



Warringah Council

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Alex Keller
Address / Property Description: 41 Cook Street, Forestville (Lot 2707, DP 238311)

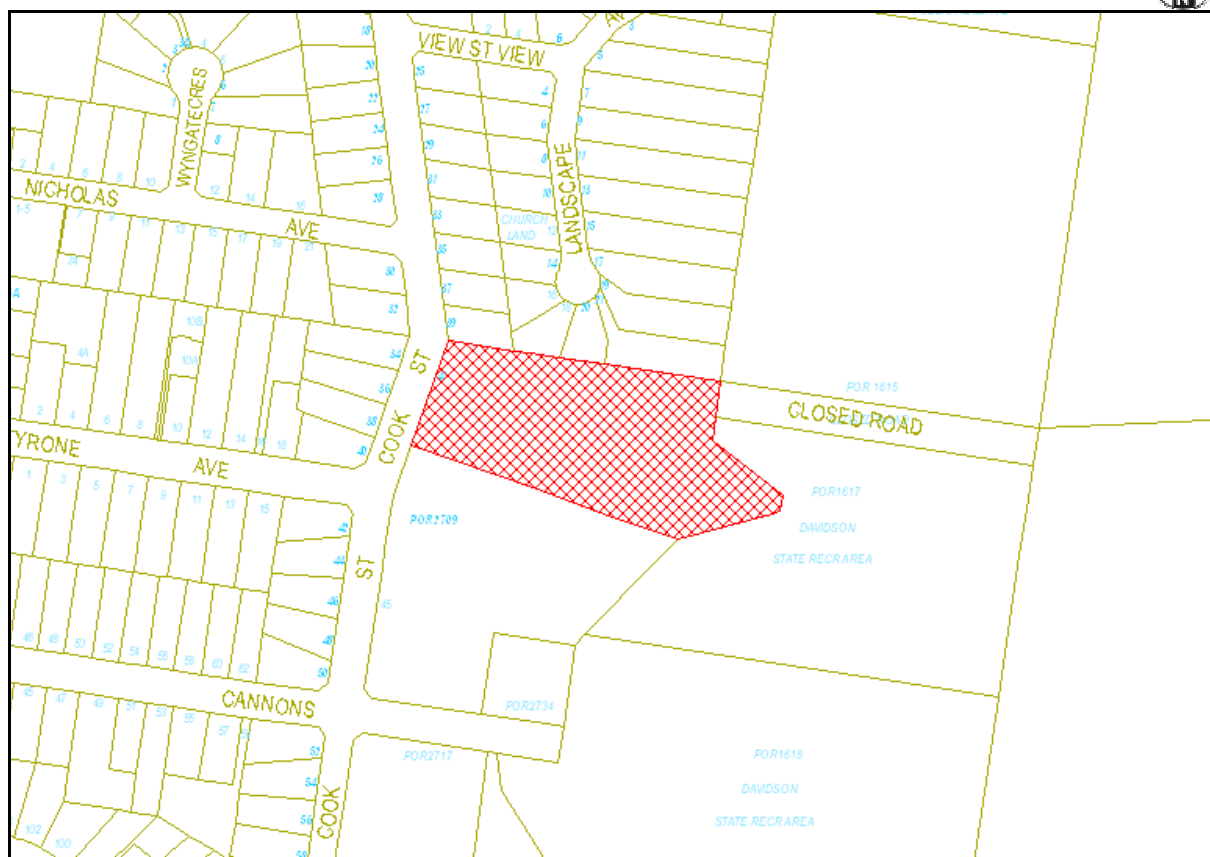
Proposal: Alterations and additions to buildings of an existing school
Development Application No: DA2008/1728
Plans Reference: 00602 DA-02 to 00602 DA-15 prepared by Atelier One Pty Ltd
Applicant: Atelier One Pty Ltd
Owner: Autistic Association of NSW
Application Lodged: 16/12/2008
Amended Plans: NO

Locality: C1 Middle Harbour Suburbs
Category: Category 2 – “Primary School” & special learning school, being “other buildings, works. Places or land uses that are not prohibited or in Category 1 or 3”
Clause 20 Variations: NO
Land and Environment Court Action: NO
Referred to WDAP: NO
Referred to ADP: NO

SUMMARY

Submissions: 9/1/09 to 27/1/09 (Notification Period) - Nil
Outside Notification Period(s) – Nil
Submission Issues: N/A
Assessment Issues: Bushfire protection
Recommendation: Approval - subject to conditions
Attachments: NO

LOCALITY PLAN (not to scale)



Subject Site: Lot 2707 DP 238311
41 Cook Street, Forestville

Notified Residences: Under the provisions of the *Warringah Development Control Plan* the subject application has been notified to 18 adjoining property owners and occupiers.

SITE DESCRIPTION

The site is legally described as Lot 2707 DP 238311 and is commonly known as No.41 Cook Street Forestville. It is located on the eastern side of Cook Street, between Nicholas Avenue and Tyrone Avenue.

The site is irregular in shape and has the following dimensions:

- Northern boundary: 152.08 metres
- Southern boundary: 57.765 metres + 156.4 metres
- Eastern boundary: 32.92 metres + 49.38 metres + 9.175 metres
- Western boundary (Cook Street frontage): 60.96 metres
- Site area: 13,320 m²

The predominant part of the site is identified as bushfire prone on WLEP 2000 maps. Also, the site is identified as having extremely high Aboriginal Potential over the eastern part of the site.

The site is currently occupied by the *Vern Barnett School* catering for special learning needs of children with autism:

- the buildings are generally located centrally on the land;
- an informal garden and lawn, driveway and drop off and pick up area is within the front setback area;
- steep rocky native bushland along the rear boundary;
- carparking spaces and driveway along the northern part of the front setback area, and along southern side setback to the rear part of the site;
- scattered trees throughout the site.

The site is bordered by:

- the rear boundaries of four detached dwellings to the north;
- St David's Retirement Village to the south;
- Garigal National Park which is identified as a local heritage conservation area to the east.

The school caters for 50 children with autism within 10 special learning classrooms and is also the central administration office for 'ASPECT – Autism Spectrum Australia. The school is served by 45 staff (20 casual staff who visit the office once every fortnight and 25 full-time administration staff), as well as 27 full time teachers

RELEVANT BACKGROUND

A preliminary search of Council's records does not list the original development approval for Vern Barnett School. However, the records indicate the various development approvals for additions to the school, alterations to the administration office, a new office building, conversion of a building for staff training and library, upgrading of the main electricity switchboard and installation of fire hydrants, extension of the existing driveways and additional carparking facilities.

A pre-lodgement meeting for a long term upgrading development strategy of the site was held on 22 February 2007.

DA2008/0193 approved for extension of existing driveway and additional carparking facilities including new fire hydrants.

PROPOSAL IN DETAIL

The application seeks consent for alterations and additions to the existing buildings in the following manners:

- Enlarge existing classrooms by demolishing internal partition walls;
- Refurbish existing toilet blocks;
- Refurbish existing kitchen and sanitary facilities;
- Construct two covered disabled access ramps;
- Cover and level existing disused wading pool;
- Construct a deck around an existing classroom;
- Demolish a timber infill to re-instate a veranda;
- Construct a new lobby to the entry of the west wing of the school;
- Addition to the existing plant room serving the existing pool;
- Construct a new levelled and fire protected walkway linking the west wing of the school to the entry of the administration building;
- Construct a new external concrete stair to access an existing terrace;
- Enclose two existing external terraces with fire shutter screens;
- Enlarge two existing windows to the main administration building;
- Construct a new paved external walkway and entry door to the north of the administration building;
- New brick veneer cladding to an existing dismountable classroom;
- Protect all windows facing east to the school and to all windows of the administration building with stainless steel mesh;
- Roof drenching fire protection system for the west and east wings of the school.

AMENDMENTS TO THE PLAN

There are no amended plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) Local Government Act 1993
- d) Disability Discrimination Act 1992
- e) State Environmental Planning Policy No.55- Remediation of Land
- f) Rural Fires Act 1997
- g) Warringah Local Environment Plan 2000
- h) Warringah Development Control Plan
- i) Section 94A Policy

REFERRALS

NSW Rural Fire Services – Section 100B Rural Fires Act 1997

The application was referred to the *NSW Rural Fire Service* (RFS) on the 27/3/2008. Council received the following conditions attached to their General Terms of Approval on the 9/5/08.

Design and Construction



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1. Construction is to comply with appendix 3 – Site bush fire attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development:

- a) New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 3.
- b) New roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability index no greater than 5.
- c) All new construction is to have no exposed timber.
- d) Where fitted, bush fire shutters shall: –

- Be fixed to the building and be non-removable,
- When in the closed position, have no gap between the shutter and the wall, the sill or the head greater than 2mm
- Be readily manually operable from either inside or outside,
- Protect the entire window or door assembly,
- Be made from non-combustible material,

Where perforated, shall have: –

- Uniformly distributed perforations with a maximum aperture of 2mm, and
- A perforated area no greater than 20% of the shutter.

e) New windows facing the bush fire threat, including frames, shall have:-

- The openable portions screened using a mesh with a maximum aperture of 2mm made of corrosion resistant steel or bronze, and
- The window assemblies protected by a complying bush fire shutter or ;

Where window assemblies are not protected by a complying bush fire shutter –

- Window frames, window joinery and hardware shall be metal
- Hardware that supports the sash in its functions of opening and closing shall be metal
- Glazing shall be toughened glass minimum 5mm
- Seals to stiles, head and sills or thresholds shall be manufactured from materials having a Flammability Index no greater than 5.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

2. An emergency / evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency / Evacuation Plan for implementation by the occupants in the event of a required evacuation.

Aboriginal Heritage



DA2008/0193 for extension of existing driveway and additional carparking facilities at the subject site was referred to the Aboriginal Heritage Council.

The referral comments stated that:

There are known Aboriginal sites in the Forestville area. No Aboriginal sites are recorded in the development area, however, the area is considered to have potential for unrecorded sites.

This application for alterations and additions to the existing buildings refers to the land immediately adjacent to the existing building footprint that had been previously disturbed. Therefore, the proposal is unlikely to disturb Aboriginal heritage and a referral is not required in this case. A condition is included in case of the unearthing of Aboriginal heritage.

Bushland Management

Bushland management have reviewed the proposal and advised no objections and no conditions for the proposal.

NOTIFICATION & SUBMISSIONS RECEIVED

The application was notified by letter dated 9/1/2009 to 18 properties in accordance with the *Warringah Local Environmental Plan*. No submissions or requests for mediation were received in response to the application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	This application is consistent with the relevant environmental planning instrument. See “SEPP” and “WLEP 2000” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	The application was notified in accordance with the Warringah Development Control Plan.
Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the <i>Building Code of Australia</i> . Accordingly, appropriate conditions of consent are recommended to address this consideration.
Section 79C (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	(i) The impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. It is concluded that the proposal would not have any significant adverse impacts on the natural and built environment. Suitable conditions will ensure all impacts are managed and minimised, making the proposal acceptable in this regard.



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Section 79C 'Matters for Consideration'	Comments
	(ii) The proposal will not have a detrimental social impact in the locality considering that it relates only to the upgrading and provision of a driveway as well as upgrading parking associated with the existing school on the site. The school will retain its use as an educational establishment for the special needs of autistic children. (iii) The proposal will not have a detrimental economic impact in the locality considering that it relates to the driveway and on site parking associated with the existing school. The new works will assist in providing better operations for the school, that itself delivers an essential service to the community by caring for children with autism.
Section 79C (1) (c) – The suitability of the site for the development	The site is bushfire prone, as identified on the WLEP 2000 maps. Fire hazard is the major constraint affecting the land. The <i>NSW Rural Fire Services</i> have reviewed the proposal and advised no objection to the proposal. Subject to the conditions regarding bush fire, there are no physical constraints on the site preventing the proposed development from taking place. The previous DA2008/1727 was approved to upgrade parking, access, minor services and fire hydrants to the site in preparation for the submission of this DA. Therefore, the site is suitable for the development.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	No submissions or requests for mediation were received in response to the notification of this application.
Section 79C (1) (e) – The public interest	The wider public interest is served by the continued maintenance of the site and ensuring consistency with the relevant planning controls. The proposal will continue to serve the special needs of the community with regards caring for children affected by autism. The improved facilities proposed for the special needs school are considered to be in the public interest.

State Environmental Planning Policy No.55- Remediation of Land

The site has been occupied by the school for a period of time and there is no indication of land contamination. Also, the proposed alterations and additions to the existing buildings of the school involve minimal earth work. Therefore, no further consideration of this SEPP is required.

State Environmental Planning Policy- Infrastructure 2007

Division 3- Educational Establishment of this SEPP is not applicable to this application. The majority of the proposed demolitions, and alterations and additions to the buildings are contained in Clause 29- Development permitted without consent and Clause 31A- Complying Development, which however makes reference to prescribed zones that are not applicable in



the Warringah Local Government Area. The proposed deck is contained in Clause 31 and Schedule 1- Exempt development which however make exceptions to bushfire prone area to which the site is subject. Hence, a development application is required for the proposed works.

LOCAL STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the C1 Middle Harbour Suburbs Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

LOCALITY C1 Middle Harbour Suburbs Locality

The Middle Harbour Suburbs locality will remain characterised by detached-style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low-scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue, will continue to be used only as recreation facilities.

The south-west section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.

Future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39.

Future development of the environmentally sensitive land shown cross-hatched



on the map will be limited to one dwelling per allotment. Such dwelling will be constructed having regard to the constraints, potential instability, visual sensitivity and impact on the water quality of Middle Harbour.

The proposed development is identified as Category 2 development in this locality, being alterations and additions to school, which is other buildings, works, places or land uses that are not prohibited or in Category 1 or 3. The proposal is considered tested against the following relevant criteria of the desired future character (DFC) statement:

“Interspersed complementary and compatible uses”

The subject school is an existing complementary and compatible use in the locality. This application does not seek to increase the number of staffs or children in the school's operation, and the proposed alterations and additions to the school will continue its existing service in the local area. Therefore, the proposal will essentially continue the existing complementary and compatible use of the site.

“Maintain the visual pattern and predominant scale of detached style housing”

The proposed additions refers to minor increase in building footprint and minor structures such as deck and veranda which is not unreasonable for their purpose or excessive in bulk. Therefore, the proposal will maintain the existing visual pattern and predominant scale of the site.

“Streets will be characterised by landscaped front gardens and front building setbacks”

The proposal refers to the buildings generally centrally located at the site. It makes no substantial changes to the existing front building setback area, and will substantially maintain the existing landscaped front gardens and front building setbacks.

“Surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape”

The proposal includes no tree removal with works being confined to the school building complex. The relationship of the locality to the surrounding bushland will be thus maintained with no impact on the indigenous tree canopy or interference with the natural landscape, including rock outcrops at the rear the site, remnant bushland adjacent the rear boundary.

“Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography”

The single storey structures and new alteration and additions are integrated in colour and materials with the existing school complex and do not form a visually prominent or dominating element adjacent the Garial National park due to the surrounding landscaping and natural topography.

The proposal is not for subdivision. The site is not identified as a local retail centre or environmentally sensitive area on the WLEP 2000 maps. It is not at Mosman Rowing Club, Killarney Heights Tennis Centre or Killarney Heights Swim Centre, and is not adjacent to Middle Harbour or Killarney Heights High School.

In accordance with the above it is considered that the proposal is consistent with the DFC.

Built Form Controls for Locality C1 Middle Harbour Suburbs

The following table outlines the compliance with the Built Form Controls of the C1 Locality statement:

Built Form Standard	Required	Proposed	Compliance
Building Height	8.5 metres max	4.0 metres maximum	YES
Underside of the ceiling on the uppermost floor of the building	7.2 metres max	2.5 metres	YES
Front Building Setback	6.5 metres min	84 metres min	YES
Rear Building Setback	6.0 metres min	15 metres min	YES
Side Boundary Envelope	45 degrees/ 4 metres max	North: complies South: complies	YES YES
Side Building Setback	0.9 metres min	North: 28 metres (new work) min South: 8 metres min	YES YES
Landscaped Open Space	40% of the site area min	67% of the site area	YES

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	This Clause provides that development is not to result in overspill or glare from artificial illumination or sun reflection which would unreasonably diminish the amenity of the locality. There is no significant roofing expanses proposed as part of the proposal. All new works are shown to match the existing building structures. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL39 Local retail centres	NO	No Comment	N/A
CL40 Housing for Older People and People with Disabilities	NO	No Comment	N/A
CL41 Brothels	NO	No Comment	N/A
CL42 Construction Sites	YES	This Clause provides that construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment. Appropriate standard conditions will adequately address the construction requirements associated with the building works proposed on the site.	YES subject to condition
CL43 Noise	YES	This Clause provides that development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result	YES subject to condition



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General Principles	Applies	Comments	Complies
		in noise intrusion which would be unreasonable to the occupants. All noise emissions are to be carried out in accordance with <i>Environment Protection Authority</i> guidelines for noise emissions from construction/demolition works and these works must also comply with the provisions of the <i>Protection of the Environment Operations Act 1997</i>. Suitable conditions are recommended to adequately address this requirement. This application does not seek to increase the number of staff or children in the school's operation and will essentially maintain the existing general noise levels. In summary, subject to conditions, the proposal is satisfactory in addressing this Clause.	
CL44 Pollutants	NO	No Comment	N/A
CL45 Hazardous Uses	NO	No Comment	N/A
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	NO	No Comment	N/A
CL48 Potentially Contaminated Land	YES	The site has historically been used for educational purposes and a site inspection and a review of Council records indicates there is no apparent reason to suggest that the site may be contaminated.	YES
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulphate Soils	NO	No Comment	N/A
CL50 Safety & Security	YES	The proposal for alterations and additions to existing buildings generally located centrally at the site will make no changes to the existing street frontage. Therefore, the proposal will substantially maintain the existing safety and security of the locality, and is satisfactory in addressing this Clause.	YES
CL51 Front Fences and Walls	NO	No Comment	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	The site adjoins Garigal National Park to the east. The part of the Park the site immediately adjoins is steep and is densely vegetated. The proposed alterations and additions to the single storey structures form a minor increase in building footprint. They are not unreasonable in bulk or excessive in scale. The separation and setback distances are adequate such that the proposal will substantially maintain the rear setback, outlook, visual transition and views to or from the Park.	YES



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General Principles	Applies	Comments	Complies
		Therefore, the proposal will not have a substantial impact on the existing landscape character and public use and enjoyment of the Park. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	YES	Existing maintained.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	YES	There are remnant bushland and rock outcrops along the rear boundary of the site. The proposed works to the existing buildings, which are generally located centrally at the site away from the rear part of the site, is unlikely to have an inadvertent impact on the remnant bushland and rock outcrops. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL57 Development on Sloping Land	YES	The site is has a gradient of only 5% across most of the site to the rear car park, then falls steeply over a short distance at the far western boundary. No development is proposed in close proximity to this steeper section of the site and it will be retained in a natural state. Therefore, no further consideration of this Clause is required.	YES
CL58 Protection of Existing Flora	YES	There are remnant bushland and rock outcrops along the rear boundary of the site adjacent Garigal National Park. The proposed works to the existing buildings, which are generally located centrally at the site is unlikely to have an inadvertent impact on the remnant bushland and rock outcrops. No other tree clearing is required for the building works proposed. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL59 Koala Habitat Protection	NO	No Comment	N/A
CL60 Watercourses & Aquatic Habitats	NO	No Comment	N/A
CL61 Views	YES	The proposed alterations and additions to the	YES



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General Principles	Applies	Comments	Complies
		buildings are within the existing building lines and do not exceed the existing building height. There are no coastal or district views affected by the proposed works. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	
CL62 Access to sunlight	YES	The proposed alterations and additions to the buildings are within the existing building lines and do not exceed the existing building height. Therefore, the proposal will not affect solar access to the adjoining properties. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL63 Landscaped Open Space	YES	The proposed alterations and additions to the buildings are within the existing building lines and make no changes to the existing landscaped open space within the school grounds. Landscaping is a dominant feature of the site with over 67% of the school grounds covered by grass, bushland and gardens. Therefore, the landscaped open space will be retained in such dimensions and characteristics to satisfy the objectives of this Clause.	YES
CL63A Rear Building Setback	YES	The proposed alterations and additions to the buildings are within the existing building lines and make no change within the rear setback area. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL64 Private open space	NO	No Comment	N/A
CL65 Privacy	YES	The proposed alterations and additions to the buildings are within the existing building lines and have a minimum of 9 metres separation distance from the adjoining St David's Retirement Village to the south. The separation distance is adequate to minimise unreasonable close and direct sightlines. Therefore, the proposal will not result in unreasonable privacy issues and is satisfactory in addressing this Clause.	YES
CL66 Building bulk	YES	Considerations of this Clause are given to proposal by the following: - The proposal complies with the side boundary envelope provisions. - The proposed louvre screen along the perimeter of the new walkway is a large continuous wall plane. However, this is not unacceptable, considering that the screen is set back from the site boundaries and will not be readily visible from public spaces.	YES



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General Principles	Applies	Comments	Complies
		The proposed alterations and additions are not unreasonable in area for their purpose and are not excessive in height, and they maintain sufficient set back from the side boundaries. As such, no landscaping is required to compensate for visual impact. In summary, the proposal is satisfactory in addressing this Clause.	
CL67 Roofs	NO	No Comment	N/A
CL68 Conservation of Energy and Water	YES	The proposed alterations and additions are constrained by the existing building configurations at the site, and themselves are minor increase in building footprint. As such, the proposal will have minimal implications on the conservation of energy and water. Therefore, no further consideration of this Clause is required.	YES
CL69 Accessibility – Public and Semi-Public Buildings	YES	This Clause provides that access is to comply with the <i>Disability Discrimination Act</i> and <i>AS 1428.2 1992 - Design for access and mobility- enhanced and additional requirements- buildings and facilities</i>. The proposal is designed to require suitable access as an automatic requirement being for a special needs school facility. In this regard part of the impetus for DA has been a need to upgrade accessibility within the school. A suitable condition is recommended to address this issue. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES subject to condition
CL70 Site facilities	YES	Specialist site facilities for the school are being maintained or have recently been upgraded under the approval for DA2008/0193. Accordingly, the proposal is deemed to satisfy the requirements of this Clause.	YES
CL71 Parking facilities (visual impact)	NO	No Comment	N/A
CL72 Traffic access & safety	NO	No Comment	N/A
CL73 On-site Loading and Unloading	YES	This application does not seek to increase the capacity of the school and will thereby maintain the existing on-site loading and unloading needs. Therefore, no further consideration of this Clause is required.	YES
CL74 Provision of Car parking	YES	This application does not seek to increase the capacity of the school and will thereby maintain the existing carparking needs. Car parking facilities for the school have recently been upgraded under the	YES



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General Principles	Applies	Comments	Complies
		approval for DA2008/0193. Therefore, no further consideration of this Clause is required and the proposal is satisfactory with regard to Schedule 17 – Carparking provision.	
CL75 Design of Car parking Areas	NO	No Comment	N/A
CL76 Management of Stormwater	YES	The proposal results in no significant increase in impervious areas. Stormwater facilities for the school have recently been upgraded under the approval for DA2008/0193 which included provision for water reuse and two by 20,000 litre detention tanks under the rear car park.	YES
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	YES	This Clause provides that development is to be sited and designed and related construction work carried out so as to minimise the potential for soil erosion. Conditions could adequately address the provisions.	YES subject to condition
CL79 Heritage Control	NO	No Comment	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	YES	Notice was provided to the MLALC by referral to Council's Aboriginal Heritage Officer. The referral comments stated that: <i>"There are known Aboriginal sites in the Forestville area. No Aboriginal sites are recorded in the development area, however, the area is considered to have potential for unrecorded sites."</i> This application for alterations and additions to the existing buildings refers to the land immediately adjacent to the existing building footprint that had been previously disturbed. Therefore, the proposal is unlikely to disturb Aboriginal heritage and a referral is not required in this case. A condition is included in case of the unearthing of Aboriginal heritage.	YES – subject to conditions
CL81 Notice to Heritage Council	NO	No Comment	N/A
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	YES	The subject land is mapped as having both high and extremely high potential for archaeological sites within the development area. Therefore a condition is recommended to ensure appropriate investigation is carried out if any relics are uncovered during site works.	YES – subject to conditions

SCHEDULES

Schedule 8 - Site analysis

The applicant has provided a satisfactory site analysis site plan for the property including access points, adjacent buildings and uses, geography of the site and surrounds, separations distances, access, site dimensions, building footprints and natural features of interest including landform, vegetation and drainage points. The plans and statement of environmental effects prepared for the proposal, this application is considered satisfactory in addressing this Schedule.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Warringah Section 94A Development Contributions Plan 2006 is applicable, as the value of work is greater than \$100,000.

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 1,700,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$161,500	6923
S94A Planning and Administration	0.05%	\$8,500	6924
Total	1.0%	\$17,000	

The proposal does not qualify under any of the exemption criteria within the Section 94A plan to be excluded from paying the contribution and so a suitable condition is included to levy the calculated amount.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979*, *Warringah Local Environmental Plan 2000* and the relevant codes and policies of Council.

Matters raised by the referrals to the NSW Rural Fire Service, and councils internal referrals have been addressed by specific conditions included within the recommended conditions

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979*, *Warringah Local Environmental Plan 2000* and the relevant codes and policies of Council.

The proposal will continue the existing operation of the school to cater for the special teaching and care requirements for Autistic children for the 'north shore' and 'northern beaches areas', this includes being the administration centre for *ASPECT Australia*. The *Vern Barnett School* remains a complementary and compatible land use and is consistent with the Desired Future Character of the locality. The proposed alterations and additions to the buildings are minor in scale, and comply with the Built Form Controls and General Principles of Development Control of the *Warringah LEP 2000*.

Accordingly, the proposal is recommended for approval.



RECOMMENDATION (APPROVAL)

- A. That Council as the consent authority approves Development Application DA2008/1728 for alterations and additions to the buildings of an existing school at 41 Cook Street Forestville (Lot 2707 DP 238311) subject to the attached conditions.
- B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

Signed

Date

Development Assessment Officer

Signed

Date

Team Leader / Manager