

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0081
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Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 53 DP 774913 , 53 / 0 Yanderra Road DUFFYS FOREST NSW 2084
Proposed Development:	Modification of Development Consent DA2012/1361 granted for Demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage.
Zoning:	LEP - Land Zoned RU4 Primary Production Small Lots
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Northern Beaches Christian School
Applicant:	Northern Beaches Christian School

Application lodged:	07/05/2014
Application Type:	Local
State Reporting Category:	Other
Notified:	16/05/2014 to 26/06/2014
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Approval

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the

applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone RU4 Primary Production Small Lots

SITE DESCRIPTION

Property Description:	Lot 53 DP 774913 , 53 / 0 Yanderra Road DUFFYS FOREST NSW 2084
Detailed Site Description:	The land subject of this application is Lot 53, DP 774913 and is known as Lot 53 Yanderra Road, Duffys Forest. The site is rectangular in shape with a total area of 4.43ha. The Northern Beaches Christian School currently occupy the site which comprises a range of school buildings of varying height, bulk and scale including classrooms, offices and a large grandstand and gym. An open sportsground occupies the westernmost part of the property. The site is located on the north western side of Durumbil Road at the intersection with the northern head of Echunga Road. Yanderra Road adjoining the site to the north east is now closed and has been dedicated to the NSW National Parks and Wildlife Service. Surrounding the site is a dwelling house to the south east, the Sydney Japanese School to the south west, the Terrey Hills Golf and Country Club to the west and north west and the Ku-Ring-Gai Chase National Park to the north east. Vehicular access is obtained of the cul de sac at the head of Echunga Road. 193 parking spaces are currently provided on site and a drop off area is located adjacent to the south eastern boundary. The site contains pockets of vegetation amongst the school buildings and along the boundaries of the property.

Map:



SITE HISTORY

Development Consent No.2012/1361

Development Application No.2012/1361 for Demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage was approved by the Sydney East Region Joint Planning Panel on 6 March 2013.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify Development Consent No.2012/1316 in accordance with the provisions of Section 96 (1) of the Environmental Planning and Assessment Act 1979 in the following way:

- the addition of an elevated pedestrian walkway and ramp between two buildings, being Block E and the Treehouse (staff rooms).

The walkway is proposed to be constructed above the lower ground floor market place.

Having regard to the above, Condition 1. Approved Plans and Supporting Documentation, will be modified by the application should it be approved.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

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 DA2012/1361 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(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.
(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 development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2012/1361.
(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 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any	See discussion on "Public Exhibition" in this report.

Section 96(1A) - Other Modifications	Comments
period prescribed by the regulations or provided by the development control plan, as the case may be.	

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

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	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No Additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This

Section 79C 'Matters for Consideration'	Comments
	matter has been addressed via a condition in the original consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original as well as the modification application should it be approved. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This Clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The 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) The proposed development will / will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

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

Name:	Address:
Jenny Harris	6 Kinka Road DUFFYS FOREST NSW 2084

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

- Increase in the number of students

The matters raised within the submissions are addressed as follows:

- Increase in the number of students
Comment: Concern would be raised to the application if it involved an increase in the number of students at the school. As the application involves the construction of an elevated walkway, and does not propose any change to student numbers, it is considered that no concern is raised to the modification application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The Fire Safety Matters condition is already included in the original consent and therefore is not required to be included (again) as part of this modification.
Building Assessment - Fire and Disability upgrades	Council's Building Assessment (Fire and Disability Upgrades) Officer has reviewed the application and raises no concern to the modification application subject to an updated condition in relation to fire safety upgrade measures to account for the revised BCA report submitted with the application. The updated fire safety upgrade condition has been included in the Recommendation.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

Nil

Warringah Local Environment 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	12.96m	12.96m	52%	No (no change to existing)
school:	8.5m	N/A	4.4m	N/A	Yes
pedestrian walkway:					

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone RU4 Primary Production Small Lots

Permissible development under SEPP (Infrastructure) 2007.

Warringah Development Control Plan

Built Form Controls

The consistency with the Built Form Controls was considered under the assessment of the original development application. As this modification relates to the addition of an elevated pedestrian walkway and ramp above an existing lower ground floor level of the school there is no alteration to the quantum of the development as approved. In this regard, the modifications do not propose any alteration to the consistency with the Built Form Controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
D18 Accessibility	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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

Warringah Section 94A Development Contribution Plan

Section 94 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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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 Modification Application No. Mod2014/0081 for Modification of Development Consent DA2012/1361 granted for Demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage. on land at Lot 53 DP 774913,53 / 0 Yanderra Road, DUFFYS FOREST, subject to the conditions printed below:

A. Add Condition No.1B - 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
S2-S96-A-603-A Stairs 3, 8 and 9 Details	May 2012 (Issue A)	WMK Architecture
S2-S96-A-001-A Existing Site Analysis Plan	June 2012 (Issue A)	WMK Architecture
S2-S96-A-502-A East and West Elevations	May 2012 (Issue A)	WMK Architecture
S2-S96-A-106-A Lower Ground Floor Plan North	May 2012 (Issue A)	WMK Architecture
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Compliance Statement	3 April 2014	Blackett Maguire and Goldsmith

B. Add Condition 25. Fire Safety Upgrade to read as follows:

25A. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the unprotected portions of the existing buildings as identified /detailed and recommended in the Building Code of Australia Audit Report prepared by Blackett Maguire and Goldsmith Report, dated 24 September 2012 Revision 2, Project No. 120003 and their updated report prepared for the Modification application (and dated 03 April 2014), are to be carried out. The new and existing buildings are to be protected in a manner consistent with the requirements of the Building Code of Australia.

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

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.
(DACBCF01)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Kevin Short, Planner

The application is determined under the delegated authority of:

Lashta Haidari, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2014/127138	Plans Notification	08/05/2014

ATTACHMENT B

Notification Document	Title	Date
 2014/134754	notification map	16/05/2014

ATTACHMENT C

Reference Number	Document	Date
 2014/127291	Attachment D - Report Disability Project Barcelona Stage 2 Sec 96 Walkway from CD	14/04/2014
 2014/127283	Attachment B - Survey Plans from CD	14/04/2014
 2014/127309	Attachment E - BCA Compliance Statement for S.96 Application from CD	14/04/2014
 2014/127277	Report Statement of Environmental Effects from CD	28/04/2014
 2014/125404	invoice for ram applications - Northern Beaches Christian School	07/05/2014
 2014/125639	DA Acknowledgement Letter - Northern Beaches Christian School	07/05/2014
 2014/127108	Modification Application	08/05/2014
 2014/127115	Applicant Details	08/05/2014
 2014/127138	Plans Notification	08/05/2014
 2014/128521	Attachment C - Plans Master Set merged from CD	09/05/2014
 2014/130398	File Cover	13/05/2014
 2014/134716	notification letters - 33 sent	16/05/2014
 2014/134754	notification map	16/05/2014
 2014/148815	Building Assessment Referral Response	22/05/2014
 2014/170617	Notification Letters to Objectors only 9 - previously missed	11/06/2014
 2014/181616	Email from resident (submission)	20/06/2014
 2014/200250	delete	02/07/2014
 2014/200432	delete	03/07/2014