

4.1**212 Forest Way, Belrose – Alterations and Additions to a Primary School and Further Education Establishment**

SUMMARY

Purpose

To provide an assessment of the amended documentation provided by the applicant in relation to a Warringah Development Assessment Panel (WDAP) resolution for Development Application No.DA2010/1949 for alterations and additions to the Covenant Christian School. The development application and the assessment report was given full consideration as detailed under Item 4.1 of the WDAP Agenda Minutes dated 8th June 2011.

Background:

Development Application No. DA2010/1949 is a Category 3 application under Warringah LEP 2000 and so was required to be considered at a public hearing to be conducted by the Warringah Development Assessment Panel (WDAP). The WDAP held the public hearing into the application at its meeting on the 8th June 2011 and the following recommendation was made:

- A. *That the Applicant is to submit to Council amended plans showing the relocation of classroom GLA1 and an amended Landscape Plan demonstrating removal of non-indigenous species and dense landscaping of the 15m setback to Linden Ave, with species consistent with the 'Bloodwood Scribbly Gum Woodland' vegetation class, to the satisfaction of the Director Strategic and Development Services.*
- B. *That subject to 'A' above being submitted within 28 days the application be recommended to the General Manager for approval subject to the conditions in the recommendation in the report to WDAP dated 8 June 2011 No.1-42 with the following amendments to conditions.*
 - a. *Condition 9 to be deleted.*
 - b. *Condition 36 to be deleted.*
 - c. *Condition 41 to be deleted.*

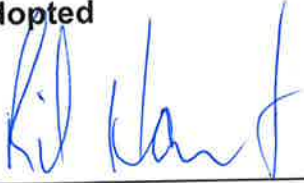
Conclusion to WDAP recommendation:

The amended plans submitted as per the WDAP recommendation are satisfactory, however Condition 41 (as per item B(c) above) is recommended to be retained, in a modified form, following discussions with the Applicant and detailed consideration by Council's Traffic Management Section.

**RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER STRATEGIC AND
DEVELOPMENT SERVICES**

That the General Manager approve Development Application No. DA2010/1949 for alterations and additions to a school on land at Lot 101, DP 1159742 and Lot 1 and 2, DP 725754, No.212 Forest Way, Belrose (Covenant Christian School) subject to the conditions (as amended) in this report, No.1 to 43.

Adopted



Rik Hart
General Manager

20 - 12 - 11

Date



REPORT

Purpose

To provide an assessment of the amended documentation provided by the applicant in relation to a Warringah Development Assessment Panel (WDAP) resolution for Development Application No.DA2010/1949 for alterations and additions to the Covenant Christian School. The development application and the assessment report was given full consideration as detailed under Item 4.1 of the WDAP Agenda Minutes dated 8th June 2011.

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 - a. *Condition 9 to be deleted.*
 - b. *Condition 36 to be deleted.*
 - c. *Condition 41 to be deleted.*

Condition Details

(i) Condition 9 relates to the front setback to Linden Avenue and reads as follows:

9. Front Building Setback (Linden Avenue)

The proposed classroom "GLA1" is to be deleted and the adjacent pathways, stairs and library courtyard/shade structure shall have a minimum Setback of 15 metres to Linden Avenue. The remaining setback area is to be retained as landscaped open space and planted with locally occurring endemic species.

Details demonstrating compliance are to be shown on the Construction Certificate plans and submitted to the Principal Certifying Authority.

Reason: To maintain environmental amenity, setbacks and a "bushland setting" in accordance with the WLEP 2000. (Special Condition)

(ii) Condition 36 relates to the provision of new site landscaping and reads as follows:

36. Supplementary Planting Required

Species	Location	Pot Size
Species from Councils Tree Replacement Guide. The selection shall include a balance of small, medium and large species suited to the " Bloodwood, Scribbly Gum Woodland " Vegetation Class	10 trees along the length and width of the 20 metre Front Setback to Linden Avenue but clear of buildings and with no interlocking canopy; and 5 trees along the length and width of the 10 metre Side Setback with No.3 Waldon Road but clear of buildings for RFS requirements.	Tube stock or larger.

Required trees are to satisfy the following:

- a) All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- b) All replacement trees must be maintained until they reach five (5) metres in height;
- c) If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

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, setbacks and a “bushland setting” in accordance with the WLEP 2000. (Special Condition)

(iii) Condition 41 relates to restricting the student population and reads as follows;

41. Maximum Enrolment

The maximum allowable enrolment for the Covenant Christian School on the subject site shall not exceed 750 students.

Reason: Limit maximum enrolment and the intensity of development on the site including traffic & land use impacts.

Notwithstanding that the WDAP recommended the deletion of Condition 41 on the grounds that the development application does not seek to increase student numbers, the Acting Deputy General Manager, Strategic and Development Services was of the opinion that a maximum student population of the school should in fact be conditioned. The rationale was that such a limitation is appropriate as the school is a Category 3 land use under WLEP 2000 and it is a requirement that the use demonstrate consistency with the DFC in terms of “low intensity/low impact”.

Therefore, the applicant was requested to provide advice from a traffic consultant to justify a maximum student population. The basis for this approach is that a student enrolment limit of 900 students was previously imposed under a similar development application, being Development Consent No. DA2005/0915, which was never enacted. However, it is noted that previous application involved the provision of an indented bus bay in Linden Avenue and upgraded internal carparking facilities and the current development application does not involve such new and upgraded facilities. Therefore, it is appropriate that a maximum student population be assessed by a traffic expert and reaffirmed under the current application in order to ensure that adequate traffic safety and parking is maintained for the development.

The requested information, including the amended plans and revised supplementary traffic report, based on a maximum of 900 students was submitted to Council on 2 August 2011, which was within the 28 day time limit set down in the WDAP recommendation.

Notification/Advertisement

The amended plans and documentation is not required to be re-notified/readvertised as the amended plans and supplementary documentation differs in minor respects to that previously notified/advertised and the amended proposal is not considered to have a greater environmental impact.

Referrals

(i) **Rural Fire Service**

The amended plans involve increasing the distance of the proposed classroom away from the bushfire hazard source to the west of the site, hence the amended design does not warrant re-referral to the Rural Fire Service, who has previously issued their General Terms of Approval for this application.

(ii) **Traffic Management**

A review of the additional information submitted by the applicant to justify a maximum enrolment for the school identified that the existing and ongoing bus parking and bus stop facilities for the school were unclear, being carried out without the approval of Council and the RTA and the Ministry of Transport, and presented traffic concerns which needed clarification and for the approval bodies to sign-off on satisfactory arrangements before any consent could be granted to this DA.

Therefore, the applicant was requested to demonstrate that adequate bus access, bus stop and a revised bus service schedule to the satisfaction of Council and the RTA, now known as the *Department of Roads & Maritime Services* (RMS). Unfortunately, this process took significantly longer than originally anticipated to resolve the issues. Numerous discussions were held with representatives from the Covenant Christian School over the intervening months and finally it was decided that a 'round table' meeting was necessary to bring the matter to more timely resolution. This meeting included the RTA (RMS), Council's Traffic Management officers and the applicant. This facilitation meeting took place at Council on the 25 October 2011. Arising out of that meeting was an agreement that the proposal involved sufficient carparking, that the bus swept path for the Dell Street carpark was satisfactory and that the School could continue to use the Forest Way bus stop, but with a revised school bus schedule that separated each of the 5 bus pick up times.

Arising out of that meeting, it was agreed that the final school carparking plan, bus access plan for Dell Street, and scheduling for school buses using the Forest Way bus stop were to be submitted within one week. The documentation addressing the agreed deliverables was submitted in two parts on the 2 November 2011 and 8 November 2011.

The supplementary traffic parking statement prepared by *Traffic Solutions Pty Ltd*, amended plans DA-01.2 & DA-02.2 Rev 11 dated 1 November 2011 drawn by *MCA Architects*, Traffic Management Policy and supporting documents including the school bus schedule have been reviewed by the RTA (RMS) and Council's Traffic Management Officer, who are now satisfied that appropriate bus management and traffic management is provided in relation to a maximum student population of 900.

Notwithstanding, Council's Traffic Management Officer recommends that the following additional condition be included as a contingency in the event that use of the Forest Way bus stop and Waldon Road, in the manner proposed, results in damage to Council's road assets:

School Bus Operations

The School bus schedule for use of the Forest Way bus stop is to be maintained as per the Bus Schedule dated 8 November 2011 prepared by the Covenant Christian School, and no school bus services are to 'lay-over' (park) on Waldon Road, Linden Avenue or Crozier Road, Belrose.

The applicant shall provide a report to Warringah Council at six (6) months from the date of the consent, detailing the effective operation of the bus schedule regarding the use of the bus stop (TSN:208583) at 212 Forest Way, Belrose for school services. If the management of services and school bus loading operations is identified as not being effective at limiting the use of the Forest Way bus stop to 1 (one) school bus at a time, the school is to provide a revised schedule or propose alternative bus service management to Warringah Council

within 28 days of Council's request. This may include a proposal for the construction/augmentation of a bus layover on Waldon Road to Council's satisfaction, at no cost to Council or the NSW Roads & Maritime Services.

Reason: *To ensure adequate Traffic Management for the school bus services and to minimise damage to Council assets.*

Accordingly, it is recommended that this new condition be imposed on the consent as Condition 42 (see additional comments under RTA (RMS) below).

(iii) Landscape Management

The amended landscape plans were reviewed by Council's landscape officer who has confirmed that the species list appropriately contains indigenous species.

(iv) Roads and Traffic Authority (NSW Roads and Maritime Service)

The RTA, (now known as the Roads and Maritime Services (RMS)) were sent a referral including the Traffic Management Plan and supporting development application documents for comment regarding the ongoing use of the bus stop (TSN:208583) on Forest Way. It is noted that the application had not been referred to the RTA upon lodgement. The RMS are now satisfied that the school bus operations can continue to use the Forest Way bus stop subject to the time co-ordination of bus arrivals proposed by the school, whereby only one (1) school bus at a time can use the existing lay-by, due to its limited length. The RMS responded and provided the following amendments to the draft condition as recommended by Council's Traffic Management Officer to address additional RMS requirements:

School Bus Operations

The school bus schedule for the use of the Forest Way bus stop is to be maintained as per the Bus Schedule dated 8 November 2011, prepared by the Covenant Christian School, and no school bus services listed are to "lay-over" (park) on Waldon Road, Linden Avenue or Crozier Road, Belrose.

The applicant shall provide a report to Warringah Council at six (6) months from the date of the consent, detailing the effective operation of the bus schedule regarding the use of the bus stop (TSN:208583) at 212 Forest Way, Belrose.

If the management of services and school bus loading operations is identified as not being effective or suitable for the use of the Forest Way bus stop for 1 (one) school bus at a time, the school is to provide a revised bus schedule, and alternative bus facilities and management plan to Warringah Council within 28 days of Council's request. This may include a proposal for the construction/augmentation of a bus layover on Waldon Road and Forest Way to the Roads and Maritime Service (RMS) and Council's satisfaction and at no cost to Council or the RMS.

The changes to the bus bay on Forest Way, if required, shall be designed to accommodate 2 buses (bendy buses) at any one time. The design of the bus bay shall be forwarded to the RMS for consideration and approval. The submitted design shall be in accordance with Austroads Guide to Road Design in association with the relevant RTA supplements (available on www.rta.nsw.gov.au). The certified copies of the civil design plans shall be submitted to the RMS for consideration and approval and is to be completed under SEPP (Infrastructure) 2007.

The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.

Reason: *Traffic Management to minimise damage to Council assets and to improve operation of the existing bus bay facilities servicing the site.*

Commentary on Recommended Traffic Condition

Advice was sought from Council's Legal Services Team and it is considered the above condition may be deemed legally difficult to administer and enforce due to the ambiguity created by the 6 month trial period and lengthy condition structure. Therefore, an alternative of splitting the condition into two parts is considered appropriate to clearly define the requirements of the condition.

In this regard, it is recommended the subject condition (and the consent) be revised to include the following two separate, but more concise conditions as follows.

- i) Insert new condition 38A in the Consent under the section "Conditions Which Must Be Complied with Prior to Issue of Occupation Certificate"

38A. Works to Forest Way Bus Stop

The bus stop (TSN:208583) at 212 Forest Way, shall be designed and constructed to accommodate 2 buses (bendy buses) at any one time. The design improvements of the bus bay shall be forwarded to the Roads and Maritime Service (RMS) for consideration and approval. The submitted design shall be in accordance with *Austroads Guide to Road Design* in association with the relevant RMS supplements (available on www.rta.nsw.gov.au). The certified copies of the civil design plans shall be submitted to the RMS for consideration and authorisation for construction.

The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.

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

Reason: Traffic management and safety.

This condition will require the School extend the bus bay to suit the RMS requirements prior to final occupation. The bus bay is already large enough for two buses however the kerb and abutting footpath does not span the full length and would require extending to suit pedestrian use.

- ii) Insert new condition 43 in the Consent under the section "On-going Conditions That Must Be Complied with at All Times"

43. School Bus Operations

The school bus schedule for the use of the Forest Way bus stop is to be maintained as per the Bus Schedule dated 8 November 2011, prepared by the Covenant Christian School, and no school bus services listed are to "lay-over" (park) on Waldon Road, Linden Avenue or Crozier Road, Belrose.

Reason: Traffic management to prevent damage to the public road verge.

Following further discussion with Council's Traffic Management Section regarding the revisions above it was determined that Traffic Management still require a trial period and it was considered

this matter be better addressed by a specific condition provided in a format that has been used by Council for similar trial period issues. The following condition uses a framework that has been considered legally acceptable for trial periods and addresses the Council's requirements and outcomes. It is recommended that this condition be used in preference, and inserted in the consent as condition No.4A

(iii) Insert new condition 4A in the Consent under the Section "General Conditions"

4A. Review of Bus Services

This consent is granted for the approved bus services schedule for a limited period in accordance with the following:

- (a) The bus schedule shall be subject to a trial period of twelve (12) months from the date of issue of the interim occupation certificate.
- (b) At the end of the 12 month period, if the applicant wishes to make the proposed schedule permanent, the applicant must lodge a Section 96 Modification of Consent application with supporting documentation (including the traffic and parking review required in (c) below) on or before 2 months before the end of the 12 month trial period. The S96 can include deletion of this requirement for any further review and any modification to relevant conditions.
- (c) During the 12 month trial period, a bus parking and traffic review are to be undertaken by a qualified Traffic Consultant on a 6 monthly basis (i.e. 2 surveys) to determine the effective ongoing operation of the school's bus services and facilities. The monitoring survey and recommendations of the Traffic Consultant are to be presented in a report to Council to accompany the Section 96 Application to be lodged at the end of 12 months from the date of issue of the Interim Occupation Certificate.
- (d) The approved bus schedule operations can remain in place until the Section 96 application has been finally determined subject to:
 - (i) A Class 1 Appeal to the Land and Environment Court being commenced against any actual refusal of the S96 application by Council within 14 days from the date of that refusal; or
 - (ii) If the Council has not determined the S96 application within 40 days of the lodgement of that application, a Class 1 Appeal being commenced against the Council's deemed refusal of the application within 60 days of the date of the lodgement of the S96 application; or
 - (iii) In the event that the Section 96 is not lodged in accordance with the above, Council may commence a Class 4 Appeal against a breach of these conditions.

Reason: Management of traffic and bus facilities.

Conclusion on Recommended Traffic Condition

That proposed condition 4A Review of Bus Services, proposed condition 38A 'Works to Forest Way Bus Stop' and proposed condition 43 'School Bus Operations' be included with the recommended conditions of consent for DA2010/1949 for alterations and additions to the Covenant Christian School at 212 Forest Way, Belrose.

Assessment of WDAP Requirements

The amended plans and traffic consultants report provided by the applicant were reviewed as follows:

Item A of WDAP's Recommendation

Amended architectural plans numbered DA-00.1 to DA-22.1 dated 25 July 2011 drawn by *MCA Architects*; and Landscape plans numbered LA-01 dated 21 July 2011 drawn by *Taylor Brammer* were submitted. The submitted plans satisfactorily demonstrate the removal of non-indigenous species and dense landscaping within the 15m setback to Linden Ave, including relocation of classroom GLA1 which satisfies the requirements of Item A.

Item B of WDAP's Recommendation

The amended plans submitted in response to Item A have been found to be satisfactory, which enables Condition 9 and 36 to be deleted.

In relation to Condition 41, the Supplementary Traffic Consultants Statement report submitted at Council's request assesses that the proposed carparking and bus pick-up and drop-off facilities can adequately cater for 900 students.

Importantly, the development application stated that the school already has approval for a maximum of 900 students, however this is not the case as Development Consent No. DA2005/0915, which contained a condition limiting the number of students to 900 for that particular approval, was never enacted and hence the maximum number of students under that consent has no effect (unless the consent is taken up at some future stage).

Therefore, the Covenant Christian School currently has no official maximum number of students enrolled under any approvals issued by Council. Hence, it is considered important to impose such a maximum, having regard to the fact that the school is a Category 3 land use and the operations must be consistent with "low intensity-low impact".

The traffic report and other supporting documentation submitted in response to Council's request for justification of a maximum student number was reviewed by Council's Traffic Management Section and no concerns were raised with the figure of 900. Therefore, based on the traffic consultant's findings, it is appropriate that the consent be conditioned to reflect a maximum student number of 900.

Accordingly, it is recommended that Condition 41 be imposed on the consent which restricts the student numbers to 900.

The Supplementary Traffic Parking Statement prepared by *Traffic Solutions Pty Ltd*, amended plans DA-01.2 & DA-02.2 Rev 11 dated 1st November 2011 drawn by *MCA Architects*, Traffic Management Policy and supporting documents, including the school bus schedule, are satisfactory subject to a special condition to ensure the effective management of school bus operations. After extensive discussions, meetings and resolution of the issues relating to the adequacy of the school bus operations, the RTA (RMS) has no objection to the continuing school bus operations on Forest Way subject to a 12 month review of bus operations. If after that time, the School requires to change the approved bus operations or make further changes to bus parking or services and the like then any works, if required shall be at no cost to the RTA (RMS) or Council.

Conclusion

The applicant has satisfied the requirements of the WDAP recommendation in relation to the relocation of the classroom and amended landscape details. Furthermore, the request by staff for the applicant to provide a supplementary traffic report to justify a proposed maximum student population has been satisfied and upon review it is recommended that the requirements of Condition No. 41 be included and amended to reflect a maximum student population of 900 in the consent. This will ensure the use operates in accordance with a scale of student population which was considered in the assessment officer's report and by the WDAP to be consistent with the "low intensity/low impact" requirements of the DFC for the C8 - Belrose North Locality.

In order to ensure the effective operation of the school's bus service using Forest Way, it is recommended that additional specific conditions addressing future school bus operations, as detailed previously, be included as the new conditions; No. 4A, No. 38A and No 43.

Based in the assessment of the amended plans and traffic consultant's report, it is recommended that the application be approved in accordance with the conditions contained in the officer's report, as amended in response to the WDAP recommendation, with the addition of the special condition for school bus operations for the reasons stated in this report.

RECOMMENDATION (APPROVAL)

That the General Manager approve Development Application No. DA2010/1949 for alterations and additions to a school on land at Lot 101, DP 1159742 and Lot 1 and 2, DP 725754, No.212 Forest Way, Belrose (Covenant Christian School) subject to the conditions (as amended) printed below:

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Architectural plans		
DA-01.2, Rev 11	1/11/11	<i>MCA Architects</i>
DA-02.2, Rev 11	1/11/11	<i>MCA Architects</i>
DA-03.2, Rev 5	25/7/2011	<i>MCA Architects</i>
DA-10.2, Rev 4	25/7/2011	<i>MCA Architects</i>
DA-11.2, Rev 4	25/7/2011	<i>MCA Architects</i>
DA-12.2, Rev 3	25/7/2011	<i>MCA Architects</i>
DA-20.2, Rev 4	25/7/2011	<i>MCA Architects</i>
DA-21.2, Rev 4	25/7/2011	<i>MCA Architects</i>
DA-22.1, Rev 3	25/7/2011	<i>MCA Architects</i>
Schedule of Colours and Finishes	26/11/2010	<i>MCA Architects</i>

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Engineering plans H00 to H08	26/11/2010	<i>Acor Consultants</i>

Reports / Documentation		
Report No.	Dated	Prepared By
Traffic Management Policy	October 2011	<i>Covenant Christian School</i>
Supplementary Traffic Parking Statement 04.05.227	2 November 2011	<i>Traffic Solutions Pty Ltd</i>
Traffic & Parking Assessment 04.05.227A	February 2007	<i>Traffic Solutions Pty Ltd</i>

School Bus Schedule	8 November 2011	<i>Covenant Christian School</i>
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No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
Landscape plans LA01/D	21/7/2011	<i>Taylor Brammer</i>

Waste Management Plan - Endorsed with Council's stamp		
Plan Number	Dated	Prepared By
Covenant Christian School Waste Management Plan 2010	26/11/2010	<i>MCA Architects</i>

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	Reference	Dated
Energy Australia	Energy Australia Referral Response	8 Dec 2010
NSW Rural Fire Service	NSW RFS Referral Response	17 Jan 2011
Aboriginal Heritage Office	Aboriginal Heritage Referral Response	9 Dec 2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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. (DACPLB09)

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

4A. Review of Bus Services

This consent is granted for the approved bus services schedule for a limited period in accordance with the following:

- (a) The bus schedule shall be subject to a trial period of twelve (12) months from the date of issue of the interim occupation certificate.
- (b) At the end of the 12 month period, if the applicant wishes to make the proposed schedule permanent, the applicant must lodge a Section 96 Modification of Consent application with supporting documentation (including the traffic and parking review required in (c) below) on or before 2 months before the end of the 12 month trial period. The S96 can include deletion of this requirement for any further review and any modification to relevant conditions.
- (c) During the 12 month trial period, a bus parking and traffic review are to be undertaken by a qualified Traffic Consultant on a 6 monthly basis (i.e. 2 surveys) to determine the effective ongoing operation of the school's bus services and facilities. The monitoring survey and recommendations of the Traffic Consultant are to be presented in a report

to Council to accompany the Section 96 Application to be lodged at the end of 12 months from the date of issue of the Interim Occupation Certificate.

- (d) The approved bus schedule operations can remain in place until the Section 96 application has been finally determined subject to:
- (i) A Class 1 Appeal to the Land and Environment Court being commenced against any actual refusal of the S96 application by Council within 14 days from the date of that refusal; or
 - (ii) If the Council has not determined the S96 application within 40 days of the lodgement of that application, a Class 1 Appeal being commenced against the Council's deemed refusal of the application within 60 days of the date of the lodgement of the S96 application; or
 - (iii) In the event that the Section 96 is not lodged in accordance with the above, Council may commence a Class 4 Appeal against a breach of these conditions.

Reason: Management of traffic and bus facilities.

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

5. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability_rights/buildings/good.htm.

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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. (DACPLC02)

6. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$ 4,260,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	40,470.00
S94A Planning and Administration	0.05%	2,130.00
Total	1.0%	\$42,600

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

7. Sewer / Water Quickcheck

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

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

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

8. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$3,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.

(b) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

9. [Deleted]

10. Side Building Setback (No.3 Waldon Road)

The proposed "Transition Classroom" is to have a minimum setback of 10 metres from the side boundary with No.3 Waldon Road. (The adjacent "relocated shade structure" is to be deleted or replaced with a smaller shade sail to accommodate). This setback area is to be retained as landscaped open space and planted with locally occurring endemic species. The adjacent pathway linking to the classroom may be located not closer than 7.5m to the side boundary.

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

Reason: To maintain environmental amenity, setbacks and a "bushland setting" in accordance with the WLEP 2000. (Special Condition)

11. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access 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;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) 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;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) 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;

- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) 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;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane;

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

12. Design for Access and Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. (DACGCdam)

13. Noise from Plant

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate certifying all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm -6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: To comply with best practice standards for residential acoustic amenity. (DACHCnp)

14. Car parking Details

The renewed line marking of the car park is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking. No reduction to the existing number of car spaces is permitted and all on-site spaces are to be consecutively numbered. Plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the orderly and adequate provision of car parking. (DACECcpd)

15. Parking for People with Disabilities

Of the required number of car parking spaces at least one car-parking space must be

provided for use by persons with a disability.

The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)

16. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACGCrig)

17. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrmr)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. 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 \$10 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 Warringah 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. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. 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 Warringah Council 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. (DACPLE02)

20. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: To ensure the health and safety of the community and workers on the site.

21. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for a vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

22. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

23. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees. (DACLAEO3)

24. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately within the immediate vicinity of the relic and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the *National Parks and Wildlife Service*.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the *NSW Office of Environment and Heritage*.

Reason: Aboriginal Heritage Protection. (DACGEah)

25. Plant and Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: To ensure public safety and amenity on public land. (DACGEpekws)

26. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment. (DACHErnnc)

27. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: To ensure residential amenity is maintained in the immediate vicinity. (DACHEdeaq)

28. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

Reason: To ensure that plants identified as weed species are not allowed to proliferate and interfere with a quality-landscaping outcome, or be transferred to nearby National Park areas. (DACLEnp)

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

29. Fire Safety Matters

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

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

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

Reason: Statutory requirement under Part 9 Division 4 and 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

30. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

31. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

32. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

33. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

34. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the on-site stormwater detention system. (DACENF12)

35. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

36. [Deleted]

37. Consolidation of Lots

Prior to the issue of a Final occupation Certificate, either of the following is to be carried out:

- (i) Lot Consolidation: Lot 101 DP 1159742, Lot 1 and 2 DP 725754 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by *NSW Land and Property Information* is to be submitted to the Principal Certifying Authority and Warringah Council.

- (ii) Creation of restriction as to User: A restriction as to the use/restrictive covenant (under the provision of S88C of the Conveyancing Act) is to be registered on the property titles of Lot 101 DP 1159742, Lot 1 and 2 DP 725754 restriction the use of the land to a school. All cost associated with the preparation, execution and registration of the instrument are to be borne by the applicant. Warringah Council is to be nominated as the only party with the right to release, vary or modify the instrument and Warringah Council shall execute these documents prior to the submission to *NSW Land & Property Information*.

Reason: Orderly development of land.

38. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

Reason: To ensure bushland management.

38A. Works to Forest Way Bus Stop

The bus stop (TSN:208583) at 212 Forest Way, shall be designed and constructed to accommodate 2 buses (bendy buses) at any one time. The design improvements of the bus bay shall be forwarded to the *NSW Roads and Maritime Service (RMS)* for consideration and approval. The submitted design shall be in accordance with *Austrroads Guide to Road Design* in association with the relevant RMS supplements (available on www.rta.nsw.gov.au). The certified copies of the civil design plans shall be submitted to the RMS for consideration and authorisation for construction.

The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.

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

Reason: Traffic management and safety.

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

39. Noise Generation

Noise from the after hours (6pm to 6am) operations of school activities shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: Health and amenity.

40. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby

premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACGGii)

41. Maximum Enrolment

The maximum allowable enrolment for the Covenant Christian School on the subject site shall not exceed 900 students.

Reason: To limit maximum enrolment and the intensity of development on the site in accordance with the provision of the Warringah Local Environmental Plan 2000.

42. Traffic Management

The School shall maintain the use of Traffic Wardens to supervise pedestrian safety, staff carparking and parents pick/up set/down and ensure the efficient movement of buses servicing the site during peak traffic times between 8:00am to 9:30am and 2:30 pm to 4:00pm.

Reason: Safety

43. School Bus Operations

The school bus schedule for the use of the Forest Way bus stop is to be maintained as per the Bus Schedule dated 8 November 2011, prepared by the Covenant Christian School, and no school bus services listed are to "lay-over" (park) on Waldon Road, Linden Avenue or Crozier Road, Belrose.

Reason: Traffic management to prevent damage to the public road verge.



WARRINGAH DEVELOPMENT ASSESSMENT PANEL MEETING

4.1	212 Forest Way, Belrose – Alterations and Additions to a Primary School and Further Education Establishment
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Panel Member

Mary-Lynne Taylor, Chairperson, Lawyer

Steve Kennedy, Urban Design Expert

Sue Hobley, Environmental Expert

Alan Linnell, Community Representative

DA2010/1949

Application Details

Alterations and additions to a Primary School and Further Education Establishment.

Site Description

Lot 101 DP 1159742, Lot 1 and 2 DP 725754 212 Forest Way BELROSE

Independent Public Hearing

This report is of an independent public hearing that has been convened pursuant to cl 15 of WLEP because this application is for Category 3 development. The application was advertised as such and there was one (1) objection.

The Chairperson informed the hearing that applications for Category 3 development entail additional requirements. In particular, the Panel can only recommend that consent be granted if it is satisfied that the proposed development is consistent with the desired future character of the locality as described in the C8 Belrose North Locality Statement [WLEP2000 cl 12(3)(b)]. Further, the Panel must consider the Statement of Environmental Effects, prepared by the applicant, that addresses the items listed in Schedule 15 [WLEP2000 cl 15(1)].

Desired Future Character

For this application being a Category 3 item to be satisfactory, the application has to be consistent with the desired future character of the C8 Belrose North Locality.

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

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

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

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

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

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the Public Hearing. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Proceedings in Brief

This is an application for alterations and additions to the Covenant Christian School at 212 Forest Way Belrose. The school is presently and has been established for some time but seeks some changes to the property, particularly at the Linden Avenue frontage. The Panel has visited the site and the area and noted the concerns expressed by the Belrose Rural Community Association on behalf of the number of local residents.

The Panel is aware that extensive school buildings have allowed to be built on this site, despite the Category 3 classifications and the Desired Future Character. The Panel agrees that the proposed alterations and additions will provide an important addition to the educational establishment for this school.

The Panel is concerned, however, at the manner in which the landscape buffer to Linden Avenue has intrusions into it and does not believe that the proposed class room GLA1 should be allowed to intrude into the 15m buffer zone.

The Panel are of the view that class room GLA1 should be relocated to be outside the 15m zone but that adjacent pathways and stairs can be placed within that 15m setback.

The Panel believes there should be a condition allowing, where necessary, removal of non-indigenous planting in the Linden Avenue setback area but that upon completion of the building works, this 15m buffer area should be densely landscaped with indigenous trees to provide a denser landscaped buffer than is currently proposed, accentuating the local species.

Otherwise the Panel agrees with the Council Assessment Report and agrees with the concerns expressed by the Belrose Rural Community Association regarding the appropriate planting for the site.

As this application does not seek to increase student enrolments, the Panel is not prepared to impose condition 41 on this application. Otherwise the Panel agrees with an approval subject to the amendments to be provided to the satisfaction of the Director of Planning and recommends approval with the deletion of Condition 41 and the amendment of Condition 9 in relation to the allowance of pathways and stairs and the relocation of GLA 1.

**RECOMMENDATION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL
(CATEGORY 3 ITEM)**

- A. That the Applicant to submit to Council amended plans showing the relocation of class room GLA1 and an amended Landscape Plan demonstrating removal of non-indigenous species and dense landscaping of the 15m setback to Linden Ave, with species consistent with the 'Bloodwood Scribbly Gum Woodland' vegetation class, to the satisfaction of the Director Strategic and Development Services.
- B. That subject to 'A' above being submitted within 28 days the application be recommended to the General Manager for approval subject to the conditions in the recommendation in the report to WDAP dated 8 June 2011 No.1-42 with the following amendments to conditions.
- a. Condition 9 to be deleted.
 - b. Condition 36 to be deleted.
 - c. Condition 41 to be deleted.
-

Voting 4/0



Report to Warringah Development Assessment Panel on 8 June 2011

4.1 212 Forest Way, Belrose – Alterations and Additions to a Primary School and Further Education Establishment

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Alex Keller
Address / Property Description:	Lot 101 DP 1159742, Lot 1 and 2 DP 725754 212 Forest Way BELROSE
Proposal Description:	Alterations and additions to a Primary School and Further Education Establishment
Development Application No:	DA2010/1949
Application Lodged:	30/11/2010
Plans Reference:	Architectural plans DA00.1 to DA31.1 dated 26/11/2010 drawn by <i>MCA Architects</i> Schedule of Colours and Finishes dated 26/11/2010 drawn by <i>MCA Architects</i> Engineering plans H00 to H08 dated 26/11/2010 drawn by <i>Acor Consultants</i> Landscape plans LA01 2/11/2010 and LA02 dated 10/2/2011 drawn by <i>Taylor Brammer</i>
Amended Plans:	Yes – Landscape plan LA02 revised 10/2/2011
Applicant:	Covenant Christian School
Owner:	Trustee Covenant Christian School
Locality:	C8 Belrose North
Category:	Category 3 – “Further education” and “Primary School”
Draft WLEP 2009 Permissible or Prohibited Land use:	Prohibited
Variations to Controls (CI.20/CI.18(3)):	Yes - Front Building Setback, Side Building Setback, Bushland Setting
Referred to ADP:	NO
Referred to WDAP:	YES (Category 3 - Independent Public Hearing required)
Land and Environment Court Action:	NO
SUMMARY	
Submissions:	(One) 1 Objection
Submission Issues:	Desired Future Character, Front and Side setback, Tree removal and loss of bushland setting.
Assessment Issues:	Consistency with Desired Future Character, Front and Side Building Setback variation, Tree removal, Bushland Setting, Traffic, Student enrolment numbers.
Recommendation:	Approval
Attachments:	Site and Elevation Plans

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LOCALITY PLAN (not to scale)



Subject Site: Lot 1 DP 725754 (215.7 sqm)
Lot 2 DP 725754 (200.9 sqm)
Lot 101 DP 1159742 (3.536 hectares)

212 Forest Way, Belrose.

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13th December 2005). As a result, the application was notified to 25th adjoining land owners and occupiers commencing on 10th December 2010 and being finalised on 27th January 2011. Furthermore, the application has been advertised within the Manly Daily on 11th December 2010 and a notice was placed upon the site.

SITE DESCRIPTION

The subject site is known as the "Covenant Christian School" and is located at 212 Forest Way, Belrose. The school operates as an independent school catering for classes from kindergarten to year 12. The site is an "L" shape with frontage to Dell Street, Linden Avenue, Bundaleer Street and Forest Way. The main entrance to the school is located at the end of Dell Street adjacent to the Wakehurst Rugby Park. The site is gently sloping and stormwater from the site drains northwards

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to a detention facility within the school near a low point in Bundaleer Street. Dimensions of the site are as follows:

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

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

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

SITE HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSED DEVELOPMENT

The proposed works are located in the southwest portion of the school complex toward Linden Avenue. The purpose of the development proposal is to upgrade the school facilities, mainly with regard to a new purpose designed library and music/drama auditorium including four new classrooms. There will be no increase in student numbers above the current maximum allowable enrolment. Specifically the works required include 2 phases of construction, as follows:

Phase 1

- A new 300 seat (276sqm) music and drama auditorium (FFL 161.0)
- Entry and foyer, kitchenette, change rooms, toilets, instrument storeroom and chair storeroom (FFL 161.0)
- Access paths, stairs, hallway space and store space for student bags.
- New library (FFL162.15) with ancillary workroom, reading areas and office space;
- Four new classrooms with internal operable wall capable of being combined to 2 learning areas, and staff offices;
- Removal of 20 trees within the building footprint area;
- Site works and landscaping including replacement tree planting along Linden Avenue, Wakehurst Parkway and selected locations within the school grounds; and
- Associated stormwater upgrades
- Relocation of 1 demountable (95 sqm) "transition" classroom and associated shade structure to the southern side of the site.

Phase 2

- Additional earthworks for new concrete pathways in the setback to Linden Avenue.
- Additional covered sections to selected walkway connections;
- Removal of existing demountable (T5/T6) from the car park area and repositioning of the clothing pool demountable outside the carparking area;
- Renewal of line marking within the carparking area;
- Construction of a courtyard and shade structure at the north-western corner of the library.

The building footprint for the proposed works is currently utilized for demountable classrooms, playground space and unused open space.

AMENDMENTS TO THE SUBJECT APPLICATION

Nil

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979

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- b) Environmental Planning and Assessment Regulations 2000
- c) Local Government Act 1993
- d) Disability Discrimination Act 1992
- e) Rural Fires Act 1997
- f) State Environmental Planning Policy No. 55 – Remediation
- g) State Environmental Planning Policy 2007 – (Infrastructure)
- h) Warringah Local Environment Plan 2000
- i) Draft Warringah Local Environment Plan 2009
- j) Warringah Development Control Plan
- k) Section 94A Contributions Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to 25 adjoining land owners and occupiers commencing on 10th December 2010 and being finalised on 27th January 2011. Furthermore, the application has been advertised within the Manly Daily on 11th December 2010 and a notice was placed upon the site.

One (1) submission was received in response to the notification from the following party:

Submission	Address
Belrose Rural Community Assoc.	PO Box 401 Frenchs Forest

Relevant issues raised are summarised and addressed hereunder:

- i) The proposal is not satisfactory having regard to the DFC requirement of densely landscaped setbacks free of structures, car parking or site facilities.***

Comment:

Consistency with the DFC has been addressed in detail under the heading “Desired Future Character” within this report. In summary, it is considered that sufficient emphasis has not been placed on minimising structures and site facilities within the setback areas in order to provide the maximum compliment of landscaping and satisfy the DFC. In order to address this issue conditions are recommended to delete the elements of the proposal that are part of the phase 2 works that diminish the continuity of the landscaped setback to Linden Avenue. Subject to conditions this issue is not considered to have determining weight.

- ii) The proposal does not comply with the setbacks to Linden Avenue or the southern boundary.***

Comment:

The non-compliance with the front and side building setbacks has been addressed in detail under the heading “Clause 20” within this report. In summary, conditions are recommended that the building setback on the southern boundary for the “transition classroom” comply with the required setback and the pathways and courtyard/shade structure within the Linden Street frontage also be deleted. Subject to conditions this issue is not considered to have determining weight.

- iii) The proposal does not satisfy requirement for a ‘bushland setting’ for 50% of the site.***

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Comment:

The school has a comprehensive range of facilities on the site mostly established prior to the WLEP 2000. In this regard, it is improbable that the school could fully provide 50% of the site with bushland areas given the only remaining available space is within small pockets and marginal areas around the perimeter of the site. Notwithstanding this, opportunities do exist for substantial replacement tree planting to occur within remaining setback areas to compensate for the loss of mature canopy trees proposed. Subject to conditions this issue is not considered to have determining weight.

MEDIATION

Has mediation been requested by the objectors? No

LAND AND ENVIRONMENT COURT ACTION

Nil

REFERRALS

External Referrals

NSW Rural Fire Service

The proposal is 'Integrated Development' pursuant to section 91 of the *Environmental Planning and Assessment Act 1979*. In this regard, a bushfire safety authority is required from the Rural Fire Service under *Section 100B of the Rural Fire Services Act 1997*.

The Rural Fire Service issued a bushfire safety authority on the 17th January 2011 subject to conditions which are included with the recommended conditions of consent.

Energy Australia

The proposal was referred to *Energy Australia* in accordance with the requirement of SEPP 2007 (Infrastructure). *Energy Australia* provided a response on the 8th December 2010 and has no objection to the proposed development subject to conditions, which are included with the recommended conditions of consent.

Internal Referrals

Development Engineer

Council's Development Engineer has raised no objection to the proposal, subject to conditions which are included with the recommended conditions of consent.

Traffic Engineer

Council's Traffic Engineer has raised no objection to the proposal, subject to conditions which are included with the recommended conditions of consent.

Landscape Officer

Council's Landscape Officer has raised objection to the proposal due to the removal of a substantial number of mature native trees as part of the development work. Council's Landscape Officer has however acknowledged that the trees are mostly not endemic to the area, and were planted in positions which are now too close to the existing and proposed building footprint to enable the trees to be conserved. In this regard, Council's Landscape Officer recommends conditions to be provided for new replacement planting within the setback to Linden Avenue.

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Comment:

It is concurred that the removal of the 20 trees in the vicinity of the new development works is a substantial loss of tree canopy for the site. In this regard, it is noted that access to remove the existing demountable classrooms is hindered by many of the existing trees and the proposed building footprint will require their removal anyway. The trees are mostly not locally occurring species and any replacement planting should be concentrated within the setback area to Linden Avenue. It is also considered that the landscaping space within the setback should be maximised as far as practicable, including limiting the phase 2 pathways and shade structure in order to provide a dense screen of tree planting to compensate for the loss of trees. Suitable conditions are recommended for replacement tree planting to occur within the landscaped setback to Linden Ave using endemic trees from Council's Tree Replacement Guide.

Natural Environment Unit

Council's Natural Environment Unit has made no objection to the proposal and recommended no conditions with regard to the development referral.

Aboriginal Heritage Office

Council's Aboriginal Heritage Officer has made no objection to the proposal, subject to conditions which are included with the recommended conditions of consent.

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	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on "Draft Warringah LEP 2009" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal. The proposal has been notified and advertised in accordance with the DCP.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been addressed via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been addressed via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been addressed via a condition of consent.</p>
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	<p>i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. In summary, the</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>proposal is satisfactory with conditions, having regard to environmental impacts.</p> <p>(ii) The proposed development will not have a detrimental social impact on the locality considering the educational character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the mixed semi-rural uses within the surrounding locality and the existing and ongoing use of the site for educational purposes.</p>
Section 79C (1) (c) – the suitability of the site for the development	<p>Location - The site is presently developed as a school and has easy access to Dell Street and Linden Avenue. The building footprint is suitably located adjacent to the main school complex and due to the slope of the site is partly concealed below natural ground level when viewed from Linden Avenue</p> <p>Physical - The site has a modest slope, and can be adequately drained of stormwater to Council's infrastructure, via the existing on-site detention system. The building footprint is partially constrained by the car park to the south and other established buildings to the north and east. The proposal will generally be sited over the existing demountable footprint. Site access is generally easy except for the existing group of trees around the perimeter of the demountable buildings that will be removed.</p> <p>Therefore, the site is considered to be suitable for the proposed development.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>One submission was received in response to the advertisement and notification of this application. See "Notification and Submissions" in this report.</p>
Section 79C (1) (e) – the public interest	<p>Issues raised in the public interest have been addressed in this assessment and by conditions. No other matters have arisen that would justify the refusal of the application in the public interest.</p> <p>The wider public interest is served by ensuring that the proposal is consistent with the relevant planning controls under WLEP 2000.</p>

Local Government Act 1993

Council is empowered under the *Local Government Act 1993* to be the approval authority for this proposal and grant any works or permits required in accordance with Section 68 of that Act as part of the development assessment process. This includes the management of stormwater, waste handling and access or works to a local public road.

Disability Discrimination Act 1992

Under Section 23 of the *Disability Discrimination Act 1992* provision must be made to ensure equitable and convenient access to the public and semi-public space within the development. Accessibility design standards are defined within Australian Standard (AS) 1428.2 for construction work. In this case, all student and staff areas must permit adequate ease of access including AS 1428.2 compliant parking spaces, toilet facilities and accessibility to the library, auditorium, classrooms and staff rooms.

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DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Educational establishments

Land Use Zone: E3 Environmental Management

Permissible or Prohibited: Prohibited

Additional Permitted used for particular land – N/A

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
<i>Rural Subdivision:</i>	<i>20 hectares</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Height of Buildings:</i>	<i>8.5 metres</i>	<i>6.5 metres</i>	<i>Yes</i>	<i>N/A</i>

- Clause 1.8A contains a savings and transitional provision that applications made before the commencement of the plan may regard the plan as not having been made if still not determined after the commencement of the plan.
- Clause 1.9 provides that SEPP's and REP's prevail over the LEP.
- Clause 2.1 provides the land use zones as detailed in the Land Use Table.
- Clause 4.3 provides the maximum height limit of buildings and details the objectives for height limits.

The objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- To provide for a limited range of development that does not have an adverse effect on those values.*
- To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.*
- To protect and enhance the natural landscape by preserving remnant bushland and rock outcrops and by encouraging the spread of indigenous tree canopy.*
- To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.*

A merit assessment against the aims and objectives of the E3 Environmental Management zone is provided as follows:

- The subject site is not identified as having any special ecological, scientific, cultural or aesthetic values in terms of threatened species, heritage items or view impacts. The site has been used as a school for approximately 30 years and provides a positive cultural influence to Warringah through its educational curriculum and extracurricular activities.
- The activities of the school generally occur during school hours within the subject site and do not have a detrimental impact on the values of the draft environmental management zoning.

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- iii. The proposed new buildings are generally situated to replace existing and outdated facilities. Part of the building is below natural ground level and integrated into the natural slope of the site and clustered with other school buildings. Subject to replacement tree planting, the long term natural setting of the new buildings will not have an adverse effect on the visual quality of the surrounding area.
- iv. Substantial replacement tree planting of large, medium and small trees will be required to compensate for the loss of 20 existing mature trees as part of the development work. In addition to this, concrete pathways and shade structures within the front setback to Linden Avenue should be deleted or relocated in order to maximise the landscaped setback and encourage the spread of a renewed indigenous tree canopy on the site. The proposed side setback to No.3 Waldon Road should also be increased, as recommended, in order to provide adequate width for encouraging substantial tree planting and continuity in maintaining a bushland setting.
- v. Subject to conditions for a dense landscape planting buffer to be established along Linden Avenue, visual quality will be maintained. No works are proposed along the Wakehurst Parkway frontage except for some supplementary tree planting.

The Draft WLEP 2009 is considered to be “imminent and certain” for gazettal by the Minister. However, subject to conditions and having regard to the savings and transitional provisions of Clause 1.8A, the proposal is satisfactory and generally consistent with the aims and objectives of the Draft LEP.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 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 part of the subject site has been used for the purposes of a nursery and the remaining area has been a school for a significant period of time. Investigations for potential contamination from the nursery use were completed as part of a previous DA proposal under DA2005/0915 with the submission of a “*Preliminary Contamination Assessment Report*, prepared by *Geotechnique Pty Ltd*, dated 8 September 2005”. The report concluded 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 site is considered to be suitable for the continuing school land use.

State Environmental Planning Policy 2007 – (Infrastructure)

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line.

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The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure. Notwithstanding, the development application was referred to *Energy Australia* for comment and no objections were raised, subject to conditions.

Regional Environment Plans (REPs)

None applicable

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

LOCALITY C8 Belrose North

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

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

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

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

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

The applicant submitted the development application on the basis of the proposal being classified as "existing category 3 development" pursuant to Clause 16 of WLEP 2000.

Clause 16 of the WLEP 2000 states:

"How is existing Category Three development dealt with?"

- (1) *In this clause, **existing Category Three development** means development classified as Category Three that could have been lawfully carried out immediately before it became so classified, including development that could have been lawfully carried out at that time because it was an existing use, as defined in section 106 of the Act.*
- (2) *Development applications for existing Category Three development consisting of:*
 - (a) *alterations or additions to, or the rebuilding of, a building, or*
 - (b) *the expansion or intensification of existing Category Three development. which, in the opinion of the consent authority, is of a minor nature and does not, to any significant extent, change the scale, size or degree of any building or land use, may be granted consent even if the development is not consistent with the desired future character of the locality.*
- (3) *The provisions of clauses 14 and 15 do not apply to such applications."*

The proposed changes to the size and scale of buildings onsite, the new library, auditorium and classrooms involves substantial works that is not of a "minor nature" as the proposal

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involves significant improvements to the school's educational facilities. The proposal is therefore subject to the provisions of Clause 15. The applicant's Statement of Environmental Effects has had regard to the matters listed in Schedule 15 of WLEP 2000, which is reviewed later within this report.

Accordingly, an assessment of consistency for the proposed development against the locality's DFC is provided hereunder:

"The present character of Belrose North locality will remain unchanged except in circumstances specifically addressed."

Belrose North is predominantly characterised by nurseries, schools, rural residential dwellings and national park areas, as well as some other major land uses including the Optus Earth Station and Belrose Waste and Recycling Centre. The 'Covenant Christian School' is one of four schools in the Locality. The proposed alterations and additions to the school are generally integrated within the main building complex and do not include any changes to the existing approved maximum student enrolment. In this regard, the proposal will have a minimal impact on the character of the Locality.

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

The proposed alterations and additions to the existing school complex is intended to upgrade and replace some of the aging school facilities. This requires the replacement of portable classrooms, a new library and providing a new drama/music auditorium. The removal of 20 trees is also required to enable the existing demountables to be removed and the new building footprint to be situated adjacent the main school complex. Preservation of these trees is not possible due to the close proximity of their location to the existing buildings that will be replaced. In this regard, it is noted that many of these trees are not locally endemic to the area and were planted many years ago, without the realisation that the current proposal would eventually require their removal. The new building work is mostly outside the front setback to Linden Avenue and this area is recommended for dense replacement planting of locally occurring species to compensate for the tree removal and provide long term enhancement to the local tree canopy. In order to maximise the landscaped setting, it is considered that 'GLA' 1 and the ancillary "phase 2" pathways, shade structure and courtyard that are within the front setback to Linden Avenue diminishes the ability to maximise landscape screening between the new classrooms and the street. It is considered that 'GLA'1 and the adjacent pathways and structures, should not encroach so significantly within the 20m of the setback to Linden Avenue. This issue is addressed by conditions which require the deletion of room 'GLA'1 and an increased setback to 15 metres for the adjacent shade structures and pathways.

The proposed location of the 'transition' classroom at 3.0m from the southern boundary to No.3 Waldon Road does not enable adequate setback for the establishment of a dense landscaped buffer to enhance the southern side setback and provide continuity with the DFC. In this regard the proposal is inconsistent with requirements for a 'bushland setting' and creating continuity with the remnant landscaping to the east and west of the proposed 'transition' classroom. In order to enhance the setting of the site in the vicinity of this building work it is recommended that the side setback of the 'transition' classroom be increased to 10.0 metres (with allowance for the adjacent pathway to 7.5m).

The application includes a schedule of building materials and artist perspectives of the building prepared for the proposal that demonstrate that the building suitably blend with the scale and form of the existing buildings.

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

The school was established prior to the Warringah LEP 2000 being gazetted and therefore is regarded as an existing use. The proposed alterations and additions to the school will create no change to the existing housing density on the site. Historically the school has had no upper limit on enrolments set by conditions of consent prior to DA2005/0915. Since DA2005/0915 has never been activated by the School the question of student numbers and parking issues must be addressed again in the context of the subject DA and maintaining “low intensity, low impact” use of the site. Council previously supported a notional enrolment of 900 students and in practical terms this means the school has a student / staff average ratio of 10.9 students to 1 staff. That level of enrolment had never been achieved since the school’s internal administration structure prevents this from occurring. In fact, the Covenant Christian School staff structure prevents the school from exceeding a maximum enrolment of approximately 800 students without a major restructure of School including the operational use of its facilities. Over the past 5 years the school’s enrolment has been sustained at between 750 to 780 students.

A major component of DA2005/0915 was the construction of a bus bay in Lindrum Avenue and increase to on-site car parking. Since that bus bay was never constructed or the associated car parking the issue arises as to whether it remains critical and should be constructed prior too, or with the current proposal for new music classrooms, auditorium and library facilities. The school has sustained an enrolment of between 750-780 students since 2005, however there have been no major changes to carpark infrastructure or bus parking facilities as envisaged under DA2005/0915. Notwithstanding this, a number of key changes to traffic and bus parking have occurred in association with the Covenant Christian School over the last two years. West-bound buses now use a new bus bay constructed by the RTA in front of the School on Forest Way and Council has approved a “kiss & drop” zone in the cul-de-sac within Dell Street. Only local area School buses continue to enter the site from Dell Street and pick-up via the loop driveway within the main staff carpark. The implementation of a traffic management plan by the school ensures that students are supervised at selected assembly points to ensure orderly pedestrian movement to and from both bus loading points. On-site parking is used for staff with parents required to pick-up/drop-off from Dell Street. Traffic wardens are used to ensure safety within the school in Dell Street, and to ensure buses are not unnecessarily delayed within the site. The school has been managing the bus, pedestrian and carparking in a co-ordinated manner to ensure no adverse traffic impacts affect the peak traffic movements within and adjacent the site for a number of years. On the basis of this, the prior development proposal for a separate bus bay has become redundant to the school particularly in light of the new RTA bus bay constructed on Forest Way. The improved on-site carparking arrangement under the current proposal also addresses previous problems with parents entering the site and delaying bus movements. The establishment of a separate bus bay would require additional staff to supervise Lindrum Avenue, Forest Way, Dell Street and the School grounds. In addition to this, a substantial portion of landscape planting along Lindrum Avenue would be lost that would further reduce the remaining bushland setting of the site.

DA2005/0915 supported a maximum figure of 900 students following the submission of a traffic report (dated February 2007) which took into consideration the previously proposed bus bay. In the absence of a revised traffic report demonstrating otherwise it is considered the school be limited to a maximum capacity of 750 students to ensure traffic impacts are managed and maintained.

In terms of the intensity and impacts on the use of the site relating to other considerations of noise activity, water management, landscaping and streetscape it is considered that the school has adequate buildings, infrastructure, playing fields, staff and site management to enable the site to adequately cope with a population of 750 students plus staff. In this regard, it is noted that the playing fields front Wakehurst Parkway and the arrangement of school building’s assist to shield

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and separate areas within the school from being exposed to other surrounding land uses. The different components of the school such as Kindergarten, primary school and high school elements are clustered together such that the majority of landscaping is concentrated around the periphery of the site to screen the core areas of the school complex. Therefore, the activities of the school are not highly visible to the streetscape, despite the school having four street frontages due to the configuration of adjoining land uses and restricted access points from Dell Street and Bundaleer Street.

The new classrooms, library, and auditorium are proposed to upgrade and augment the existing school facilities and are generally confined to a building footprint already occupied by relocatable classrooms. Thus, with respect to the physical impact of the proposal on the environment, it is considered that the proposal has been suitably designed to place only a narrow building profile toward Linden Avenue but in order to minimise the visual impact the road setback for new buildings and ancillary structures a 15m landscaped setback should be maintained to Linden Ave. Overall the extent of building works are considered to be 'low intensity, low impact' for the long term use of the site.

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

Some additional screen tree planting is proposed to be established along Forest Way, on the north side of the school tennis court, and along Linden Avenue. Further supplementary planting is proposed for the setback to Linden Avenue. Conditions are recommended to increase the proposed setback to Linden Avenue to 15m and the Side Building setback to 10m, including the use of local endemic species are used, including small, medium and large trees for biodiversity and visual protection within these setbacks.

The existing open style fencing is satisfactory and no change to the fencing is proposed.

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

Suitable conditions would ensure that the proposal will not create siltation or pollution of Middle Harbour.

In summary, subject to conditions the proposal has suitably addressed the key “tests” of the DFC to demonstrate that it is consistent with the locality statement. Therefore, the proposal is considered suitable for the site and as such it will not detract from the present or long-term character of the Locality and is acceptable as a low intensity, low impact development for existing Category 3 development.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Controls of the above locality statement:

Built Form Compliance Table			
Built Form Control	Required	Proposed	Compliance
Housing Density	1 dwelling per 20 hectares	N/A	N/A
Building Height (metres)	8.5 metres	6.5 metres.	Yes
Front Building Setback (Linden Ave)	20 metres	10.0m classroom (“GLA’ 1’) (Phase 1). 3.0m to 13.0m for concrete pathways (Phase 2). 15.0m to shade structure (Phase 2).	No Refer to “clause 20” merit assessment.

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Built Form Compliance Table			
Built Form Control	Required	Proposed	Compliance
Rear and Side Building Setback	10.0 metres (southern boundary with No. 3 Waldon Road)	3.0m to relocatable 'transition' classroom 1.5m to pathway.	No Refer to "clause 20" merit assessment.
Bushland Setting (Site area 3.5776 hectares)	50% of the site to be natural bushland or landscaped with local species.	18% (6,428sqm) of the site is "bushland setting". 51% of total school site (17,963sqm) is landscaped. However, the oval areas and other grassed open playspace areas are not "landscaped with local species" and do not provide a "bushland setting"	No Refer to "clause 20" merit assessment.
Extractive industry	Applies to quarry site.	N/A	N/A
National park Setback	20 metres	N/A	N/A

CLAUSE 20

Clause 20(1) stipulates:

"Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy."

BUILT FORM CONTROLS

As detailed within the compliance table above, the proposed development fails to satisfy the Locality's Front Building Setback, Side Building Setback and Bushland Setting Built Form Controls. Accordingly, further merit assessment is provided hereunder with a description of variations sought and considerations provided:

- **Front Building Setback Built Form Control**

Requirement:

Development is to provide a minimum front setback of 20.0m.

Area of inconsistency with control:

The proposed front setback to Linden Avenue is 10.0m for classroom "GLA' 1", as well as an encroachment of 3.0m to 13.0m for adjacent concrete pathways (Phase 2) and 15.0m to the library courtyard and shade structure (Phase 2).

Merit Consideration of Non-compliance:

The following considerations have been applied in the assessment of the Front Building Setback Built Form Control:

Create a sense of openness.

Comment: The design of the building requires classroom "GLA' 1" to be partially below natural ground level and fully within the front setback. The extent of the encroachment is a substantial structural intrusion of the setback in conjunction with adjacent pathways and excavation. The encroachment of GLA1 reduces the ability to provide a sense of openness by placing hard

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surfaces and building forms within the setback area. In order to sustain an improved sense of openness it is recommended that 'GLA' 1 be deleted, and the adjacent library court yard and pathway links be aligned not closer than 15m to the front boundary with Linden Avenue.

Provide opportunities for landscaping.

Comment: Landscaping is not able to be maximised within the front setback whereby the 'GLA' 1 and the phase 2 elements for the additional pathways and library courtyard area diminishes the opportunity to provide continuity in the width of landscaping and substantial tree planting along Linden Avenue. In this regard the encroachment of 'GLA' 1 the adjacent pathways and the courtyard area within the front setback are not supported as proposed. It is recommended that the adjacent library court yard and pathway links be aligned not closer than 15m to the front boundary with Linden Avenue.

Minimise the impact of development on the streetscape.

Comment: In order to allow greater depth of screen planting and reduce the visual impact of the western end of the classroom wing ('GLA' 1) when viewed from the street the encroachment of the adjacent pathways and courtyard area within the front setback are not supported. It is recommended that the classrooms, adjacent library court yard and pathway links be aligned not closer than 15m to the front boundary with Linden Avenue.

Maintain the visual continuity and pattern of buildings front gardens and landscape elements.

Comment: The additional adjacent structures of concrete pathways, courtyard and shade structures within the minimum setback will detrimentally affect the visual continuity of the landscaped elements along Linden Avenue. The further loss of landscaped areas by the placement of 'GLA' 1, adjacent pathways and library courtyard as proposed along Linden Avenue is not supported due to the potential and cumulative impacts on achieving a bushland setting for the site. It is recommended that the classrooms, adjacent library court yard and pathway links be aligned not closer than 15m to the front boundary with Linden Avenue.

The provision for corner allotments relates to street corners

Comment: The site is a corner allotment in relation to Bundaleer Street and Linden Avenue however, in the C8 Belrose North Locality the minimum front setback "to all roads is 20 metres". The position of the new classrooms, library and auditorium is restricted by the existing permanent school buildings to the east of the proposed building footprint and therefore some encroachment for the classroom wing is unavoidable. It is considered that the placement of an entire classroom ('GLA'1), including adjacent pathways and part of the library courtyard is not acceptable as proposed. It is recommended that the classrooms, adjacent library court yard and pathway links be aligned not closer than 15m to the front boundary with Linden Avenue.

- **Side Building Setback Built Form Control**

Requirement:

Development is to provide a minimum side building setback of 10.0m.

Area of inconsistency with control:

The proposed side setback to the boundary with No.3 Waldon Road is 3.0m to the 'transition' classroom and 1.5m to the adjacent pathway.

Merit Consideration of Non-compliance:

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The following considerations have been applied in the assessment of the Side Setback Built Form Control:

Ensure that development does not become visually dominant by virtue of its height and bulk.

Comment: The location of the 'transition' classroom is setback 25m from Linden Avenue and therefore adequate space exists to the west of the building to provide a landscaped buffer that minimises the impact of the building on the streetscape. In this regard the height and bulk of the building can be suitably screened from the public views afforded from Linden Avenue.

Preserve the amenity of the surrounding land.

Comment: Non-compliance with the minimum setback will detrimentally affect visual continuity and is not supported over continuing a precedence of non-compliance for new building structures that could otherwise comply with the required setbacks.

Ensure that development responds to site topography

Comment: The classroom is positioned within an area of existing level open space and there are no topographical site constraints preventing compliance.

Provide separation between buildings

Comment: The location of the 'transition' classroom is adjacent to a neighbour's tennis court with a setback of 3.5m. Thus, while the required separation should be a total of 20m between these two structures, the proposed position of the 'transition' classroom creates a cumulative separation of only 6.5m. Given that the classroom is positioned within an area of existing open space, and there are no site constraints preventing compliance with the side setback, it is considered that a 10.0m side setback should be maintained within the site.

Provide opportunities for landscaping.

Comment: Landscaping is not able to be maximised within the side setback whereby the building is positioned within 3.0m of the side boundary. The location of an adjacent access path within 1.5m only further compromises the side setback and prevents a "densely landscaped" setting that is free of structures from being established to sustain a bushland setting for the site. In this regard, the encroachment is not supported.

Create a sense of openness.

Comment: The encroachment of buildings within the side setback compromises the sense of openness of a landscaped bushland setting when this section of the site would otherwise be able to be clear of buildings. There are no site constraints preventing compliance and in this regard the encroachment for the 'transition' classroom building is not supported.

- **Bushland Setting**

Requirement:

Development is to provide a bushland setting of 50% of the site area to be kept as natural bushland or landscaped with local species.

Area of inconsistency with control:

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Approximately 18% of the site has a 'bushland setting' of dense landscape planting and remnant trees. The site also includes large areas of playing fields and grassed open space. However, these are not "bushland or landscaped with local species" to achieve a proper 'bushland setting'.

Merit Consideration of Non-compliance:

The following considerations have been applied in the assessment of the Bushland Setting Form Control:

Enable the establishment of appropriate planting to maintain and enhance the streetscape and the desired future character of the locality;

Comment: Due to the extensive nature of the school complex including classrooms, administration, sporting fields, play areas, car parking, ancillary structures and buildings, opportunities for the establishment of bushland planting is mostly limited to the perimeter of the site. In this regard, the preservation of the front and side setbacks is critical to maintaining the DFC. The location of concrete pathways and other ancillary structures does not enhance the landscape setting or streetscape.

Enable the establishment of appropriate planting that is of scale and density commensurate with the building height, bulk and scale;

Comment: Landscaping is not able to be maximised within the front setback whereby the building is positioned within the setback area that is required to be "densely landscaped" and generally free of structures other than driveways and the like. In this regard, the proposal limits the establishment of appropriate planting, therefore the encroachment of pathways and other structures is not supported.

Enhance privacy between dwellings;

Comment: The placement of pathways and other minor structures within the setback areas reduces the ability to provide a full depth of landscaped setbacks to enhance privacy to surrounding dwellings. In this regard, the pathways and shade structures proposed fully within the setback areas are not supported.

Facilitate water management including onsite detention and the infiltration of stormwater;

Comment: While the school has an OSD basin constructed near Bundaleer Street, the enhancement of the bushland setting of the site will enhance water management and infiltration of water. In this regard, additional supplementary landscape planting is recommended within the side setback and front setback to Linden Avenue.

Incorporate the establishment of any plant species nominated in the relevant locality statement;

Comment: The locality statement does not nominate any specific plant species other than bushland vegetation. In this regard, the local endemic species to be used for replacement planting should be consistent with the closest mapped adjacent remnant vegetation to the west and north that comprises the "Bloodwood – Scribbly Gum Woodland" vegetation class.

Conserve significant features of the site;

Comment: A significant stand of trees on the site will be removed as part of the development works and therefore comprehensive replacement tree planting should be provided to restore and enhance the bushland setting for the site.

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As detailed above, the proposed development is considered to satisfy the requirements for consideration under Clause 20(1), and subject to conditions the proposal is consistent with the underlying objectives of the Front Building Setback, Side Building Setback and Bushland Setting Built Form Controls. It is for these reasons that, subject to conditions the variation to the above Built Form Controls (Development Standard) pursuant to Clause 20(1) are supported.

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 and reflections	YES	Selected external colours are shown on the Schedule of Colours and Finishes dated 26/11/2010 drawn by <i>MCA Architects</i> . The external colours and finishes will not create unreasonable glare and reflection to the surrounding area. Standard conditions are recommended to address lighting glare and require non-reflective external finishes are used that blend with the natural surroundings and rural character of the area.	YES, condition required
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	The site has suitable access for construction vehicles from Dell Street and Linden Avenue. Standard conditions are recommended in relation to noise nuisance, dust control, truck parking and movements, pedestrian safety, securing the site, suitable hours for construction and the control of sedimentation during the process of carrying out the subdivision works. Details will be required to be prepared with a construction management plan prior to the issue of the Construction Certificate.	YES, condition required
CL43 Noise	YES	Noise associated with the existing use of the site as a school is primarily confined to school hours. The proposal will not include and increase in school enrolment numbers. The new music classrooms and auditorium are fully enclosed to ensure sound is contained within the buildings. In addition to this, the physical separation distance to the nearest dwelling is approximately 50m and in this regard noise impacts are unlikely to unreasonably affect the amenity of surrounding residents in the local area. Standard noise conditions are recommended to ensure all school operations during construction, and in the ongoing use of the new buildings, comply with relevant noise legislation.	YES, condition required
CL44 Pollutants	YES	Standard conditions are recommended to address potential pollution from construction processes and management of waste water associated with the new building work.	YES, condition required
CL45 Hazardous Uses	NO	No comment	N/A
CL46 Radiation Emission Levels	NO	No comment	N/A

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General Principles	Applies	Comments	Complies
CL47 Flood Affected Land	YES	No comment	N/A
CL48 Potentially Contaminated Land and CL49 Remediation of Contaminated Land	YES	Clause 48 requires Council to consider whether the site is likely to be contaminated and if so whether the site can be remediated and made suitable for the proposed development. The expansion of the school utilises land previously used as a nursery in which fertilizers, pesticides and herbicides may have been applied. In doing so, Council has previously considered this issue under the assessment of DA2005/0915 with the submission of a <i>Preliminary Contamination Assessment Report</i> , prepared by <i>Geotechnique Pty Ltd</i> , dated 8 September 2005. The assessment by Council's Environmental Health Officer's concluded then that the site does not pose a risk of harm to human health or the environment and is environmentally suitable for the proposed school additions. Standard conditions are recommended that should any evidence of (previously unknown) contamination be uncovered during site works then appropriate notification is to be immediately given to Council.	YES, condition required
CL49a Acid Sulphate Soil	NO	No comment	N/A
CL50 Safety and Security	YES	<p>The following safety design features are incorporated into the design:</p> <ul style="list-style-type: none"> Controlled access to the school grounds is achieved from the street by limited gates and driveways; Window glazing is provided to most rooms to allow causal surveillance; Sufficient lighting is proposed around the external access points to the buildings; Entrance to the building is clearly identifiable from the street; Casual surveillance is provided over the carparking facilities; and The chosen building materials are robust and durable to discourage vandalism. <p>The above measures satisfy the requirements of the general principle.</p>	YES
CL51 Front Fences and Walls	NO	No comment	N/A
CL52 Development Near Parks, Bushland Reserves and other public Open Spaces	YES	The site is adjacent to the Warringah Rugby Park. However, the proposed site works are separated from the park by a steep embankment and dense landscaped buffer around the rugby oval. The proposal will have no impact on the adjacent public open space.	YES
CL53 Signs	NO	No comment	N/A
CL54 Provision and Location of Utility Services	YES	<p>Water and electricity services are available to the site.</p> <p>In terms of sewage disposal, an on-site package sewerage plant located near the existing sports field currently services the school. The existing facility is adequate to accommodate the existing allowable maximum capacity of students and staff.</p>	YES
CL55 Site Consolidation in 'Medium Density	NO	No comment	N/A

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General Principles	Applies	Comments	Complies
Areas'			
CL56 Retaining Unique Environmental Features on Site; and	YES	Council's vegetation mapping records and describes the dominant vegetation type adjacent to the north-western corner of the site as follows:	YES, condition required
CL58 Protection of Existing Flora		<p><i>"Bloodwood Scribbly Gum Woodland -</i> <i>Part of the Sydney Coastal Dry Sclerophyll Forests vegetation class. Typically woodland, but varies in structure from low open-woodland to open-forest .</i></p> <p><i>The most common trees are Corymbia gummifera (Red Bloodwood), Eucalyptus haemastoma (Broad-leaved Scribbly Gum), E. oblonga (Sandstone Stringybark) and E. sieberi (Silver-top Ash). Occurs on plateaus, ridges and exposed slopes on Hawkesbury Sandstone. Sandstone outcrops are frequent. The most common community in Warringah, well represented in both Ku-ring-gai Chase and Garigal National Parks. Supports at least three threatened plant species (Eucalyptus camfieldii, Grevillea caleyi and Tetraetheca glandulosa), eight rare species (Angophora crassifolia, Boronia serrulata, B. diminuta, Darwinia procera, Eucalyptus luehmanniana, Gonocarpus salsoloides, Lomandra brevis and Platysace stephensonii), and 11 species threatened in northern Sydney (Amyema pendulum, Carex breviculmis, Eucalyptus capitellata, E. scias, E. stricta, Hakea bakeriana, Leptospermum continentale, Lythrum hyssopifolia, Persoonia isophylla, Pseudanthus orientalis and Pultenaea hispidula).</i></p> <p><i>Some sites provide potentially important habitat for threatened fauna species such as the Red-crowned Toadlet, Giant Burrowing Frog, Rosenberg's Goanna, Glossy Black-Cockatoo, Southern Brown Bandicoot and Koala."</i></p> <p>The proposal involves the removal of substantial trees on the site and only a limited and dispersed amount of replacement tree planting. In addition to this, phase 2 of the proposal includes further construction work within the setback to Linden Avenue, rather than providing a dense bushland buffer to the streetscape along this frontage. In order to restore and enhance the bushland setting for the site it is considered that the pathways, new shade structures and "transition" classroom be excluded from the front and side setbacks in order to maintain native landscape plantings consistent with the DFC and support the previous losses of 'Bloodwood Scribbly Gum Woodland' on the site.</p>	
CL57 Development on Sloping Land	NO	No comment	N/A
CL59 Koala Habitat Protection	NO	The site does not contain any koala habitat.	N/A
CL60 Watercourses and Aquatic Habitats	NO	No comment	N/A
CL61 Views	YES	Due to the topography of the site and surrounding area, no significant loss of district, bushland or iconic views would arise from the proposal.	YES
CL62 Access to sunlight	NO	No comment	N/A
CL63 Landscaped Open Space	YES	The proposed new landscaping for the site is shown on Landscape plans LA01 2/11/2010 and LA02 dated	YES, condition required

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General Principles	Applies	Comments	Complies
		<p>10/2/2011 drawn by <i>Taylor Brammer</i>.</p> <p>While the total landscaping area exceeds 50% for the site the built form controls require a "Bushland Setting" not "Landscaped Open Space" under the C8 Locality Statement. In this regard, the issue of providing an increased bushland setting for the site is addressed under CL58 – Protection of Existing Flora above. Subject to conditions, the proposal will satisfy the desired outcomes under this general principle for appropriate plantings, landscaped setting, enhancing privacy, providing outdoor recreation space, service function areas, facilitating water management, and the replacement of significant trees and using suitable local species for supplementary planting.</p> <p>Given the above the proposal is considered to satisfy the requirements of this General Principle.</p>	
CL63A Rear Building Setback	NO	No comment	N/A
CL64 Private open space	NO	No comment	N/A
CL65 Privacy	YES	The separation distances and vegetation screening to adjoining properties to the west, north and south will ameliorate any impact. In addition, new landscape planting subject to conditions on the Linden Avenue frontage and side setback will ameliorate the impact for the dwellings and adjacent land uses.	YES, condition required
CL66 Building bulk	YES	The scale of the new building is compatible with existing buildings on the site and is predominantly a single storey structure. The highest elements and main bulk of the auditorium and library building have adequate separation to neighbouring dwellings and public open space to enable sufficient screen planting and minimise the impacts of visual bulk.	YES, condition required.
CL67 Roofs	YES	The roof is proposed to be of low reflective colours and finishes. The roof top condenser platform is partially enclosed behind a feature wall to screen the air conditioning equipment from public view.	YES
CL68 Conservation of Energy and Water	YES	<p>The proposed new auditorium, library and classrooms incorporate the following ecologically sustainable development design principles:</p> <ul style="list-style-type: none"> • The building has been designed to facilitate natural ventilation; • The roof form has been designed to capture natural light and solar access; • Re-use and recycling of stormwater; • Use of lightweight insulated materials; • Use of solar shading devices; • Dual flush toilets; • Dividing the layout of the building into zones. <p>The application has satisfied the requirements of this general principle.</p>	YES
CL69 Accessibility – Public and Semi-Public Buildings	YES	An <i>Accessibility Report</i> has been prepared as part of the development application and design preparation work. The buildings floorplan and external domain have been designed to ensure that ingress and egress, paths of	YES, condition required.

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General Principles	Applies	Comments	Complies
		<p>travel, circulation areas, toilets and transport/pedestrian linkages will comply with relevant statutory guidelines for disabled persons access.</p> <p>Standard conditions are recommended to ensure compliance with AS1428 with the Construction Certificate.</p>	
CL70 Site facilities	YES	The application relies upon the use of existing garbage storage areas.	YES
CL71 Parking facilities (visual impact)	YES	No change is proposed to the parking facilities other than renewed line marking once the existing 'clothing pool' building is relocated.	YES, condition required
CL72 Traffic access and safety	YES	<p>Subject to the submission of a construction management plan with the construction certificate, the proposal has no significant impact on traffic access and parking. The existing student enrolment will remain unchanged.</p> <p>The application has satisfied the requirements of this general principle.</p>	YES, condition required
CL73 On-site Loading and Unloading	YES	Adequate access for the loading and unloading of construction materials is available from Linden Avenue and Dell Street. No change is otherwise required for the schools student pick-up/set-down areas or for supplies and delivery parking.	YES
CL74 Provision of Carparking	YES	<p>The provision of carparking is primarily based on staff numbers, which in turn is dependant on student enrolment numbers. No change is proposed to the current enrolment. Carparking provisions under the WLEP 2000 is based on “1 space per staff member in attendance plus adequate pick-up set down areas, plus bicycle racks plus student parking, plus bus standing & turning areas”. This application, while adding floorspace and new facilities to the school does not propose any change to the maximum enrolment or staff and as such the provisions for parking are not triggered under the Schedule 17 of the WLEP 2000.</p> <p>Notwithstanding this, the site currently has 47 on-site spaces (as per plan DA-02.1) accessible from Dell Street. In addition to this, the school benefits from 50 on-street carparking spaces near the main entry in Dell Street (formalised as part of DA2000/3741). The existing provision of carparking is satisfactory subject to some remarking of the existing carparking once the 'clothing pool' building is removed from the carpark area. This will enable another 3 on-site spaces to be provided in the main carpark area giving a total of 50 on-site spaces.</p> <p>Bus pick-up/set down will remain as per existing access from Dell Street and using the new RTA bus bay in Forest Way. The school does not permit students to ride bicycles to school due to safety reasons. Student parking will also remain as per existing availability of public street parking in Dell Street, Lindrum Avenue and Bundaleer Avenue.</p> <p>The school has advised that it currently has a full time equivalent (FTE) teaching and other staff of 79 persons. This could increase by up to an additional 3 persons, if the school was at full capacity. (Total of 82 FTE staff members)</p> <p>Council's Traffic Engineer has provided no objection to the proposal with respect to carparking or traffic, and</p>	YES

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General Principles	Applies	Comments	Complies
		based on the status quo being maintained for access to the available parking on-site and in Dell Street the proposal is satisfactory. Further background comment is also provided later in this report under the heading "Schedule 17 Carparking"	
CL75 Design of Carparking Areas	YES	A standard condition is recommended to ensure all new line marking complies with AS2890.1, with no reduction in the existing number of parking spaces.	YES, condition required
CL76 Management of Stormwater	YES	Stormwater details are shown on the Engineering plans H00 to H08 dated 26/11/2010 drawn by <i>Acor Consultants</i> . Council's Development Engineering Section have assessed the submitted stormwater design as being satisfactory subject to conditions.	YES, condition required
CL77 Landfill	NO	No comment	N/A
CL78 Erosion and Sedimentation	YES	A suitable condition is recommended to ensure sediment and erosion control measures are in place prior to release of the Construction Certificate.	YES, condition required
CL79 Heritage Control	YES	No Comment	YES
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No Comment	N/A
CL81 Notice to Heritage Council	REPEALED		
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	YES	There are no known aboriginal archaeological sites on the subject site. As the proposed development is not likely to have an impact on an aboriginal site, place or place of aboriginal cultural significance. Therefore, no notice to the MLALC and the DEC is required.	YES

Other Relevant WLEP 2000 Clauses

Schedule 5 - State Policies

Bushland In Urban Areas	Subject to conditions, the proposed development is consistent with the aims and objectives of Schedule 5.
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Schedule 8 - Site Analysis

Site Analysis	A formal site analysis plan was submitted with the development application and additional site information is contained in the Statement of Environmental Effects, the survey, tree survey and the architectural plans, which satisfy the site analysis requirements of Schedule 8.
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Schedule 11 - Koala Feed Tree Species and Plans of Management

Koala Feed Tree Species and Plans of Management	The site is not identified as containing any Koala population or Koala habitat. The proposal is consistent with the requirements for the protection of koala habitat.
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Schedule 15 - Statement of Environmental Effects

Category 3 Assessment	
A Statement of Environmental Effects (SEE) addressing the items listed in Schedule 15 was submitted and satisfies the requirements of the schedule as discussed in the following table. A detailed summary of the SEE and Council's planning assessment comments is provided below. The following summary provides a detailed assessment in compliance with Schedule 15 paraphrased from the applicant's submitted Schedule 15 information as applied in conjunction with the relevant LEP considerations for Category 3 development.	
(1) Summary of the Statement of Environmental Effects.	<p>This Statement of Environmental Effects (SEE) has been prepared pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") and accompanies the development application to Warringah Council for improvements to the existing Covenant Christian School (CCS) at 212 Forest Way, Belrose ("the subject site"). The proposal is submitted on behalf of CCS, the owner of the subject site.</p> <p>The subject site is situated in the C8 Belrose North locality and is classified as an existing Category Three Development pursuant to the provisions of Warringah Local Environmental Plan 2000.</p> <p>The proposal does not seek to increase school population (allowable maximum enrolment), but rather it seeks to improve the operation of the school facilities and learning resources available for students.</p> <p>This report demonstrates that the proposed development is consistent with the desire future character of the C8 Belrose North Locality, would not adversely impact the environment or the locality, and subject to conditions, satisfies the relevant statutory, environmental and development control requirements.</p>
<p><u>Summary Comment:</u> Full details of the summary of the SEE are provided as 'Appendix R' to the submitted SEE report. The proposal is satisfactory in this regard.</p>	
(2) Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.	<p>The proposal is subject to the provisions of the Warringah Local Environmental Plan 2000 ("LEP 2000") and is located within the C8 - Belrose North locality. The Covenant Christian School Belrose is defined as "Primary School" and "Further Education" under WLEP 2000. The school was approved and constructed prior to WLEP 2000 being made and, by virtue of clause 16 of the WLEP, it is defined as an 'Existing Category Three Development'.</p> <p>Clause 12 of the WLEP 2000 requires that the development is consistent with the relevant general principles of development, the development standards set out in the locality statement and the desired future character (DFC) described in the locality statement.</p> <p>Although the proposal is existing Category Three development, the proposal does require an assessment of permissibility which is set out below.</p> <p>The second paragraph of the DFC Statement places restrictions on 'future' or 'new' development. It operates as an exception to the general principle that only development that is consistent with the present character of the Locality is permissible. This is evidenced by the words: 'except in circumstances specifically addressed as follows:' in the first paragraph. The second paragraph then reads naturally as examples of development that will also be permissible despite the fact that they might change the present character of the C8 Locality.</p> <p>Consequently, development will be consistent with the DFC of the C8 Locality and hence permissible with consent if:</p> <ul style="list-style-type: none"> the proposal will not change the present character of the C8 Locality. That is, the present character will remain unchanged; or the proposal will change the present character of the C8 Locality, but is both a low intensity and low impact use of the site. <p>The school has existed on the present site since 1978, and is clearly part of the present character of the locality. Importantly, the present character of the immediate</p>

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Category 3 Assessment	
	<p>surrounding land uses is predominantly non-residential, with low numbers of residential dwellings. In particular, it is noted the school is near two other schools to the north (Yanginanook; Kameri (Rudolf Steiner)), plus the Belrose Waste Management and Recycling Centre, Optus Earth Station and a sand and gravel supplier to the south-west. The use of the land as a school is thus consistent with the present mixed character of the immediate locality.</p> <p>The second test of permissibility noted above does not need to be applied given that the development satisfies the first test. Notwithstanding, it is also noted the proposal would not increase the intensity of the school, nor compound impacts on the environment, but rather seeks to improve and upgrade the library, classrooms and provide a new music/drama auditorium.</p> <p>Consequently, the proposal satisfies the second test of permissibility. As the proposal is consistent with the Desire Future Character Statement for 'low intensity, low impact' and it is therefore permissible.</p> <p>The proposal involves a substantial change to the scale, size and degree of the buildings comprising the school and the school's infrastructure thus requiring the provisions of Clauses 14 and 15 to be applied. Nevertheless, the proposal has been assessed against the DFC and it is considered that the proposal is consistent with the DFC. Subject to conditions the development, as it relates to the existing school site, will not change the present character of the locality having regard to the character, scale and nature of the additions.</p>
<p><u>Summary Comment:</u> The applicant has addressed consistency with the DFC and general principles under Section 6.1.2 of the Statement of Environmental Effects. The proposal is satisfactory in this regard.</p>	
(3) Objectives of the proposed development	<p>The intent and objectives of the proposal are to:</p> <ul style="list-style-type: none"> • Replace the existing demountable classrooms with modern purpose built facilities to enhance the music/drama curriculum of the school and the school library resources; • Provide more modern facilities to enhance the learning experience and opportunities for students; • Reconfigure and improve selected play and recreation areas for younger children at the school. • Provide upgraded children's facilities, toilet and play areas and replace existing temporary facilities. • Improve staff facilities; • Provide additional permanent and accessible classrooms;
<p><u>Summary Comment:</u> The applicant has addressed the objectives of the proposal under sections 1 and 4 of the Statement of Environmental Effects. The proposal is satisfactory in this regard.</p>	
(4) An analysis of feasible alternatives	<p>(a) The consequences of not carrying out the development</p> <p>The consequences of not carrying out the development are as follows:</p> <ul style="list-style-type: none"> • Students would need to attend classrooms within aging demountable buildings, which provide inadequate comfort during the winter and summer months; • The existing demountable buildings are unsustainable and create unnecessary energy demands; • There will be no further facilities to offer combined classroom's for specialised classes with the versatility of the proposed new rooms of "GLA" 1 to 4; • There will be insufficient playground area for the junior school; • The existing library and IT facilities will have limited capability to be improved to give the maximum resource and learning resources for students. • Opportunities to upgrade accessibility within the school buildings will be limited. <p>The applicant has addressed the feasibility options of the proposal in further detail under Section 7 of the Statement of Environmental Effects. The proposal is satisfactory</p>

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	<p>in this regard.</p> <p>(b) The reasons justifying the carrying out of the development</p> <p>The reasons justifying why the proposal should go ahead are to:</p> <ul style="list-style-type: none"> • Replace the existing demountable classrooms with modern purpose built facilities, classrooms, a new library and auditorium; • Improve facilities to enhance the learning experience and music/drama curriculum for students; • Improve classroom and playground facilities for the junior school • Provide appropriate infants teaching, toilet and play area facilities to allow surveillance; • Improve staff amenities; • Provide additional accessible classrooms; <p>Although 20 trees will need to be removed, the proposal will also lead to renewed landscaping, and subject to conditions, will fully compensate for this removal. Further, the proposed landscaping will maintain and enhance the streetscape and the desired future character of the locality, and is of a sufficient size and density that would complement the proposed building height, bulk and scale. Subject to conditions this landscaping would more than compensate for the loss of the vegetation proposed.</p> <p>The proposed development will improve the Covenant Christian School service to the community, and it is not expected to result in any adverse economic impacts upon neighbouring business and the locality in general.</p> <p>Given the setbacks of the proposed buildings, and the location of the buildings within the school complex, it is not considered that it would contribute to any significant adverse impacts on adjoining properties, such as loss of privacy or loss of sunlight.</p> <p>Appropriate environmental management and mitigation measures as outlined in this Statement of Environmental Effects (and associated studies included as appendices) and proposed conditions of consent are incorporated into the development to ensure that there are no significant detrimental impacts to the surrounding environment. Accordingly, the cumulative effects of the proposed development would be minor.</p> <p>Subject to conditions, there are no natural hazards or other site constraints that would preclude the proposal from the subject site.</p>
<p><u>Summary Comment:</u> The applicant has addressed the justifications for the proposal in further detail under Section 4 and 7 of the Statement of Environmental Effects. The proposal is satisfactory in this regard.</p>	
(5) Analysis of the development	<p>(a) Full description of the development</p> <p>The proposed development comprises two phases of work as follows:</p> <p>Phase 1</p> <ul style="list-style-type: none"> • A new 300 seat (276sqm) music and drama auditorium (FFL 161.0) • Entry and foyer, kitchenette, change rooms, toilets, instrument storeroom and chair storeroom (FFL 161.0) • Access paths, stairs, hallway space, staff offices and store space for student bags. • New library (FFL162.15) with ancillary workroom, reading areas and office space; • Four new classroom with internal operable walls capable of being combined into 2 learning areas; • Removal of 20 trees within the building footprint area; • Site works and landscaping including replacement tree planting along Linden Avenue, Wakehurst Parkway and selected locations within the school grounds; • Associated stormwater connections; • Relocation of 1 demountable (95 sqm) "transition" classroom and associated shade structure to the southern side of the site. <p>Phase 2</p>

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	<ul style="list-style-type: none"> Additional earthworks for new concrete pathways in the setback to Linden Avenue. Additional covered sections to selected walkway connections; Removal of existing demountable (T5/T6) from the car park area and repositioning of the clothing pool demountable outside the car parking area; Construction of a courtyard and shade structure at the north-western corner of the library. <p>(b) Description of the environment likely to be affected</p> <p>The proposal is located within the Belrose locality. This locality is characterised as a 'transitional landscape' incorporating both the semi-rural character of greater Northern Sydney to the south and the natural bushland characteristic of Garigal National Park to the north.</p> <p>The school is surrounded by the following land uses:</p> <ul style="list-style-type: none"> North: Detached rural residential dwellings fronting Bundaleer Street and Forest Way, with the Garigal National Park beyond. East: Beyond Wakehurst Parkway is unoccupied land, in the form of semi-cleared land and natural bushland vegetation. To the south-east is the 'Glenaeon' Retirement Village. South: Tennis centre and residence, and the Wakehurst Rugby Club Sports Field. Beyond this to the southwest is the Optus Earth Station, a sand and gravel supplier and vacant bushland. West: On Linden Avenue is a detached residential dwelling. Beyond this dwelling is the Belrose Waste Management and Recycling Centre. <p>(c) Description of likely impact on the environment</p> <p>These measures are addressed in terms of Section 6.1.2 and 6.1.5 of the SEE accompanying the DA submission and the requirements of S.79C of the EPA Act and address the details of the proposed building relative to the standards of the Council LEP.</p> <p>(d) Measures to mitigate any adverse effects of the development on the environment</p> <p>These measures are addressed in terms of Section 6.1.2 and 6.1.5 of the SEE accompanying the DA submission and the requirements of S.79C of the EPA Act and address the details of the proposed building relative to the standards of the Council LEP.</p>
<p><u>Summary Comment:</u> The above analysis of the proposal and as detailed in the applicants SEE, satisfies the requirements of Schedule 15.</p>	
<p>6. Justification for the development pursuant to the biophysical economic and social considerations and the principles of ecologically sustainable development</p>	<p>Justification is provided generally within Sections 6.1.2 and Section 6.5 of the SEE accompanying the DA submission and the requirements of S.79C of the EPA Act. The applicant has addressed the details of the proposal relative to the biophysical, economic and social impacts of the development.</p>
<p><u>Summary Comment:</u> The justification for the proposed development is adequately detailed in the SEE is satisfies the requirements of Schedule 15.</p>	
<p>7. Statement of measures to mitigate adverse effects of the</p>	<p>Mitigating measures are addressed generally in Sections 6.1.2 and Section 6.5 of the SEE accompanying the DA submission and the requirements of S.79C of the EPA Act and address the mitigation measures incorporated in the proposed development</p>

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development	relative to the requirements of WLEP 2000 and other legislation.
<u>Summary Comment:</u> The mitigation measures employed for the proposed development are adequately detailed in the SEE and, subject to conditions, satisfy the requirements of Schedule 15.	
8. A list of approvals to be obtained before the development maybe lawfully carried out.	The proposed development is integrated development under the Rural Fires Act 1997 and a fire safety authority approval has been provided by the RFS.
<u>Summary Comment:</u> The proposal is satisfactory in this regard.	

Having regard to the above review of the applicants Statement of Environmental Effects, it is considered that the application is satisfactory having regard to the criteria listed under Schedule 15 of Warringah Local Environmental Plan 2000.

Clause 15(2) to (5) - Referral and Consideration by an Independent Public Hearing

Comment: The recommendation attached to this report is required to be referred to Council's WDAP to undertake an independent public hearing to consider the contents of this report and to make its findings and recommendations to the Consent Authority, Council, prior to determination.

Schedule 17 - Carparking Provision	
Carparking Provision	<p>The proposal does not include any increase to the current enrolment for the School. Parking requirements are addressed under the heading "General Principles" – Clause 71 to 75 previously in this report.</p> <p>The existing carparking arrangements and minor line marking proposed is satisfactory in accordance with Schedule 17.</p> <p>While the School is not proposing any increase in the student enrolment and only minor re-marking of the existing car park it is considered relevant to review the adequacy of the schools parking arrangements in order to relate the context of the Schools ongoing operations and redevelopment / upgrading of its facilities.</p> <p>The previous parking study by <i>Traffic Solutions Pty Ltd</i> dated September 2005 for DA2005/0915 made the following conclusions in relation to the School's parking arrangements and proposed justification for a new bus bay as part of that previous DA:</p> <ol style="list-style-type: none"> 1. "The revised access arrangements will provide for a logical and safe movement of cars and buses to/from the site resulting in reduced conflict between vehicles and pedestrians on site and in Dell Street therefore providing safety improvements over the existing situation. 2. The provision of 71 on-site car parking spaces will moderate the demand for parking in Dell Street and Bundaleer Street, particularly for longer term parking. 3. The provision for approximately 5 buses to stand on-site for pick-up and set-down of school pupils and to enter and leave the site from a separated indented bus bay arrangement will assist bus safety and timetable operations. 4. The access arrangements and car parking layout meet or exceed the requirements in AS 2890.1-2004 and the bus bay concept permits the AS 2890.2, 12.5m heavy rigid vehicle to circulate adequately. 5. Critical intersections in the area will continue to operate at very good Levels of Service post development. 6. Translated to the surrounding road system the revised traffic patterns will have a positive impact upon Dell Street and minimal impact on residents of this predominately rural area. 7. There will be no adverse environmental impact resulting from the development."

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Schedule 17 - Carparking Provision	
	<p><u>Comment:</u> The detail of the report by <i>Traffic Solutions Pty Ltd</i> dated September 2005 did not expressly state that the existing carparking and bus access was untenable or incapable of being managed safely, but rather there was periodic congestion that created potential conflict and delays for buses in leaving the site due to them having to wait for other cars in Dell Street. The separation of the bus bay and location in Lindrum Avenue would thereby increase the speed of serviceability for bus parking during peak hours and thereby also consequently further improve the existing traffic safety management within the school. From the information provided it is concluded that the bus bay was not urgently necessary to the school operations. The current DA proposal for the music auditorium and classrooms does not preclude the ability for the School to revise its current or future traffic management arrangements within the main parking area or accommodate alternate future options for improved on-site carparking and bus pick/up set/down areas. In the last 2 year key changes have also occurred for the school's traffic management, including a new RTA bus bay in front of the school on Forest Way, "kiss & drop" zone in Dell Street and implementation of a school traffic safety plan.</p> <p>In the context of the subject proposal for new a new music/drama auditorium, classrooms and a new library that does not include an increase to the approved enrolment or staff, the recommended conditions in relation to carparking are considered satisfactory.</p>

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 10 June 2008 and became effective on 1 July 2008.

The following monetary contributions are applicable:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$ 4,230,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	40,185.00
S94A Planning and Administration	0.05%	2,115.00
Total	1.0%	\$42,300

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, the provisions of relevant Environmental Planning Instruments, including the Warringah Local Environment Plan 2000, Draft Warringah Local Environment Plan 2009 and the relevant codes and policies of Council.

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The application involves expansion of the school music, drama and library facilities for the purposes of improving the existing facilities of the school without increasing the student population. The existing temporary demountable classrooms are low standard facilities in terms of accommodating the long-term needs of students and other activities in a comfortable learning environment. The new auditorium is necessary to support the music and drama/arts curriculum that is currently sharing the multi-function hall which creates conflicts with other activities in the multi-function hall, such as the sports program.

The proposal is a Category 3 development and pursuant to Clause 12 (3) of WLEP 2000 must be consistent with the DFC for the C8 – Belrose North Locality. In this regard, the proposal is assessed as being consistent with the DFC on the basis that the additions within the existing school site (new buildings and ancillary site works) do not alter the present character of the locality. The new library/auditorium and classrooms are considered to be low-intensity, low impact uses, subject to 'GLA' 1 being deleted and the adjacent pathway links and library courtyard not being aligned closer than 15m to the front boundary with Linden Avenue. Subject to this the resultant variations to the front and side setback controls and bushland setting, under the C8 – Belrose North Locality, have been fully considered and subject to conditions to improve landscaping, the proposal is satisfactory. The proposal does not seek to increase student enrolments by the additional facilities. However, the issue of how the current capacity of the school for 750 students is able to remain as a "low intensity / low impact use" has been addressed. This includes detailed consideration against the DFC and relevant comparison against a previous site proposal to reconfigure bus servicing and carparking within the site. The school has revised its prior traffic management strategies and the impetus for a separate bus bay has become redundant. The availability of some 100 car spaces also enables the school to manage staff and student parking requirements without any significant impact on surrounding traffic movements in Bundaleer Street, Lindrum Street, Waldon Road and the Locality. Council's Traffic Engineer has raised no objection to the proposal with respect to traffic planning issues and the recent construction of an RTA bus bay on Forest Way has assisted with improving the remaining bus services that use the main car park. Notwithstanding this, in the absence of a revised Traffic Management Plan, and the fact that DA2005/0915 was never activated, it is considered that the school enrolment should remain at its prior enrolment limit as assessed in September 2005, which was 750 students.

The residents concerns, including impacts associated with the front and side setback, loss of trees, and desired future character have been addressed in detail in this report. Whilst it is acknowledged that the new library, auditorium and adjacent classrooms will create visual impacts they are not considered unreasonable having regard to conditions that shall require wider landscaped setbacks to be incorporated in the design. Residents concerns have been addressed through conditions of consent, particularly in relation to the visual screening of the buildings, the deletion of GLA1 and the adjacent pathways, 'transition classroom' and library courtyard having increased setbacks. The proposal is assessed as being satisfactory in relation to these matters and refusal of the application is not warranted.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority grant approval for the reasons detailed within the "Recommendation" section of this report.

RECOMMENDATION - APPROVAL

THAT the Warringah Development Assessment Panel recommend to the General Manager to grant Development Consent to DA2010/1949 for alterations and additions to a School on land at 212 Forest Way, Belrose subject to the conditions printed below:

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GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Architectural plans DA00.1 to DA31.1	26/11/2010	MCA Architects
Schedule of Colours and Finishes	26/11/2010	MCA Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Engineering plans H00 to H08	26/11/2010	Acor Consultants

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
Landscape plans LA01	2/11/2010	Taylor Brammer
Landscape plans LA02	10/2/2011	Taylor Brammer

Waste Management Plan - Endorsed with Council's stamp		
Plan Number	Dated	Prepared By
Covenant Christian School Waste Management Plan 2010	26/11/2010	MCA Architects

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	8 Dec 2010
NSW Rural Fire Service	Referral Response – Rural Fire	17 Jan 2011

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	Service	
Aboriginal Heritage Office	Referral Aboriginal Heritage Response	9 Dec 2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

3. Prescribed Conditions

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

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- (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. (DACPLB09)

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.

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- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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

5. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (n) AS2601.2001 - Demolition of Structures**
- (o) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (p) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (q) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (r) AS 4970 - 2009 'Protection of trees on development sites'**
- (s) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (t) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (u) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (v) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (w) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (x) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (y) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (z) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights

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Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm).
<www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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. (DACPLC02)

6. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 4,260,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	40,470.00
S94A Planning and Administration	0.05%	2,130.00
Total	1.0%	\$42,600

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

7. Sewer / Water Quickcheck

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

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

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

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Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

8. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$3,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.

(b) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

9. Front Building Setback (Linden Avenue)

The proposed classroom "GLA1" is to be deleted and the adjacent pathways, stairs and library courtyard/shade structure shall have a minimum Setback of 15 metres to Linden Avenue. The remaining setback area is to be retained as landscaped open space and planted with locally occurring endemic species.

Details demonstrating compliance are to be shown on the Construction Certificate plans and submitted to the Principal Certifying Authority.

Reason: To maintain environmental amenity, setbacks and a "bushland setting" in accordance with the WLEP 2000. (Special Condition)

10. Side Building Setback (No.3 Waldon Road)

The proposed "Transition Classroom" is to have a minimum setback of 10 metres from the side boundary with No.3 Waldon Road. (The adjacent "relocated shade structure" is to be deleted or replaced with a smaller shade sail to accommodate). This setback area is to be retained as landscaped open space and planted with locally occurring endemic species. The adjacent pathway linking to the classroom may be located not closer than 7.5m to the side boundary.

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

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Reason: To maintain environmental amenity, setbacks and a “bushland setting” in accordance with the WLEP 2000. (Special Condition)

11. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access 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;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) 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;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) 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;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) 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;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane;

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

12. Design for Access and Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. (DACGCdam)

13. Noise from Plant

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A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate certifying all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm -6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: To comply with best practice standards for residential acoustic amenity. (DACHCnp)

14. Car parking Details

The renewed line marking of the car park is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking. No reduction to the existing number of car spaces is permitted and all on-site spaces are to be consecutively numbered. Plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the orderly and adequate provision of car parking. (DACECcpd)

15. Parking for People with Disabilities

Of the required number of car parking spaces at least one car-parking space must be provided for use by persons with a disability.

The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)

16. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACGCrig)

17. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrmr)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. 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 \$10 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 Warringah 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. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. 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 Warringah Council 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. (DACPLE02)

20. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: To ensure the health and safety of the community and workers on the site.

21. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for a vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

22. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

23. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees. (DACLAEO3)

24. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately within the immediate vicinity of the relic and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the *National Parks and Wildlife Service*.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the *NSW Office of Environment and Heritage*.

Reason: Aboriginal Heritage Protection. (DACGEah)

25. Plant and Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: To ensure public safety and amenity on public land. (DACGEpekws)

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26. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment. (DACHErnnce)

27. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: To ensure residential amenity is maintained in the immediate vicinity. (DACHEdeaq)

28. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

Reason: To ensure that plants identified as weed species are not allowed to proliferate and interfere with a quality-landscaping outcome, or be transferred to nearby National Park areas. (DACLEnp)

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

29. Fire Safety Matters

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

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

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

Reason: Statutory requirement under Part 9 Division 4 and 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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30. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

31. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

32. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

33. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

34. Positive Covenant for On-site Stormwater Detention

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A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the on-site stormwater detention system. (DACENF12)

35. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

36. Supplementary Planting Required

Species	Location	Pot Size
Species from Councils Tree Replacement Guide. The selection shall include a balance of small, medium and large species suited to the "Bloodwood, Scribbly Gum Woodland" Vegetation Class	10 trees along the length and width of the 20 metre Front Setback to Linden Avenue but clear of buildings and with no interlocking canopy; and 5 trees along the length and width of the 10 metre Side Setback with No.3 Waldon Road but clear of buildings for RFS requirements.	Tube stock or larger.

Required trees are to satisfy the following:

- All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- All replacement trees must be maintained until they reach five (5) metres in height;
- If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

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, setbacks and a "bushland setting" in accordance with the WLEP 2000. (Special Condition)

37. Consolidation of Lots

Prior to the issue of a Final occupation Certificate, either of the following is to be carried out:

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- (i) Lot Consolidation: Lot 101 DP 1159742, Lot 1 and 2 DP 725754 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by *NSW Land and Property Information* is to be submitted to the Principal Certifying Authority and Warringah Council.
- (ii) Creation of restriction as to User: A restriction as to the use/restrictive covenant (under the provision of S88C of the Conveyancing Act) is to be registered on the property titles of Lot 101 DP 1159742, Lot 1 and 2 DP 725754 restriction the use of the land to a school. All cost associated with the preparation, execution and registration of the instrument are to be borne by the applicant. Warringah Council is to be nominated as the only party with the right to release, vary or modify the instrument and Warringah Council shall execute these documents prior to the submission to *NSW Land & Property Information*.

Reason: Orderly development of land.

38. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

Reason: To ensure bushland management.

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

39. Noise Generation

Noise from the after hours (6pm to 6am) operations of school activities shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: Health and amenity.

40. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACGGii)

41. Maximum Enrolment

The maximum allowable enrolment for the Covenant Christian School on the subject site shall not exceed 750 students.

Reason: Limit maximum enrolment and the intensity of development on the site including traffic & land use impacts.

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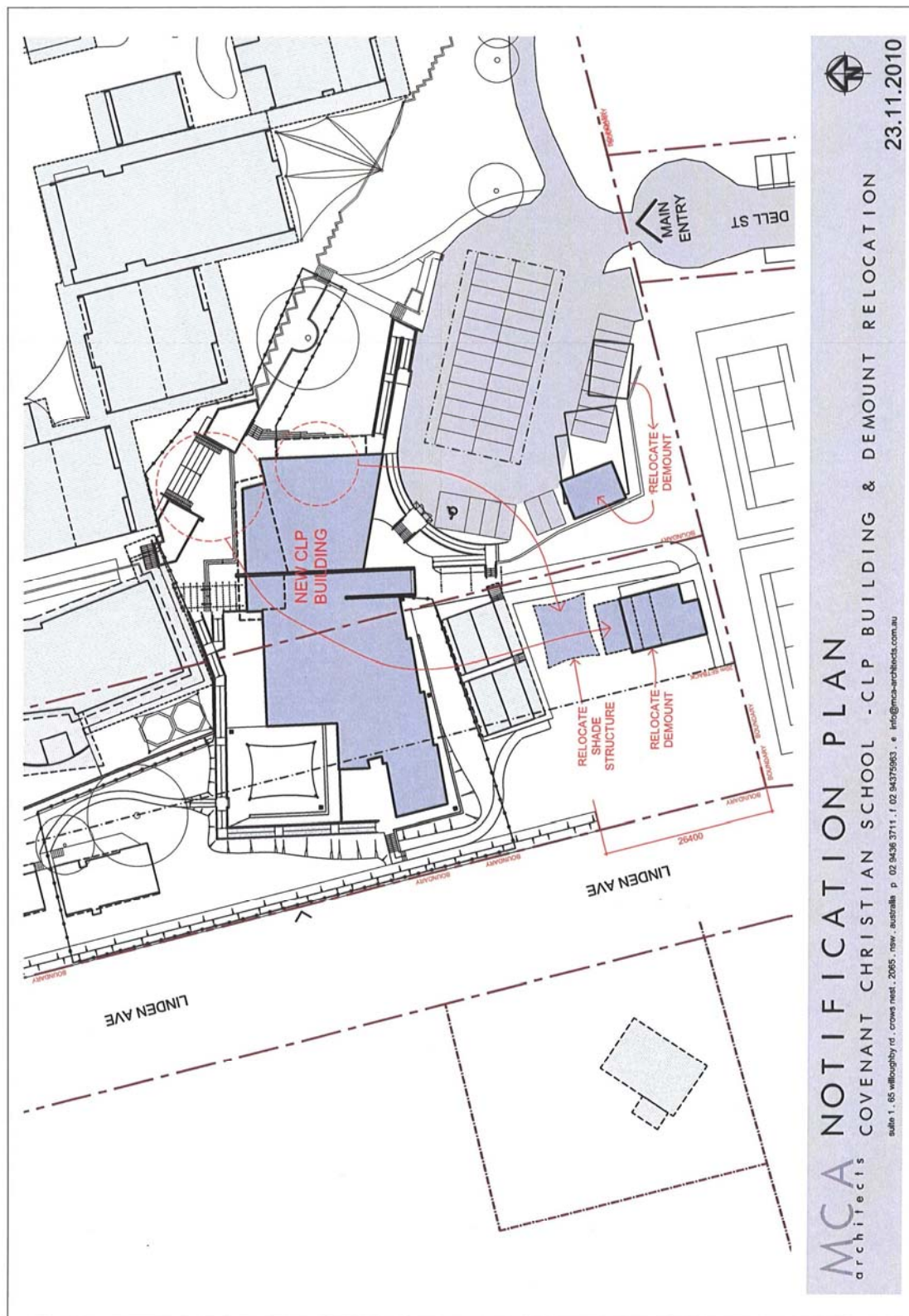
42. Traffic Management

The School shall maintain the use of Traffic Wardens to supervise pedestrian safety, staff carparking and parents pick/up set/down and ensure the efficient movement of buses servicing the site during peak traffic times between 8:00am to 9:30am and 2:30 pm to 4:00pm.

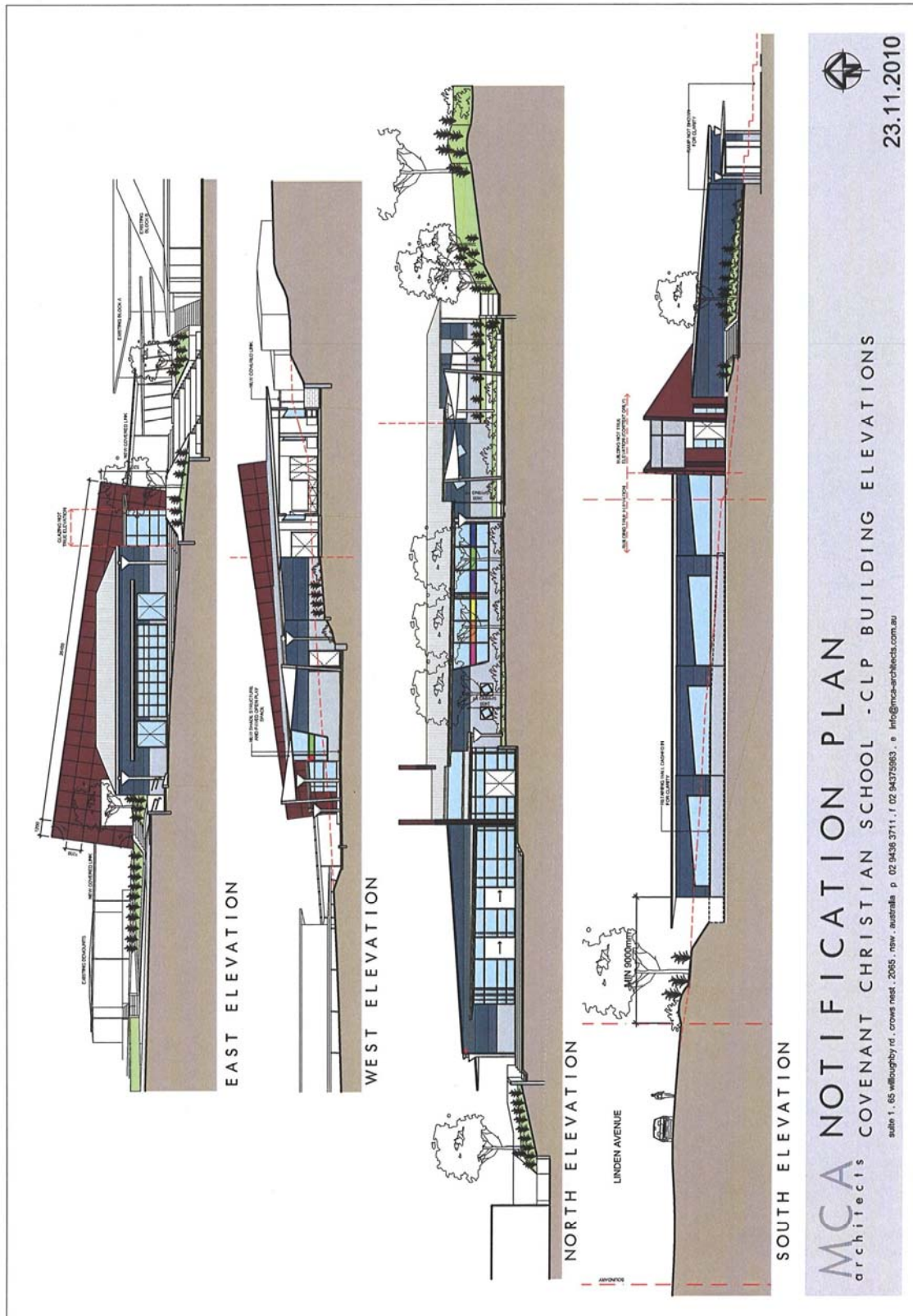
Reason: Safety



Site and Elevation Plans



Site and Elevation Plans



Site and Elevation Plans

