction of a new staff carpark, accessed from South Creek Road.
- Alterations to the existing staff and visitor parking accessed from South Creek Road.
- The construction of new bus parking and service vehicles facilities accessed from Westmoreland Avenue.
- Overland flow and stormwater retention works.
- Landscaping works across the site.

The proposal also seeks consent for:

- Maximum student numbers of 1091.
- Maximum staff numbers 160 (including all part-time and casual staff).

Note: There is no current approval for maximum staff or student numbers. For comparison purposes, the school has stated they currently operate with 887 students and 155 staff.



 **Make direct amendment to *Detailed Description of Development***

ASSESSMENT INTRODUCTION


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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 1 DP 1215531 , 70 South Creek Road DEE WHY NSW 2099
Detailed Site Description:	<p>The subject site consists of a single irregularly shaped allotment (see Figure 1, below) located on the northern side of South Creek Road, the eastern side of Parkes Road and the southern side of Westmoreland Avenue. The site has a surveyed area of 16,837.17m².</p> <p>The site currently accommodates 'The Pittwater House Schools', consisting of numerous school buildings, a swimming pool, car parking and other facilities.</p> <p>The site has a cross fall from north to south of approximately 16m. A large stormwater drain runs from the north east to the south west, mostly across the western parts of the site.</p> <p>Development immediately adjoining and surrounding the development is characterised by detached style residential dwellings to the north, south and west. There is a defence facility to the east along with attached townhouses. There is an industrial area further to the west.</p> <p> Make direct amendment to <i>Site description</i></p>

Map:



SITE HISTORY

PLM2019/0175

This was a prelodgement meeting held to discuss the current proposal. Relevant comments provided in the notes included:

"The proposal is acceptable, subject to the applicant incorporating the recommendations within these notes and providing the required information at the lodgement of the DA."

Historical applications and student numbers

There are a number of historical applications for this site including:

- FG2010/0031 for the basketball sports building,
- CDC2016/0021 for the installation of a demountable building,
- DA2013/0319 for alterations and additions to an Educational Establishment,
- DA2004/1600 for the erection of shade structures around existing swimming pool,
- DA2004/0299 for alterations & additions to the junior admin building M & amenities block,
- DA2003/1010 for the demolition of existing buildings at 13 Parkes Rd & 58 & 62 South Creek Rd, erection of new early childhood centre, play areas and carparking,
- DA2002/1933 for the demolition of existing administration & toilet block and erection of new administration & toilet block,
- DA2002/1332 for alterations & additions to the administration block,
- DA6000/6093 for swimming pool operating hours of 6.30AM-9.30PM.

Student numbers

None of the above applications include formal approval for specific student numbers and no approval for maximum student numbers can be found elsewhere.

The current application includes the request for maximum student numbers.

Application history

The application is over 180 days old due to multiple issues identified in the preliminary assessment and the referrals. These issues required a number of sets of amended plans to resolve and re-referrals to several Council departments.

Full sets of amended plans were received in February 2020 and in August 2020 with minor amendments occurring between those dates.

 **Make direct amendment to *Site History***

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for educational purposes for an extended period of time. The proposed development retains the educational use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to student numbers, traffic and parking, and other related matters.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 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 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been</p>

Section 4.15 Matters for Consideration'	Comments
	<p>addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the improvements to the traffic and parking situation for the school and related recommended conditions of consent.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>The submissions raising concerns in relation to traffic and parking are acknowledged and have been addressed in this report. These issues have been adequately resolved to the satisfaction of Council's Traffic Engineers and Transport for NSW. The works should improve the existing situation on the local roads around the school.</p> <p>No other matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

 **Make direct amendment to *Environmental Planning and Assessment Act 1979 - Section 4.15 Evaluation***

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 14/08/2020 to 28/08/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Mrs Jane Louise Zuffo	53 Westmoreland Avenue COLLAROY NSW 2097
Mr Gregory John Tivey	10 Parkes Road COLLAROY NSW 2097
Mrs Georgina Hewitt	21 Parkes Road COLLAROY NSW 2097
Winston Lau	16 Parkes Road COLLAROY PLATEAU NSW 2097
Ms Heather Rae O'Kane	16 Rowe Street FRESHWATER NSW 2096

The following issues were raised in the submissions and each have been addressed below:

- Traffic and parking
- Light spill

The matters raised within the submissions are addressed as follows:

- **Traffic and parking**

The submissions raised concerns that the proposal will increase the amount of cars that use and park on the surrounding streets. The submissions state that cars often park across driveways. Concerns are raised that the proposed on-site parking is inadequate and that pickup/dropoff occurs on Parkes Road. The submissions request that cars should not be allowed to park in Westmoreland Avenue and one side of Parkes Road.

Comment:

It is acknowledged and agreed that traffic volumes and on-street parking are always issues that are caused by schools and always impact on local residents.

The proposal will increase the on-site parking by 26 spaces (while only proposing five new staff) by providing a new staff car park and adjusting the existing car park. The development also includes a new, larger and more efficient pick-up/drop-off system separate from any car parking areas (noting that the existing pick-up area is located in a carpark). Both of these elements will improve the existing traffic and parking issues.

The proposal was referred to Council's Traffic Engineers and to Transport for NSW. Both raised no objections to the development, subject to conditions which will be included in the consent.

In relation to illegal parking, that is a matter for Council's Parking Officers and/or police. Drivers

must follow the road rules and parking signs. The matter of prohibiting parking on parts or all of Westmoreland Avenue and Parkes Road is a matter for the Local Traffic Committee. Formal proposals should be put to the committee for them to consider.

To further improve the traffic and parking situation, and given there is now a formal dedicated pick-up/drop-off area on the site, a condition is recommended prohibiting pick-up/drop-off on Westmoreland Avenue and Parkes Road and requiring it to occur using the dedicated pick-up/drop-off area accessed from South Creek Road.

- **Light spill**


The submissions raised concerns that the flood light that is erected close to the Rex Morgan building in the corner should be moved as it is on every day and often stays on all night.






Comment:


While the particular light referenced in the submission does not form part of this application, it is acknowledged that such a scenario would impact on amenity. As such, it is recommended that a condition be included in the consent requiring external lights to be switched off at night, except during authorised school events.

 **Make direct amendment to *Submissions***





REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<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> <p> Make direct amendment to <i>Building Assessment - Fire and Disability upgrades</i></p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The statement of environmental effects, plans and ancillary reports have been considered in providing this referral response for the proposal. The main area of concern for Environmental Health in regard to this proposal relates to noise. Accordingly, appropriate conditions have been recommended to assist in the control of noise from the property.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>

Internal Referral Body	Comments
	<p> Make direct amendment to <i>Environmental Health (Industrial)</i></p>
Landscape Officer	<p>The Arborist's Report and Landscape Plans submitted with the application are noted.</p> <p>The Tree Assessment Data sheets in the Arborist's Report indicate 24 trees to be removed to accommodate the proposed works. The trees are generally in the medium size height (5-10m) and are not specifically significant, being general plantings associated with school development.</p> <p>The Landscape plans provided indicate a range of deciduous and evergreen trees (including local native species) to provide replacement canopy for the trees removed in the context of the new building and open space design.</p> <p>In view of the extent of proposed works, retention of all trees is not feasible. The Arborist's Report indicates trees that can be retained over the site and the Landscape plans indicate that suitable replacement planting can be accommodated on the site to replace those required to be removed.</p> <p>In this instance, no objections are raised to approvals subject to conditions as recommended.</p> <p> Make direct amendment to <i>Landscape Officer</i></p>
NECC (Development Engineering)	<p>No objections are raised to the proposed development, subject to conditions.</p> <p> Make direct amendment to <i>NECC (Development Engineering)</i></p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The development is not in a catchment with a Council-adopted overland flow flood study. Therefore, refer to the Development Engineering referral for the overland flow flooding assessment.</p> <p> Make direct amendment to <i>NECC (Stormwater and Floodplain Engineering – Flood risk)</i></p>
Parks, reserves, beaches, foreshore	<p>No impacts on public reserve are anticipated as a result of the development.</p> <p> Make direct amendment to <i>Parks, reserves, beaches, foreshore</i></p>
Strategic and Place Planning (Urban Design)	<p>Clause 4.6 Justification for Varying the Development Standard Height of Buildings</p> <p>Summary</p> <p>The proposed development comprises alterations and additions to an existing school, Pittwater House in Collaroy.</p> <p>The development presents an ordered and carefully considered new infill development to accommodate an increase in student numbers from 887 (currently) to 1091 by 2030.</p> <p>The bulk and scale, mass and articulation of the built form can</p>

Internal Referral Body	Comments
	<p>generally be supported. Similarly the material treatment is supportable. However consideration as to the reflectivity of any roofing and facade materials should be carefully analysed to address the broader contextual view corridors and the impacts of large expanses of reflective roof sheeting. (this was discussed at length in the pre-lodgement meeting)</p> <p>New Lift Core Understanding the planning and requirement for universal access across the site, the proposed development, including upgrades to site circulation, landscape and accessibility involve significant landscape works to address the key issues of site legibility, wayfinding and address. A consequence of the site topography and the differing datum levels to the south wing and west wing along with the above mentioned requirement for accessibility necessitates the requirement for a lift to service accessibility requirements. For this reason, along with the small element of the lift overrun and the roof leading edge in the context of the broader view corridors, street address and surrounding neighbourhood residential zone, it is assessed; 1. lift overrun alone will have little impact and thus can be supported on the grounds of the requirement for universal access across the site. The lift core is proposed to overrun the height limit by approx 3.06m (RL28.98). As such the proposed development can be supported. 2. new building roof leading edge only breaches height due to the geometry and forms of the building bulk and as such can be supported. 3. All breaches of the height control are minimal and located centrally on the site.</p> <p>Library/Student Services Taking into account the overland flow issues and the need to link the floor datums between the new library and student services building and existing M block, the height breach of 2.735m (RL25.055) can be supported. Similarly, it is also noted that drawing L-DA 503 shows the new Library building in context with South Wing building and that the new building height is actually below that of the current existing building on site. The significant setback of the building from the road with the landscape treatment to the carpark mediating the elevation the height breach is lessened in this circumstance and therefore the proposal can be supported.</p> <p>Generally the proposal in its current form can be supported.</p> <p> Make direct amendment to <i>Strategic and Place Planning (Urban Design)</i></p>
Traffic Engineer	The application primarily resolves the on-site student pickup and drop off and increased on-site staff and visitor parking all accessed from

Internal Referral Body	Comments
	<p>South Creek Road. New bus parking and service vehicles facilities are proposed on the north of the site with access from Westmoreland Avenue.</p> <p>It is anticipated that these works will facilitate the increase of the student numbers over time, from 887 (currently) to 1091 by 2030.</p> <p>Traffic: The additional traffic anticipated to be generated from the site is deemed manageable and will require some additional works in both South Creek Road and Westmoreland Avenue to reduce the impacts on the local road network. This has been conditioned as part of the the approval and will require the applicant to complete this work under a section 138 approval.</p> <p>No objections are raised in this regard.</p> <p>Parking: The parking numbers are deemed compliant, and will improve the operation of the site. Council may impose future restriction on parking within the public road, and as such nothing in this consent or assessment is to prevent Council exercising its Authority under the Road Transport Regulation.</p> <p>Servicing: On site servicing and waste collection is proposed for this development. All service vehicles will be required to enter and leave the site in a forward direction.</p> <p>No objection is raised in this regard.</p> <p>Conclusion: Based on the amended information provided, the application is supported in its current form, subject to the conditions provided.</p> <p>Planners comment: The conditions recommended by Council's Traffic Engineer included a deferred commencement condition requiring plans to be provided for the following:</p> <ul style="list-style-type: none"> • A median island to restrict right turn movements into and out of the car parks that are accessible from South Creek Road, • An inlaid bus bay along the road carriageway on the northern kerb of Westmoreland Avenue, and • The relocation of the existing pedestrian crossing in South Creek Road. <p>After further discussions with Council's Traffic Engineer, it can be confirmed that the bus bay can work, and the median island on South Creek Road has been previously requested by Police to resolve some conflict issues with traffic flow. The movement of the crossing must</p>

Internal Referral Body	Comments
	<p>occur due to the new carpark.</p> <p>As such, this condition can be moved to a prior to Construction Certificate condition to allow the applicant to better progress the development.</p> <p> Make direct amendment to Traffic Engineer</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p> <p> Make direct amendment to Ausgrid: (SEPP Infra.)</p>
Aboriginal Heritage Office	<p>The AHO provided the following comments:</p> <p><i>"No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the Department of Planning Industry and Environment (DPIE) , and the Metropolitan Local Aboriginal Land Council should be contacted."</i></p> <p> Make direct amendment to Aboriginal Heritage Office</p>
NSW Police – Crime Prevention Office (Local Command matters)	<p>No response has been received to the request for comments. As such, it is assumed that no objections are raised.</p> <p> Make direct amendment to NSW Police – Crime Prevention Office (Local Command matters)</p>
NSW Roads and Maritime Services (Traffic Generating Development)	<p>TfNSW has reviewed the submitted application and raises no objection to the application. The following advisory comments are provide to Council for consideration in its determination of the development application:</p> <ol style="list-style-type: none"> 1. It is noted that the applicant is not seeking to modify the existing school zones. However, any changes to the school zone will require approval from TfNSW. 2. In regards to the relocation of the zebra crossing and bus bays and South Creek Road, this matter is to be determined at Local Traffic Committee level following consultation with the appropriate departments such as Busways/Westbus.

External Referral Body	Comments
	<p>Make direct amendment to NSW Roads and Maritime Services (Traffic Generating Development)</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP Educational Establishments and Child Care Facilities 2017

Clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

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

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

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

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

Principle 1—context, built form and landscape

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

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

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

Comment:

The proposed works, particularly the new library/student services building, has been sited and designed to improve the aesthetic qualities of the school. The architectural style has been commended by Council's Urban Designer and the proposed landscaping works are appropriate for the use and the local area.

The proposal will have minimal amenity impacts on surrounding residents and the works to the parking and pick-up/drop-off area will improve the local roads.

The development meets this principal.

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 architecture of the new works are expected to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling. The new building will be durable, resilient and adaptable, allowing the school to meet the needs of current and future students.

The development meets this principal.

Principle 3—accessible and inclusive

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

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

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

Comment:

The proposal includes works to the access core between the West and South wings, improving the accessibility of the school.

In relation to the sharing of the school facilities with the community, the applicant states:

"The development enables the use of school facilities (including recreational facilities) to be shared with the community. Pittwater House currently make the pool and the tennis court available for community use, public functions occur in the library, the Hall and the sports centre are available for community use, community sport is played on the Oval where our school fields a team in that sport. This is considered to meet the requirements of Clause 35 (6)(b)."

The development meets this principal.

Principle 4—health and safety

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

Comment:

The proposed works will improve the accessibility of the site, improve the traffic and parking impacts on the public domain and provide additional staff and student spaces.

The development meets this principal.

Principle 5—amenity

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

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

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

Comment:

The proposed works will provide pleasant and engaging spaces that are accessible for a wide range of educational activities. The location of the main new building will minimise amenity impacts to surrounding properties.

The school is not located near a busy road or rail corridor.

The inclusion of both junior and senior libraries, as well as additional junior class rooms and office space will provide appropriate, efficient, stage and age appropriate indoor learning and play spaces.

The landscaping works on the site will result in suitable outdoor spaces.

The development meets this principal.

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 architecture of the new works will deliver high environmental performance, ease of adaptation and maximise multi-use facilities, allowing the school to meet the needs of current and future students.

The development meets this principal.

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:

Council's Urban Design Officer has commended the aesthetics of the works, particularly the new library and services building.

Overall, the proposal will have a positive impact on the site and the local area.

The development meets this principal.

 **Make direct amendment to SEPP Educational Establishments and Child Care Facilities 2017**

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the educational land use.

 **Make direct amendment to SEPP 55 - Remediation of Land**

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

Clause 101 - Development with frontage to classified road

Comment:

The site does not front a classified road.

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Educational establishments	50 or more students	Not applicable

Note: Under Clause 104(2) of the SEPP, ‘relevant size of capacity’ is defined as meaning:

“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”

Comment:

The application was referred to Transport for NSW who did not raise any objection to the proposal.

 **Make direct amendment to SEPP (Infrastructure) 2007**

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 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:

The proposed works are located approximately 600m from Dee Why Lagoon and 1.2km from the ocean. The sits between 13m and 28m AHD.

Given the above, the works will not cause adverse impacts on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, the coastal environmental values and natural coastal processes, the water quality of the marine estate, marine vegetation, native vegetation and fauna and their habitats.

The development will have no impact on undeveloped headlands and rock platforms, 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, Aboriginal cultural heritage, practices and places, the use of the surf zone.

- (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 subclause (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:

The comments above outline that the development will designed, sited and will be managed to avoid an adverse impact referred to in subclause (1).

15 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:

Given the location of the site, the development will not cause increased risk of coastal hazards on that land or other land.

As such, it is considered that the application complies with the requirements of the State Environmental

Planning Policy (Coastal Management) 2018.

 **Make direct amendment to SEPP (Coastal Management) 2018**

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Existing maximum non-compliance - 12.16m New building - 11.63m Lift core to existing buildings - 11.56m	43.06% 36.82% 36%	Existing (no change) No No

 **Make direct amendment to 1.2 Aims of Plan**

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

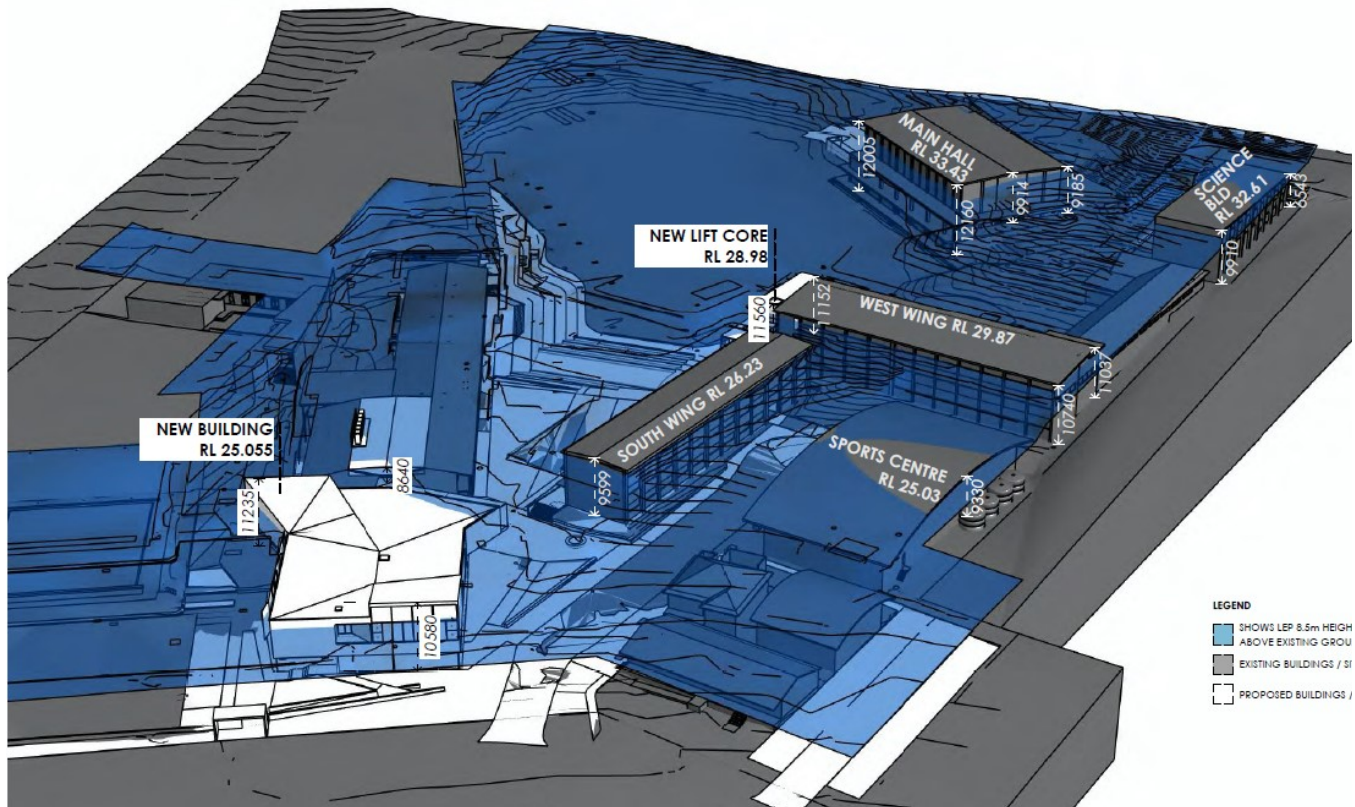
Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	New access core - 11.63m New library and services building - 11.24m
Percentage variation to requirement:	Maximum of 36.82%

HEIGHT ABOVE EXISTING GROUND



Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard, has taken into consideration the judgements 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*.

Clause 4.6 Exceptions to development standards:

(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.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly 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 (attached to this report as an Appendix) 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).

In this regard, the Applicant's written request has not 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.*

The applicants written request argues, in part:

"The proposal makes efficient use of the existing buildings by inserting elements which provide accessibility for all students to all levels of the existing buildings. This is achieved by observing the flood planning levels and limiting the envelope and restricting the footprint of the proposed buildings to achieve accessibility. It is considered that this is a better planning outcome to utilise the existing buildings and limiting the envelope and restricting the footprint of the proposed buildings to achieve accessibility where it would compromise the accessible path of travel provided to the entry of each level by complying with the height control.

The adopted approach meets the objective of full access, in the form proposed, which is considered sufficient environmental planning grounds to justify contravening the development standard.

A consideration of the application and the submitted shadow diagrams demonstrate that no significant overshadowing, privacy, view or bulk and scale amenity impacts arise from the proposal. It is considered that the proposal is the better planning outcome encouraged by the provisions of Clause 4.6.

While a Clause 4.6 exemption application is required for the works above the 8.5m height control all of these works are considered complimentary to the building and where external are benign and with no environmental or amenity impact where they occur above the compliant envelope.

The proposed works above the height have no view impact and cause no overshadowing, nor bulk or scale impacts. In the circumstances where there are sound environmental and site specific sufficient environmental planning grounds reasons for the breach to the height control it is considered to justify contravention of the control and consequently the exception to the height control standard under Clause 4.6 is considered acceptable.

By allowing a variation to the Height of Buildings development standard in this instance, an opportunity is presented for the proposed development to achieve the benefits of accessibility to all levels and improve the building's relationship with the surrounding development, and the relevant DCP controls. In this regard, there are sufficient environmental planning grounds to justify contravening the development standard. The proposed additional height sought in this Clause 4.6 better allows the built form on the site to achieve the desired future character of the locality, as compared to the do nothing scenario."

It is agreed that there are flood planning and accessibility considerations on the site and the building. It is also agreed that the design is a better outcome than one made to comply, especially considering the location is a sufficient distance away from surrounding dwellings. It is noted that there are existing buildings on the site that are of a greater height than the proposal.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, 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 R2 Low Density Residential 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 WLEP 2011 are:

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

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

Comment:

The proposed works will be lower than the existing maximum building height (the Great Hall building at 12.16m) on the site and similar in height to the other main buildings in the school.

The surrounding development consists of detached style residential dwellings to the north, south and west. There is a defence facility to the east along with attached townhouses. There is an industrial area further to the west.

Schools are a permitted use in the R2 zone. This, along with the substantial boundary setbacks of the above ground elements of the proposed works, results in the buildings being compatible with the height and scale of surrounding and nearby development.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The substantial boundary setbacks of the above ground elements of the proposed works, will minimise the visual impact, disruption of views, loss of privacy and loss of solar access for the surrounding residential properties.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

The proposal will enhance the landscaping on the site and will therefore minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

The architecture of the proposed library and services building has been commended by Council's Urban Designer. This design and the proposed setbacks from all property boundaries of the above ground elements of the works, will effectively manage the visual impact of development when viewed from the surrounding public spaces.

Zone objectives

The underlying objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal is for alterations and additions to a school. While the proposal does not provide for the housing needs of the community, schools are a permissible use in the zone and form an important part of the local area.

It is considered that, while the development cannot strictly satisfy this objective, the proposal is acceptable.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposal, being a school, will provide facilities or services to meet the day to day needs of residents.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The landscaping works that will form part of the development will enhance the existing landscaped setting on the site and improve the natural environment.

It is considered that the development satisfies this objective.

Conclusion:

For the reasons detailed above, the proposal is considered to be broadly consistent with the objectives of the R2 Low Density Residential 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 PS 18-003 dated 21 February 2018, 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.

 **Make direct amendment to 4.6 Exceptions to development standards**

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and

(b) to allow earthworks of a minor nature without requiring separate development consent.

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

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

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

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

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

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

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

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

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

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

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

(f) the likelihood of disturbing relics

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

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

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

 **Make direct amendment to 6.2 Earthworks**

6.4 Development on sloping land

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

 **Make direct amendment to 6.4 Development on sloping land**

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	Maximum of 10.89m	51.25%	No
B3 Side Boundary Envelope	4m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	Eastern boundary - 0.9m	New staff carpark - 0.72m	20%	No
B7 Front Boundary Setbacks	South Creek Road (south) - 6.5m	New building - 11.15m Parking Area 1 - 2.7m Parking Area 2 - 2.4m	N/A 58.46% 63.08%	Yes No No
B7 Secondary Front Boundary Setbacks	Westmoreland Avenue (north) - 3.5m Parkes Road (west) - 3.5m	Bus parking bays - 2.2m Closest works - 38.3m	37.14% N/A	No Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Approximately 67.68% (11395.55sqm)	N/A	Yes

 **Make direct amendment to A.5 Objectives**

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposal includes a maximum wall height of 10.89m.

The control requires a maximum of 7.2m.

Merit consideration:

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The architecture of the proposed library and services building has been commended by Council's Urban Designer. This design and the proposed setbacks from all property boundaries of the above ground elements of the works, will effectively manage the visual impact of development when viewed from the surrounding public spaces.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The proposal will be able to remain beneath the existing tree canopy, where that canopy is higher than the other buildings on the school.

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

Comment:

The proposal will not unreasonably impact on views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The substantial boundary setbacks of the above ground elements of the proposed works will minimise the impact of the development on the surrounding properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The proposed buildings will remain compatible with the other existing buildings on the site and demonstrate that the works have responded to the site topography, with minimal excavation.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed library and services building incorporates an innovative roof design that contributes to the aesthetics of the school.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Make direct amendment to B1 Wall Heights

B5 Side Boundary Setbacks

Description of non-compliance

The proposed new staff carpark is set back a minimum of 0.72m from the eastern boundary.

The control requires a minimum of 900mm.

Merit consideration

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

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

Comment:

The site will incorporate approximately 67.68% landscaped open space. In addition, 720mm is sufficient to provide a strip of planting to minimise any impact from the carpark. In this regard, the development will provide sufficient opportunities for deep soil landscape areas.

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

Comment:

The carpark is at grade and will not be visually dominant.

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

Comment:

The carpark is at grade and will therefore be of a minimal scale and bulk.

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

Comment:

The carpark is at grade, will provide a strip of landscaping adjacent to the boundary and will therefore provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.

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

Comment:

The at grade carpark will not impact on any views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Make direct amendment to B5 Side Boundary Setbacks

B7 Front Boundary Setbacks

Description of non-compliance

The two carparks accessed from South Creek Road have the following setbacks:

Parking Area 1 - 2.7m

Parking Area 2 - 2.4m

The control requires a minimum of 6.5m.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The carparks are at grade and will therefore contribute to a sense of openness.

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

Comment:

The carparks are at grade and include landscaped strips between them and the boundary with South Creek Road. This will help maintain the visual continuity and pattern of buildings and landscape elements along South Creek Road.

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

Comment:

The carparks are at grade and include landscaped strips between them and the boundary with South Creek Road. This will protect and enhance the visual quality of streetscape.

- *To achieve reasonable view sharing.*

Comment:

The carparks are at grade and will not result in the loss of any views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

✎ Make direct amendment to B7 Front Boundary Setbacks

C3 Parking Facilities

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Educational establishment	1 space per staff member in attendance, plus as relevant, adequate pickup/setdown area on site, plus adequate provision of bicycle racks, plus adequate provision for student parking, plus provision of bus standing and turning area	160 total staff members, with max 139 in attendance = 139 parking spaces pickup/setdown area bicycle racks student parking bus standing and turning area	94 pickup/setdown area provided Bicycle racks provided No student parking Bus parking area provided	-45

The proposal does not provide 1 space per staff member in attendance or any parking for students.

The proposal does increase the number of car parks on site and provides a larger, more efficient pickup/setdown area as well as formalised buss parking.

The applicant's traffic consultant argues that the non-compliance is acceptable due to the existing carparks being under utilised and the improvement over the existing situation. The consultant also argues that not all staff drive and that a parking space of 1 per staff member is unrealistic.

Five submissions have been received from surrounding and nearby residents, all raising traffic

and parking as a concern.

There is a large existing parking non-compliance, although the school does not currently have approval for its student numbers, so the current non-compliance has not been 'approved'. The proposal will increase the number of spaces on site by 26 (68 to 94). The addition of the dedicated pickup/setdown area will improve the flow of traffic on the local road network.

There is limited space left on the site if more car parking is to be provided, without compromising landscaping or existing buildings. The proposal has provided a reasonable increase in the number of parks given these considerations.

Overall, Council's Traffic Engineers and Transport for NSW have both raised no objections, subject to conditions, to the proposal. The additional spaces and the pickup/setdown area will improve on the existing situation, and therefore the development is considered to be acceptable and will provide adequate off street carparking.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The at grade carparks will have a minimal visual impact on the street frontage and will incorporate landscaping to enhance the streetscape.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The at grade carparks will have a not dominate the street frontage and will incorporate landscaping to enhance the streetscape.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

 **Make direct amendment to C3 Parking Facilities**

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 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$147,657 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$14,765,655.

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 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.

CONCLUSION SUMMARY

The proposal is for alterations and additions to the existing school and an increase in student numbers to 1,091, noting that the school does not have a current approval for maximum staff or student numbers.

The critical issues for this development are the height of buildings and the traffic and parking impacts.

The proposal is reliant upon a variation to the maximum building height development standard prescribed by clause 4.3 of WLEP 2011, with a maximum variation of 36.82% for the new library and services building and 36% for the access core. The new library and services building sits closer to South Creek Road than the existing main structures, however, the setback is still well in excess of the minimum requirement and the architectural merit of the design will contribute to the streetscape. The applicant's written request to vary this standard satisfactorily addresses the matters required, and overall, the consent authority can be satisfied of the relevant matters of clause 4.6 of WLEP 2011.

Traffic and parking is a common concern with most schools and five submissions have been received raising this as an issue. While the proposal does result in a non-compliance with the minimum parking rate, the development will increase the total number of on-site car parks and will construct a larger pick-up/drop-off area, an additional staff car park and formalised bus parking. Overall, this will improve the traffic flow on the local roads and provide a safer environment for pedestrians and the local residents. The non-compliance is recommended to be supported.

The proposed development is a high quality architectural response to the context of the site, compatible with the height, bulk and scale of the built form existing on the site. The resultant development will provide a high level of amenity for future staff and students, and will not result in any adverse impacts upon the character of the streetscape or the amenity of adjoining properties. As such, the proposal has been found to be consistent with the principles of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and the relevant objectives of the WLEP 2011 and Warringah Development Control Plan 2011 (WDCP 2011).

The public notification of the application resulted in five submissions in objection to the proposal, raising concerns regarding traffic, parking and lighting. The concerns raised in these submissions have been addressed in the assessment report, and overall, there were no matters raised that would warrant the refusal of the application in the public's interest, should the recommended conditions be imposed.

For the reasons outlined in this report, the proposed development is 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 Building development standard pursuant to clause 4.6 of the WLEP 2011 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 DA2019/1274 for Alterations and additions to the existing school and an increase in student numbers to 1,091 on land at Lot 1 DP 1215531, 70 South Creek Road, DEE WHY, 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 (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA04 - Rev 03	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA05 - Rev 01	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA06 - Rev 01	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA07 - Rev 01	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA08 - Rev 02	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA09 - Rev 03	11 May 2020	Neeson Murcutt Architects Pty Ltd
DA11 - Rev 01	11 May 2020	Neeson Murcutt Architects Pty Ltd
Landscape Plans L-DA-000 to L-DA-507	24, 28 and 30 October 2019, and 14 May 2020	Jane Irwin Landscape Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Report on Geotechnical Site Investigation	October 2019	Crozier Geotechnical Consultants
Access Review	24 October 2019	Funktion
Arboricultural Impact Assessment	23 October 2019	Arbor Safe
Acoustic Report	23 October 2019	Koikas Acoustics Pty Ltd

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	October 2019	JHA Services

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. **Maximum Student Numbers**

The maximum number of students at the school must not exceed 1091.

Reason: To restrict the impacts of the school on the local area.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety

- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$147,656.55 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 2019. The monetary contribution is based on a development cost of \$14,765,655.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

6. Security Bond

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

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

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

7. **Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$170,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority 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

8. **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 Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Stellen Consulting, drawing number DR-000, DR-100 to DR-106, DR-200 and DR-201, revision 1, dated 30/10/19. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

9. **Overland Flow**

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

Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings up to the Flood Planning Level in accordance with Reducing Vulnerability of Buildings to Flood

Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from overland flows in accordance with industry standards.

Floor Levels – F1

New floor levels within the development shall be set at the Level recommended by the Overland Flow Assessment Report.

Fencing – H1

Fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flow within the extent of the overland flow path. All new fencing on the property must be design with a minimum of 50% open area between the 1% flood level and natural ground level, to allow flood waters to pass through.

Recommendations

The development must comply with all recommendations outlined in the Overland Flow Assessment Report prepared by Stellen Consulting, reference P170688-RP-FL-001, revision 1, dated 3/2/20.

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

Reason: To reduce the impact of overland flow 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.

10. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. The Applicant is to ensure footings of any new development within this development consent adjacent to an easement or pipeline are to be designed in accordance with Northern Beaches Council's

Warringah Water Management Policy PL850. Details and certification prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

11. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

12. **Traffic Facilities Plans - Local road impact mitigation**

The applicant must provide additional detailed engineering plans to address:

1. Impacts on the free flow of through traffic on South Creek Road.
The applicant must provide a median island to restrict right turn movements into and out of the car parks that are accessible from South Creek Road, to provide an engineering control to enhance the left in left out operation of this access.
2. Impacts on through traffic in Westmoreland Avenue.
The applicant is required to provide an inlaid bus bay along the road carriageway to allow for parking on the northern kerb of Westmoreland Avenue, two (2) 3.0 metre wide traffic lanes, and a bus bay to facilitate school services provided by STA and other operators.
3. The relocation of the existing pedestrian crossing in South Creek Road adjoining the proposed staff car park and relocated bus zone.

The detailed engineering plans must be provided to Council's Traffic Engineers for approval prior to the issue of the Construction Certificate.

Reason: To reduce the impact of the development on the local road network and amenity of the adjoining residents.

13. **Building Code of Australia Report**

The recommendations made in the Building Code of Australia Assessment Report prepared by Steve Watson & Partners, dated 29 October 2019, Report Ref No. 2019/1167 are to be carried out in full to the building.

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.

14. **Vehicle Crossings Application**

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

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

15. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater connection to Council's stormwater infrastructure which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

16. **Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction/demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The pre-construction/demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

17. **Compliance with Standards**

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

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

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

18. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- “Tap in” details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

19. **Construction Traffic Management Plan**

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

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the on site parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Due to the proximity of the site adjacent to the entry points to the School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 500m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be

directed to the sediment control system within the site;

- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

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. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP 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.

20. **Waste and Service Vehicle Access**

Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed to comply with forward in and forward out access of an 8.8m Medium Rigid Vehicle (MRV), as a minimum requirement. The height clearance required is 4.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m MRV shall be submitted to and approved by the accredited certifier prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Reason: To ensure adequate is room available for servicing the site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. **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.

22. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt

under relevant planning instruments or legislation

- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated 23 October 2019 prepared by ArborSafe and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

23. **Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment dated 23 October 2019 prepared by ArborSafe and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. **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.

25. **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 Certifying Authority.

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

26. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

27. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing at Westmore Avenue 5.3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and two vehicle crossings at South Creek Road one 5.8 metres and one 6.8 metres at the boundary and 8.8 metres at the kerb in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

28. **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 Certifying Authority.

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

29. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

30. **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 RMS 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.

31. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the project.

Reason: To ensure public safety within the road reserve.

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

32. **Landscape completion certification**

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

33. **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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

34. **Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review Any damage to Council’s stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds.

Reason: Protection of Council’s infrastructure.

35. Certification of Structures Located Adjacent to Council Pipeline or Council Easement

The Applicant shall submit a suitably qualified Civil Engineer’s certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council’s Warringah Water Management Policy PL850 and the approved Construction Certificate plans. Civil Engineer demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council’s Infrastructure.

36. Restriction as to User for Overland Flow

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers’ certification.

The Applicant shall create a restriction as to user on the title over the overland flow path and any associated structures, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared by a registered surveyor with terms acceptable to Council at the applicant’s expense. Council shall be nominated as a party to release, vary or modify such restriction.

A copy of the certificate of title demonstrating the creation of the restriction as to user for overland flow is to be submitted.

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

Reason: To ensure no modification of the overland flow path without Council’s approval.

37. Required Planting

a) Trees shall be planted in accordance with the following schedule:

As indicated on the approved Landscape Plans

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on the approved Landscape Plans	As indicated on the approved Landscape Plans	As indicated on the approved Landscape Plans

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

Reason: To maintain environmental amenity.

38. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority 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.

39. **Fire Safety Matters**

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

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

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

40. **Traffic Facilities Plans - Local road impact mitigation**

The following works must be completed, in accordance with the plans approved by Council's Traffic Engineers:

1. A median island to restrict right turn movements into and out of the car parks that are accessible from South Creek Road, to provide an engineering control to enhance the left in left out operation of this access.
2. An inlaid bus bay along the road carriageway to allow for parking on the northern kerb of Westmoreland Avenue, two (2) 3.0 metre wide traffic lanes, and a bus bay to facilitate school services provided by TfNSW and other operators.
3. The relocation of the existing pedestrian crossing in South Creek Road adjoining the proposed staff car park and relocated bus zone.

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of the development on the local road network and amenity of the adjoining residents.

41. **Operational Management Plan**

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.

- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

42. Signage and Linemarking – External

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

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

43. Noise from plant and equipment

Noise from any plant or equipment must not emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified above, which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source and background noise level must be measured as an LAeq 15 minute and LA90 15 minute in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

Details of the acoustic measures to be employed to achieve compliance with this condition must be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure compliance with legislation and to protect public health and safety.

44. Noise from the premises

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

45. Allocation of Spaces

The car parking spaces shall be provided, made accessible, and maintained, at all times. The spaces shall be allocated as outlined on the approved plans.

Car-parking provided shall be used solely in conjunction with the school. Each car parking space allocated to a particular person/position shall be line marked and numbered or signposted

to indicate the person/position to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site.

46. **Pick-up and drop-off**

Pick-up and drop-off of students must not occur on Westmoreland Avenue and Parkes Road.

All pick-up and drop-off of students must use the dedicated area accessed from South Creek Road.

Reason: To minimise the impact to surrounding residents and on the local roads.

47. **Light spill**

All external lights must be switched off at night, except during authorised school events.

Reason: To minimise the amenity impact to surrounding dwellings.

48. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrances are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.