

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0509
Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 2754 DP 752038, 41 Cook Street FORESTVILLE NSW 2087
Proposed Development:	Modification of Development Consent DA2021/1483 granted for Alterations and additions to an existing school
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Autistic Association Of NSW
Applicant:	Construction Assignments Pty Ltd
Application Lodged:	17/10/2022
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	24/10/2022 to 07/11/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal comprises of a modification to development application DA2021/1483 for alterations and additions to an existing school.

The following works are proposed:

Building Works

- Approved new library building to be removed from the scope
- Modification to external corridor including calm spaces to be removed from the scope
- Approved new roof to calm spaces to be removed from the scope
- Reduction to new verandah roof overhang over existing junior school
- Internal alterations to existing to existing building for a new school hall and new administration

office to be removed from the scope

Landscaping Works

- Modifications approved to existing outdoor sensory area to be removed from the scope
- Delete net lounge and replace with sandstone benches
- New platform seating to Cola
- Planting to Cola area altered and seating removed
- Deleted library replaced with turf and planting
- Existing round-a-bout replaced with a swing
- Playground equipment relocation in the senior playground
- Shade sails to senior playground altered

Conditions

The proposal also seeks amendments to the Bushfire Conditions placed on DA2021/1483.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 2754 DP 752038 , 41 Cook Street FORESTVILLE NSW 2087
Detailed Site Description:	The site slopes from the west to the east, with Cook Street significantly higher than the school buildings. The land has an irregular lot shape and drops away steeply to the east

toward Garigal National Park. The site has a single street frontage of 65 metres (m) to Cook Street, at the west of the site. The northern boundary is 154m and borders residential dwellings, the southern boundary is 159m and the eastern boundary is 155m wide.

- The site currently accommodates the Aspect Vern Barnett, which consists of:
- Single storey school buildings and administration buildings;
- Outdoor play areas, including play equipment and a pool;
- Staff car parking and pick up and drop off areas.

The Aspect Vern Barnett School is set in a low density residential setting. The surrounding development includes low density residential housing immediately to the north and east, with and Anglicare Retirement Village to the south

Map:



SITE HISTORY

Autism Spectrum Australia (Aspect) provides the only autism-specific schooling experience in Australia, tailoring learning environments to the needs of students on the spectrum. The Aspect Vern Barnett School was established in the 1970s and is Aspect's first school in NSW. In recent years the main relevant development approvals for the site are:

Development Application No.DA2007/0803 (as modified) for 'Upgrade to Main Electrical Switchboard & Installation of Three Fire Hydrants to Existing Facility' was approved by Council on 18.1.2008.

Development Application No.DA2008/0193 (as modified) for 'extension of existing driveway & additional car parking facilities' was approved by Council on 17.9.2008.

Development Application No.DA2008/1728 for 'Alterations and refurbishment of an existing school' was approved by Council on 24.4.2009.

Pre-lodgement Meeting No.PLM2021/0045 for 'Alterations and additions to an existing school (Aspect Vern Barnett School)' was held with Council on 9.3.2021. The conclusion of the notes were that:

"works proposed to the school are considered to be minor and largely internal (with exception to the new entry foyer located at the western side of the school campus), the linkage between the Administration Building and the Senior School and the replacement of the shade structure within the central COLA area. No objection is therefore raised to the proposal subject to the matters discussed"

Development Application No.DA2021/1483 for 'Alterations and additions to an existing school' was approved by Council on the 29 November 2021.

Development Application No. DA2021/1676 for 'Construction of a new sign to replace an existing sign' was approved by Council on the 16 November 2021.

Modification Application Mod2022/0054 for 'Modification of Development Consent DA2021/1483 granted for alterations and additions to an existing school' was approved by Council on the 24 March 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/1483 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:

Section 4.55(1A) - Other Modifications	Comments
	• The proposed descoping of approved works are minor in nature and will reduce any potential environmental impact that was approved under the development application • The proposed design development modifications are minor and will not create any additional environmental impacts than what was assessed under the development application
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2021/1483 for the following reasons: • The proposed descoping of approved works will reduce any potential environmental impact that was approved under DA2021/1483 and the proposal will continue to constitute "alterations and additions to an existing school". The use is unchanged and the general composition of the school remains generally the same • The proposed modification to the bushfire conditions will not create any material changes • The proposed design modifications seek to make minor changes to the landscape design and minor building elements. The design development modifications do not increase gross floor area or building heights
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been

Section 4.15 'Matters for Consideration'	Comments
	addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land and the proposed development is for a special fire protection purpose under Section 100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The modification application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the expert Bushfire Assessment Report, along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/10/2022 to 07/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Department of Industry	PO Box 2185 DANGAR NSW 2309

Name:	Address:
Crown Lands	

A submission was received from the Department of Planning and Environment as the adjoining land owner.

The Department of Planning and Environment – Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 Crown Land Management Act 2016) and offers no objections to the proposed development.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below. Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.
Environmental Health (Industrial)	General Comments the applicant advises: This Section 4.55(1A) modification application has been prepared by Urbis on behalf of Aspect to amend DA2021/1483 to modify the scope of the proposal. The proposed modifications have been assessed in accordance with Section 4.55(1A) and Section 4.15 of the EP&A Act and are considered appropriate as summarised below: The proposed modifications will not result in any adverse impacts on both the natural and built environment and the locality, is suitable for the site and is in the public interest. The proposed development generally satisfies the relevant provisions of the applicable State Environmental Planning Instruments including the Transport and Infrastructure SEPP, Warringah LEP 2011 and the Warringah DCP 2011 and is acceptable. Based on the content contained throughout this report, it is considered that the proposed modifications to DA2021/1483 will result in substantially the same development as was originally approved and therefore should be approved, subject to the implementation of appropriate conditions. Existing conditions of approval (eg Acoustic Certification) will still prevail. Environmental Health therefore supports the proposal without additional conditions.
Landscape Officer	The application is for modification to development consent

Internal Referral Body	Comments
	DA2021/1483. Landscape Referral notes the comment by Bushfire Consulting Services (07/07/22) "<i>Our Bushfire Report recommended that the area to the east with slopes greater than 18 degrees be excluded from the APZ due to concerns with managing this area as an APZ in perpetuity and issues with carrying out APZ works and ongoing maintenance within land that steeply slopes. If the entire lot is to be managed as an IPA APZ, it may require significant tree removal in order to comply with the 15% maximum tree canopy requirements for an Inner Protection Area (IPA) APZ, which may not have been Council's intention for protection of existing trees and vegetation</i>". Landscape Referral supports the retention of these trees. Should these trees require removal reassessment will be required. Should the APZ be amended as requested and all trees are to be retained, the proposed modifications will not adversely impact the landscape outcome and the conditions imposed in DA/2021/1483 remain.
NECC (Bushland and Biodiversity)	The comments on this proposal relate to the following provisions: • SEPP (Resilience and Hazards) 2021 • Warringah DCP Clause E2 Prescribed Vegetation • Warringah DCP Clause E5 Native Vegetation • Warringah DCP Clause E6 Retaining unique environmental features The modifications that have been submitted will unlikely impact native flora and fauna. The retention of native bushland on the Eastern edge of the property, and its exclusion from the asset protection zone is noted and no objections are raised. The NSW RFS have also agreed with this arrangement of the asset protection zone, and the area to be excluded from the APZ is shown on the Plans (s4.55 Future Modifications Ground Floor Plan Drawing AR-125). Conditions have been amended based on the modifications submitted, however, the rest of the conditions set in the previous Natural Environment Referral Response - Biodiversity (09/09/2021) still apply.
NECC (Coast and Catchments)	Supported without conditions. This application was assessed in consideration of: • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021 (sections 2.10, 2.11 & 2.12); and • Relevant LEP and DCP clauses. The application meets the requirements of the relevant Environmental Planning Instruments and policies.

Internal Referral Body	Comments
Traffic Engineer	The proposed modification does not result in any changes to the traffic comments relating to DA2021/1483. All previously applied conditions are to remain and no new conditions are proposed.

External Referral Body	Comments
Integrated Development - Rural Fire Service - Rural Fires Act, s100B - Subdivisions and Special Fire Protection Purposes	The modification application has been reviewed by NSW Rural Fire Service (NSW RFS). The NSW RFS is supportive of the proposed modification subject to adherence with the general terms of approval. These will be included as part of the conditions of consent. This referral supersedes the previous Bush Fire Safety Authority DA20210902003764-Original-1 issued on 11/10/2021 and confirms that, subject to the reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP Educational Establishments and Child Care Facilities 2017

The requirements of SEPP Educational Establishments and Child Care Facilities 2017 were considered and addressed as applicable under the development application. The works are consistent with the findings of this previous assessment and therefore no further detailed consideration for the modification is required pursuant to the SEPP.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The requirements of Ausgrid were addressed as the the Referral Response provided under the original development application. No change to conditions or further referral advice required.

Other Service Infrastructure Authorities

The requirements of SEPP Infrastructure were considered and addressed as applicable under the parent development application. No further detailed consideration for the modification is required pursuant to the SEPP. Sydney Water assets are managed separately through Sydney Water's own administrative procedures.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the educational land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.85m	unaltered	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	5.5m	unaltered	Yes
B3 Side Boundary Envelope	4m	within envelope	unaltered	Yes
	4m	within envelope	unaltered	Yes
B5 Side Boundary Setbacks	0.9m	1m to 6m no change	unaltered	Yes
	0.9m	3m to 9m no change	unaltered	Yes
B7 Front Boundary Setbacks	6.5m	59m no change	unaltered	Yes
B9 Rear Boundary Setbacks	6m	18m	unaltered	Yes
D1 Landscaped Open Space and Bushland Setting	40%	59.7% 5,322m ²	60% 5,487m ²	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting		
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2022/0509 for Modification of Development Consent DA2021/1483 granted for Alterations and additions to an existing school on land at Lot 2754 DP 752038,41 Cook Street, FORESTVILLE, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-100 Site Plan Rev C	30 August 2022	Design Inc
DA-110 Demolition Plan Ground Floor Rev C	6 September 2022	Design Inc
DA-111 Demolition Plan Roof Plan Rev D	6 September 2022	Design Inc
DA-200 Floor Plan Ground Floor Rev F	6 September 2022	Design Inc
DA-202 Roof Plan Rev E	6 September 2022	Design Inc
DA-301 DA Elevations Rev D	6 September 2022	Design Inc
DA-310 DA Sections Rev D	6 September 2022	Design Inc
DA-402 Materials Board Rev D	6 September 2022	Design Inc

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Capability Statement	3 November 2022	MBC Group
Bushfire Addendum	7 July 2022	Bushfire Consulting Services Pty

Ltd

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
101 Landscape Plan Junior Playground Rev E	11 March 2022	New Eden Design Landscape Architecture
102 Landscape Plan Cola Rev E	6 June 2022	New Eden Design Landscape Architecture
103 Landscape Plan Senior Playground 1/2 Rev E	2 February 2022	New Eden Design Landscape Architecture
104 Landscape Plan Senior Playground 2/2 Rev E	6 June 2022	New Eden Design Landscape Architecture

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

B. Modify Condition 2 Compliance with other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
<i>Ausgrid Response November 2021</i>	<i>Ausgrid Referral</i>	24
<i>Aboriginal Heritage Office Response November 2021</i>	<i>AHO Referral</i>	23
<i>NSW Rural Fire Service Response December 2022</i>	<i>RFS Referral</i>	6

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

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

C. Add Condition 37- Asset Protection Zone to On-going Conditions that must be complied with at all times to read as follows:

At the commencement of the development, and in perpetuity, the curtilage surrounding the subject building shall be managed as an Inner Protection Area (IPA) Asset Protection Zone except where the slope is greater than downslope 18 degrees and where the remnant vegetation is located as outlined in PBP 2019 Appendix 4. Vegetation is permitted under the Cola if supplied with an automatic supply of

water such as a sprinkler system.

Reason: To ensure consistency for the extent of the Asset Protection Zone with the conditions of consent and the Bushfire Report Assessment Report prepared by Bushfire Consulting Services dated 2 August 2021.

D. Add Condition 38 - Existing Building Upgrades to Conditions which must be complied with prior to the issue of the occupation certificate to read as follows:

In order to improve the bushfire resilience of the existing building, all of the following measures outlined in the NSW RFS document 0914 'Development Assessment and Planning, Upgrading of Existing Buildings' (NSW RFS undated) that are applicable to the structure are to be implemented:

- Existing open timber slat soffits will be provided with protection by either carefully removing external soffit slats, install metal ember proof mesh behind slats and then reinstall same slats back into soffits (with mesh behind); or retain timber soffit slats and install over the slats 6mm FC painted sheet soffits to all external ceilings where required.
- Existing polycarbonate roof skylights to be replaced with BAL40 rated skylights.
- All windows in the existing structure are to be completely covered by a tightly fitting, metal-framed screen with a mesh or perforated sheet with a maximum aperture of 2mm made from corrosion-resistant steel or bronze.
- Non-combustible gutter guards are to be fitted to gutters and roof valleys.
- All external side hung doors are to be fitted with a draft excluder at the base. External screen doors shall be fitted with a mesh or perforated sheet with a maximum aperture of 2mm made from corrosion-resistant steel or bronze.
- All gaps, vents or weepholes in the subfloor space shall be covered with a mesh or perforated sheet with a maximum aperture of 2mm made from corrosion-resistant steel or bronze. The intent is to stop embers reaching combustible flooring and support elements.
- All gaps under ridge caps, valleys and where roof sheeting meets fascias or walls are to be covered in a mesh or perforated sheet with maximum aperture of 2mm from corrosion-resistant steel or bronze. Alternatively, corrosion resistant steel or bronze sheet cut specifically to the profile of the roof sheet corrugations may be used to seal gaps. The intent is to stop embers reaching combustible roofing elements.
- Replace existing timber decking with non combustible materials.
- Proposed construction of the outdoor learning area structures, must be undertaken using noncombustible materials (not including the play structures).

Reason: To ensure consistency across development consent.

E. Add Condition 39 Roof Sheeting to Conditions which must be complied with prior to the issue of the occupation certificate to read as follows:

The replacement of existing translucent roof sheeting with either:

- A combination of standard BAL40 Velux Skylights and replacement (ie colorbond) to remaining area, or
- Replacement roofing only (ie no skylight)

Reason: To ensure consistency across development consent.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Clare Costanzo, Planner

The application is determined on 02/02/2023, under the delegated authority of:



Rodney Piggott, Manager Development Assessments