

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0768
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Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 53 DP 774913, 1 Echunga Road DUFFYS FOREST NSW 2084
Proposed Development:	Alterations and additions to an educational establishment
Zoning:	Warringah LEP2011 - Land Zoned RU4 Primary Production Small Lots
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Northern Beaches Christian School
Applicant:	Northern Beaches Christian School

Application Lodged:	19/07/2019
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Community facility
Notified:	17/08/2019 to 07/09/2019
Advertised:	17/08/2019
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,772,882.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks approval for the alterations and additions to an existing educational establishment, being the Northern Beaches Christian School (NBCS).

The proposal consists of minor alterations to the existing school buildings, and the hard and soft landscaping within the NBCS grounds, focused primarily on the upgrading and replacement of existing playground equipment and facilities. The works are to be undertaken in the six (6) highlighted areas as demonstrated in figure 1 below.



Figure 1: The six (6) zones/areas within the school where the works are to be undertaken.

There is no change to the current staff and students numbers of the school, or to the current parking provisions on the site.

The works to the NBCS are as follows:

Changes to the Existing School Buildings

SCIL Building

- Remove garden area and enclose this area to create an additional classroom
- A new wall in the administration area, and the removal of a wall to enlarge the office area.

Block E Building

- Demolish three (3) internal walls and construct two (2) new walls to create three (3) new classrooms (from 4 classrooms) in the Block E building
- New sliding doors to replace existing windows on southern elevation of the Block G building

Block F Building

- Demolish existing internal walls and extend existing wall to create new class room to Block F
- Replace existing windows with sliding doors for Block F
- A new retaining wall on the boundary near Block F

Gym building

- New internal wall to the foyer of the gym hall to create a new classroom

Senior School Building

- Replace the existing windows with sliding doors

Barcelona Building

- New glazing to the study rooms
- New internal walls
- New glass sliding doors

Sports Shed

- A new sports shed with a floor area of 84.5sqm to be constructed of colourbond steel cladding

Playground, Play Equipment and Facilities

Infant School Playground

- Raised cube seating
- A new shade structure
- An adventure slide
- Interactive play wall
- Various art display structures, sculptures and 'communication tubes'
- New play spaces with 'soft-fall' surfaces
- Improved landscaping

Water Playground

- Water course playground equipment and water feature
- Outdoor learning space around a feature tree with new seating
- Covered 'breakout' space
- New landscape plantings of palms and vegetation to create a 'Amazon Rainforest' theme

Primary School Playground

- Two outdoor covered learning areas with seating and landscaping
- Large scale play equipment ('tree house') with soft-fall surfaces
- A sunken play zone in the central portion of the area with a timber bridge
- New concrete/timber seating
- New amphitheater of concrete and sandstone block construction
- New lounge net and elevated "tree top adventure course" play equipment
- New elevated "overhead adventure course" play equipment
- Balance logs and a totem pole forest play equipment
- New landscaping with a rainforest theme, as well as local endemic Duffys Forest themed plantings

Art Play Playground

- A raised concrete plinth for artwork to be displayed with a art wall/mural zone
- New 'floating' timber bench seat with landscape planting below
- New breakout learning space with timber platform seating
- Raised timber seating/performance area with a canopy
- Decorative indigenous (Guringai inspired) decorative paving
- Landscaping featuring deciduous tree planting

High School Landscape Plan

- New learning shade canopy structure
- Decked flexible use area with disabled access ramp and performance area
- Tiered timber capped concrete seating
- Lawn areas and proposed landscaping with natural stone paving.

Tree Top Walkway

- Accessible ramp to tree top walkway
- Raised timber deck with glass balustrades
- Deck 'cutouts' to retain and feature existing trees
- Raised mesh walkway for viewing the ground below
- Timber bench seating with an amphitheater for outdoor learning
- Additional Landscaping

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

Assessment - Internal Referrals

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

Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D18 Accessibility and Adaptability
 Warringah Development Control Plan - D21 Provision and Location of Utility Services

SITE DESCRIPTION

Property Description:	Lot 53 DP 774913 , 1 Echunga Road DUFFYS FOREST NSW 2084
Detailed Site Description:	The land subject of this application is Lot 53, DP 774913 and is known as 1 Echunga Road, Duffys Forest. The land is currently zoned as RU4 Primary Production Small Lots within the Warringah Local Environment Plan 2011. The site is rectangular in shape with a total area of 4.443ha. The site has a 59.69m frontage to Echunga Road and a 108m frontage to Durimbal Road. The site is located on the north western side of Durumbil Road at the intersection with the northern head of Euchunga 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. The Northern Beaches Christian School currently occupy the site. The Northern Beaches Christian School is currently approved for 1325 students, and 150 staff. The school comprises of a range of school buildings of varying height, bulk and scale including classrooms, offices and a large grandstand and gymnasium. An open sportsground occupies the westernmost part of the property. The site currently operates its own stormwater retention and detention system, as there is no connection to a reticulated sewerage system. The waste water of the site is currently treated via a septic tank and on-site waste water treatment. There is a stormwater easement located within the southern corner of the site. Vehicular access is obtained off the cul de sac at the head of Euchunga Road. There are 255 parking spaces are currently provided on site and a drop off area is located adjacent to the south eastern boundary. Properties surrounding the subject site are varied in their uses. There is a dwelling house to the south east, the Sydney Japanese School and a child care centre to the south west, Terrey Hills Golf and Country Club to

the west and the Ku-Ring-Gai Chase National Park to the north east.

Map:



SITE HISTORY

A request to withdraw the application was sent to the applicant on the 8 November, 2019 due to insufficient information regarding the playground equipment's height, a Building Code of Australia Report, and an amended Bushfire Plan determining the appropriate bushfire attack level (BAL) rating over the subject site. These additional reports, and amended plans showing greater detail for the height of the playground equipment was submitted to Council and added to the application.

A search of Councils records have revealed the following relevant Development Applications for the site:

- Pre-lodgement Meeting **PLM2018/0187** was held on the 4 September 2018 for the alterations and additions to an educational establishment (Northern Beaches Christian School (NBSC)). The meeting included discussion about the upgrading and replacement of the existing playgrounds and minor building works to the existing school buildings. The proposal, as presented, was able to be supported subject to the applicant addressing and responding primarily to the bush-fire requirements, and playground equipment height.
- Development Application **DA2012/1361** 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.
- Modification application **MOD2014/0081** for the modification of Development Consent DA2012/1361, including the addition of an elevated pedestrian walkway and ramp between two buildings, being Block E and the Treehouse (staff rooms) was approved by Warringah Council on the 3 July 2014.
- Modification application **MOD2013/0153** for the modification of Development Consent DA2012/1361 for the changes to applied conditions to enable a staged construction and interim

occupation of the approved school buildings and carpark area was approved by Warringah Council on the 21 October 2013.

- Development Application **DA2012/0123** was granted for demolition works and the alterations and additions to an existing educational establishment including the construction of an administration building, was approved by Warringah Council on the 18 April 2012.
- Development Application **DA2006/0601** for alterations and additions to the existing Northern Beaches Christian School (including an increase in student numbers from 900 to 1050 and staff numbers from 111 to 115) was approved by the Independent Hearing and Assessment Panel on the 26 April 2007.
- Development Application **DA2005/0944** for internal reconfiguration of existing school facilities and erection of awnings over existing walkways was approved by Warringah Council on the 1 February 2004.
- Development Application **DA2001/1090** for new classrooms and associated amenities was approved by Warringah Council on the 24 October, 2001.
- Development Application **DA1999/3493** for permanent classrooms (including an increase in student numbers from 750 to 900 and staff numbers from 65 to 100) was approved by Warringah Council on the 19 April 2000.
- Development Application **DA1999/3355** for shade structures, playground and re-location of existing sheds was approved by Warringah Council on the 14 January 2000.
- Development Application **DA1999/1901** for alterations to existing school buildings was approved by Warringah Council on the 5 July, 1999.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of

Section 4.15 Matters for Consideration'	Comments
(EP&A Regulation 2000)	consent. <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. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <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 of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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 bulk and scale of the development is considered acceptable given the size and location of the site. Further, the site is well located in that it is surrounded by a National Park, golf course and landscaped vegetation and is well separated from the nearest residential properties. For these reasons, 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	The various controls contained within WLEP 2011 and the WDCP provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the future character envisaged for the zone.

Section 4.15 Matters for Consideration'	Comments
	Although an educational establishment is prohibited in the zone, it is made permissible by ESEPP (Educational Establishments and Child Care Facilities) 2017 and is an important community facility for the locality. The development seeks variations to the built form controls contained with the Warringah Development Control Plan 2011. However, when assessed on their merits are satisfactory and do not negatively impact on surrounding amenity due to the character and location of the site. On balance, the development will have an overall community benefit through the provision of enhanced school facilities and no demonstrable impacts. The proposal is therefore concluded to be 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 as such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The 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 Bush Fire 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 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

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.

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	Environmental Health considered the contaminated land aspects and found that there is limited excavation as part of the proposal. Therefore, there are no objections or conditions to be imposed for the development.
Environmental Health (Industrial)	Environmental Health has review this proposal for works within a school, and has no objections or conditions for the proposed development.
Environmental Health (unsewered lands)	Environmental Health has considered the proposal with regard to the impact on the on-site sewage system. There is no proposed change to hydraulic loading to the wastewater system, therefore there is no objection or conditions to be imposed.
Landscape Officer	Detailed Landscape Plans and Arborist's Report submitted with the application are noted. Several trees are proposed to be removed to accommodate the proposed works, however these are located within the existing courtyards. No objections are raised to the proposed removals in this instance, subject to conditions as recommended.
NECC (Bushland and Biodiversity)	The application was assessed against the following Warringah DCP controls: • E2 Prescribed vegetation • E3 Threatened species, population and ecological communities • E4 Wildlife corridors • E5 Native vegetation • E6 Retaining unique environmental features. The proposal is for the alterations and additions to the existing educational establishment, and in summary consists of the hard and soft landscaping of 6 zones within the NBCS grounds focused primarily on the upgrading, renewal and replacement of existing playground equipment and facilities. The submitted Ecological Report (Ecological Consultants Australia, July 2019) assesses the proposal impacts to threatened species and ecological communities. The site does not contain intact vegetation community, only scattered native canopy trees. Three formal Test of Significance (ToS), "5-part tests", were provided. These were for threatened entities, Duffys Forest EEC, a combined 5-par test for threatened Large Forest Owls, and a combined one for threatened microbat species. The author states, "<i>Proposed trees to be removed do not contain hollows, flaking bark or other roosting habitat for microbat species.</i>" The 5-part tests concluded a non-significant impact to threatened entities. The report includes recommended mitigation measures which will be conditioned.

Internal Referral Body	Comments
	The submitted Arboricultural Impact Assessment Report (Arborsafe, 14/01/2019) assesses 105 trees within the site and notes that "Sixty-nine (69) trees have been identified for removal to facilitate the proposed project including; fifteen (15) Category B trees, fifty (50) Category C trees and four (4) Category U Trees.". The report also notes, "No proposed underground service locations have been reviewed in the preparation of this report." and "The development will potentially affect 100 site trees through encroachment via excavation into their TPZs. Note Tree 156 and 157 could be impacted by both the Infant and/or Water Play Ground projects.". The location of services must avoid the TPZ of trees to be retained and certified by the Project Arborist. The submitted Landscape Plan (Babbington Landscapes, 21/12/18) "Indicative Plant Schedule" indicates that 60 locally native canopy replacement trees will be planted (<i>Buckinghamia celsissima</i> is not part of the Duffys Forest EEC). This is an acceptable quantity of replacement canopy trees. Therefore, there is no objection to the proposal subject to conditions.
NECC (Development Engineering)	Development Engineering has no objection to the development application subject to applied conditions of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	A referral response was received by the Aboriginal Heritage office on the 12 August, 2019. The Aboriginal Heritage Office has raised no objections to the development subject to conditions requiring that Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted if any Aboriginal sites are uncovered during earthworks.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection. The application was referred to the NSW RFS who requested additional information in relation to the BAL rating overlay of the site plan. An amended bushfire assessment was received by Council, and referred to the NSW RFS for assessment. The amended Bushfire Plan (prepared by David Peterson, dated 18 October 2019) detailed the BAL Overlay of the NBCS. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the amended bushfire assessment, along with the conditions from the

External Referral Body	Comments
	NSW RFS have been included as part of the recommended conditions of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP Educational Establishments and Child Care Facilities 2017

Clause 5 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP) defines an 'educational establishment' as:

*" educational establishment means a building or place used for education (including teaching), being—
(a) a school, or
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act."*

The ESEPP allows for development for the purposes of education establishments on land where there is an existing educational establishment in a prescribed zone.

Clause 33 includes land zoned RU4 as a 'prescribed zone'.

As the ESEPP prevails over WLEP 2011, although educational establishments are normally prohibited in the RU4 zone, the ESEPP has the effect of making the works to the school permissible subject to development consent.

Clause 35 of the ESEPP details the relevant controls that are relevant to a education establishment and are summarised below:

- Clause 35 (1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*
Comment:
 Clause 33 defines a 'prescribed zone' which includes land zoned RU4. Therefore, the application complies with the clause.
- Clause 35 (3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.*
Comment:

The subject site is located in a 'prescribed zone' and the school is an existing development. Therefore, the application complies with the clause.

- *Clause 35 (4) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.*

Comment:

The ESEPP prevails over WLEP 2011. Although educational establishments are normally prohibited in the RU4 zone, the ESEPP has the effect of making the works to the school permissible subject to development consent. Therefore, the application complies with the clause.

- *Clause 35 (5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.*

Comment:

The Northern Beaches Christian School (NBCS) is able to be utilised for the physical, social, cultural or intellectual development or welfare of the community. Therefore, the application complies with the clause.

- *Clause 35 (6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration—
(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and
(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Comment:

The proposed development has been assessed against Schedule 4 Design Quality Principals below. This application, combined with the ability of the development works to be utilised by the community, means the application complies with the clause.

- *Clause 35 (7) Subject to subclause (8), the requirement in subclause (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.*

Comment:

The proposed development has been assessed against Schedule 4 Design Quality Principals below. As a result the development complies with this clause.

- *Clause 35 (8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6)(a) applies that has a capital investment value of less than \$50 million.*

Comment:

There are no other competitive design processes required as determined by the WLEP 2011. Therefore, the application complies with the clause.

- *Clause 35 (9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

Comment:

The ESEPP prevails over WLEP 2011. Although educational establishments are normally prohibited in the RU4 zone, the ESEPP has the effect of making the works to the school

permissible subject to development consent. Therefore, the application complies with the clause.

Clause 23 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

- *Before determining a development application for development for the purposes of a centre-based child-care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.*

As previously outlined, this application is for the alterations and additions to an existing educational establishment. The proposal consists of minor alterations to the existing school buildings, and the hard and soft landscaping within the NBCS grounds, focused primarily on the upgrading and replacement of existing playground equipment and facilities.

As per the provisions of Clause 23, the provisions of the SEPP and the *Child Care Planning Guideline* are applicable.

DESIGN QUALITY PRINCIPLES

Principle 1: Context

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

Comment:

There is no significant change to the existing built form on the site, rather the main section of the proposal includes the hard and soft landscaping within the NBCS grounds, focused primarily on the upgrading and replacement of existing playground equipment, facilities and landscaping.

The minor built form changes, including playground equipment and shade structures with the mass and scale of the proposal demonstrating consideration to the scale and amenity of the existing users of the site.

The proposed works address the school users and immediate bushland context through a considered and proportionate response to the adjacent interfaces to the neighbouring Golf Course and wider residential community. The proposed works also demonstrate a considered and reasonable contextual response to the existing buildings on site. The scale of the proposed works are softened and screened by the proposed landscaping to appropriately relate to the site and context.

Principle 2: Built Form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of

the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Comment:

The design does optimise the orientation of the site via the incorporation of design features that respect topographical constraints. The proposal incorporates built form (i.e recreational areas, outside learning facilities) that promote natural ventilation and natural light while supporting appropriate bushland character and streetscape appeal. The proposal creates a more unified landscape for the students learning experience, whilst improving the visual contribution to the streetscape and creates a more attractive and visually appealing outcome.

Principle 3: Adaptive Learning Spaces

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Comment:

The proposed works create new and flexible outdoor learning areas for the students connection with the natural environment. The playground upgrades provide areas which will improve the motor, sensory, social and cognitive development of the children and the staff. For example, the proposal includes the incorporation of a water course, interactive play wall, adventure courses and themed landscaped areas to provide students with a range of imaginative and structured spaces to learn.

The proposed development provides new connections to existing buildings and adjacent areas. These new and improved access and paths of travel are designed to promote a high level of access to and within the six development areas of the school.

The covered outdoor learning space will be open and spacious, using the existing topography of the site and various levels to create indoor/outdoor spaces within extensive new landscaping. The proposed shade structures above the outdoor learning areas allow the ingress of air and light to the spaces below.

The proposed built form and location allows for future flexibility to accommodate multiple uses, varying outdoor class sizes, and innovative teaching and learning methods.

The proposed works will provide additional integrative learning spaces that improve the supply and quality of existing space that is responsive to the subject site, and provides the school with the

necessary amenity to provide varied learning environments.

Principle 4: Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

Comment:

The proposed works incorporates a design philosophy for outdoor learning in order to to reduce the reliance of teaching and learning within the traditional inside classroom which relies on artificial heating, lighting and cooling.

Principle 5: Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Comment:

The proposal includes the incorporation of significant landscaping to improve the environmental features of the site. The proposal will provide new canopy trees to replace those being removed, as well as additional trees to provide a significant improvement to the landscape amenity and environmental quality of the NBCS site. The proposed endemic species re-vegetation zone will provide an important contribution to the ecological values of the site and surrounding land.

The landscaping will comprise native species which are within the Duffys Forest ecological community, and the playground and access paths will incorporate and integrate with these landscaped areas to provide a high level of natural amenity within the contemporary learning environment.

The landscaping improvements preserve and enhance the area's amenity, improve air quality, stormwater retention, provide additional natural habitat for local wildlife and reconstruct habitat in non-vegetated areas of the subject site.

Principle 6: Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

Comment:

The built form and landscape interfaces are clearly articulated and integrated to provide increased shade, learning areas, outdoor seating, and access paths within the new endemic Duffys Forest species landscaped area.

The playground design intent is to enable the design elements to allow for casual pause and rest areas, so to increases the ability of social and environmental learning and interaction.

Further to this, the retention of the larger trees and the incorporation of endemic Duffys Forest species will provide a high level of natural amenity within a contemporary learning environment.

Principle 7: Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Comment:

CPTED principles have been incorporated into the proposed design. The placement of the built form and playground features maximise visibility of the space and its users, which will foster a positive social interaction among the users of the subject sites private space, and the adjoining public space.

The new shade structures over the outdoor learning areas and playground equipment have been designed to balance the benefits of outdoor teaching and recreation with increased solar protection.

The incorporation of new landscaping, and themed landscaped areas allow the incorporation of natural elements into the playground providing improved balance between active and quiet play and enhances the healthiness, livability and sustainability of schools environment.

The following table is an assessment against the criteria of the 'Child Care Planning Guideline' as required by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

MATTERS FOR CONSIDERATION

Objectives	Criteria/Guidelines	Comments
3.1 Site selection and location		
C1 To ensure that appropriate zone considerations are	For proposed developments in or adjacent to a residential zone, consider: the acoustic and privacy impacts of the	Residential dwellings do not adjoin the boundaries of the site. As such, there will be no

assessed when selecting a site	proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity.	impacts on the privacy of dwellings as a result of the proposed development. Due to the location of the site being at the head of Echunga Road, the site is relatively isolated and as the site is surrounded by a buffer of vegetation, the proposed works are generally screened from the views of adjoining properties. The school can be seen from Echunga Road, however the elements of the proposal within the setback areas are generally open structures thus minimising the visual prominence of the structures and their overall visual impact. There is no change to the traffic or parking arrangements.
3.2 Local character, streetscape and the public domain		
C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape	The proposed development should: • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas.	The built form including the proposed shed, playground equipment and shade structures have been carefully designed to provide articulated areas which in combination with the openness of the roof structure and separation between individual buildings reduces the overall visual bulk. Additionally, the proposal maximises the use of lightweight materials including natural timbers and colours that are respectful of the bushland setting of the site. To ensure the current character and appearance of the streetscape is

		maintained, strategic planting of trees and shrubs have been incorporated into the design which will successfully preserve the bushland setting of the school and the locality. There is no change to the approved parking arrangements
C6, C7, C8 To ensure clear delineation between the child care facility and public spaces	Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing.	There is no change proposed to the existing boundary fencing or built form on the site.
	On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The proposal provides improved and differentiated pathways between the differing zones of the school site. The paths include access ramps, and pathways to achieve a barrier free environmental feel, integrated within the natural landscape.
3.3 Building orientation, envelope and design		
C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade	Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is	The proposal incorporates built form (i.e recreational areas, outside learning facilities) that promote natural ventilation and natural light while supporting appropriate character and streetscape appeal. The proposal creates a more unified landscape for the students learning experience, whilst improving the visual contribution to the streetscape and creates a more attractive and visually appealing outcome.

	located above ground level, outdoor play areas are protected from wind and other climatic conditions.	
C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised	The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character.	The height of the proposed outdoor shade covers, playground equipment and sports storage shed do not exceed the height control, and site well below the existing building heights. Strategic planting of trees and shrubs have been incorporated into the design which will successfully preserve the bushland setting of the school and the locality.
C13, C14 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The proposed works comply with the front setback, and the built form that does not comply with the side and rear setbacks are the storage shed and elevated boardwalk. However, these structures do not cause unreasonable bulk and scale, and are appropriate in its context.
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The variation to the side and rear setback, by the boardwalk and sports storage shed do not cause unreasonable bulk and scale and are appropriate in their context.
C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character	The built form of the development should contribute to the character of the local area, including how it: • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place.	The proposals built form mass and scale demonstrates consideration to the scale and amenity of the adjacent built form, neighbourhood character, streetscape quality and heritage. Through the use of good design, it is considered the proposal is successful in reducing the overall visual bulk of the school buildings. Given the institutional nature of the school use that the built form accommodates, the

		proposal achieves an acceptable balance between functionality and improving and remaining sensitive to its bushland environment.
C16 To ensure that buildings are designed to create safe environments for all users	Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	The proposal provides improved and differentiated pathways between the six differing zones of the NBCS site. The paths include access ramps, and pathways to achieve a barrier free environmental feel, integrated within the natural landscape.
C17 To ensure that child care facilities are designed to be accessible by all potential users	Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.	Compliance is ensured via a imposed condition is recommended requiring compliance with AS1428.2, details of which are to be provided prior to the issue of the Construction Certificate.
3.4 Landscaping		
C18, C19 To provide landscape design that contributes to the streetscape and amenity	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: • reflecting and reinforcing the local context	The proposal includes the incorporation of significant landscaping to improve the environmental features of the site. The proposal will provide new trees to replace those being removed, as well as additional canopy trees to provide a significant

	• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.	improvement to the landscape amenity and environmental quality of the NBCS site. The proposed endemic species re-vegetation zone will provide an important contribution to the ecological values of the site and surrounding land. The landscaping will comprise native species which are within the Duffys Forest ecological community, and the playground and access paths will incorporate and integrate with these landscaped areas to provide a high level of natural amenity within the contemporary learning environment.
	Incorporate car parking into the landscape design of the site by: • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas.	No change to the existing car parking arrangement.
3.5 Visual and acoustic privacy		
C20, C21 To protect the privacy and security of children attending the facility	Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design.	The proposal includes high quality landscaping throughout the site. This landscaping will assist in minimising the direct overlooking from the outdoor play areas to public areas, as well as provide a high level of natural amenity within the school environment.
3.6 Noise and air pollution		
C25	Adopt design solutions to minimise the impacts of noise, such as: • creating physical separation between buildings and the noise source	The site is surrounded by a golf course, national park and the Japanese School, with residential properties to the

	• orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources	south east. The proposal includes extensive vegetation to be provided as a buffer between the school building, the school and adjoining residential properties. There is sufficient separation between the internal school buildings and playing fields to minimise noise transfer throughout the day.
3.8 Traffic, parking and pedestrian circulation		
C36 To provide a safe and connected environment for pedestrians both on and around the site	The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction.	The proposal provides improved and differentiated pedestrian pathways between the differing zones of the school site.

APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
4.9 Outdoor space requirements		
Regulation 108 Education and Care Services National Regulations An education and care service premises must	<i>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</i> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which	The proposal improves the unencumbered outdoor space provided. The proposal creates new and flexible outdoor learning areas for the connection with

provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. Unencumbered outdoor space excludes any of the following: • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure	are designed for landscaping purposes and not for children's play. When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered. Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements Simulated outdoor environments Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications. A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment. Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas. Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have: • more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility • skylights to give a sense of the external climate • a combination of different floor types and	nature and the environment. The playground upgrades including the incorporation of a water course, interactive play wall, adventure course and themed landscaped area will impact the motor, sensory, social and cognitive development of the children and the staff. The covered outdoor learning space will be open and spacious to create indoor/outdoor spaces within extensive new landscaping. The proposed works will provide additional natural outdoor integrative learning spaces that improve the supply and quality of existing space that is responsive to the subject site, and provides the school with the necessary amenity to provide varied learning environments.
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there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required. A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.	textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • furniture made of logs and stepping logs • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs.	
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4.10 Natural Environment

Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	<i>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</i> Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which: • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches The outdoor space should be designed to: • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.	Significant area of landscaping are incorporated into the proposal which provides sufficient opportunities for deep soil planting to be maintained and improved on the site. The proposed landscaping will assist in softening the existing built form to a level that is commensurate with the surrounding locality. In fact, the proposal will result in improved landscaping with the inclusion of a regeneration area for the establishment of Duffy's Forest species native to the area. The new playground design intent is to enable the design elements to allow for casual pause and rest areas, so to increases the ability of social and environmental interaction
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4.11 Shade

Regulation 114 Education and Care Services National Regulations	<i>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i>	The outdoor learning areas and associated playgrounds have adequate levels of sun exposure and solar access.
The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option. Solar access Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall well-being. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should: • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. Natural shade Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended. Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath. Planting for shade and solar access is enhanced by: • placing appropriately scaled trees near the eastern and western elevations • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.	The proposed shade structures extend beyond the building footprint of the existing buildings, and over the outdoor play areas in order to provide shade and weather protection for the buildings and outdoor learning areas. The incorporation of canopy trees and medium shrubs provide significant shade areas. The species of plants to be incorporated into the design contribute significantly to the ecological values of the site and surrounding land.

	Built shade structures Built structures providing effective shade include: • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.	
4.12 Fencing		
Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained	<i>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</i> Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should: • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure. Design considerations for side and rear boundary fences could include: • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. Fencing and gates should be designed to	No change to the existing fencing that complies with the regulation.

in the National Construction Code	ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.	
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SEPP 55 - Remediation of Land

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	<u>Infant School</u> Shade Structure 4.53m Interactive Wall 1m Communication tube 1.4m <u>Water Playground</u> Covered Breakout Space 3m <u>Primary School and Playground</u> Covered Leaning Areas 3.7m Awning (Block E) 5.8m Tree House 4m Tree Top Adventure Course 8.5m Overhead Adventure Course 7.3m <u>Art Play & Block F</u> Retaining wall 2.2m Canopy over learning area 3.92m 2m (Art Mural Wall) <u>High School</u>	Yes

		Canopy Structure 5.2m	
		<u>Tree Top Walkway</u> Timber decking 4m (including balustrades)	
		<u>Sports Shed</u> Sports shed 3.89m	
		<u>Study Rooms</u> 6.9m (Roof Over Study Room)	

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone RU4 Primary Production Small Lots

The proposed development is prohibited in the RU4 Primary Production Small Lots zone and is therefore inconsistent with the zone objectives. However, educational establishments are made permissible by ESEPP (*Educational Establishments and Child Care Facilities*) 2017.

6.2 Earthworks

The proposal requires very minimal excavation for the development. The excavation is limited to footings and associated landscaping. Therefore, the proposed earthworks will not have a detrimental impact on significant environmental features of the subject site or surrounding land.

6.4 Development on sloping land

The subject site is currently mapped within the Landslip area A and B within the Warringah LEP 2011. Therefore, due the subject site being part located within Landslip area B a Preliminary Geotechnical Risk Assessment is technically required.

However, a Landslip Hazard Assessment was submitted as part of a previous application for the Northern Beaches Christian School (DA2012/1361) by Martens Consulting Engineers Services, dated 13 June, 2012 that stated the following;

"A site inspection completed on June 8, 2012 confirms that areas of the site mapped by Council as

“Area B” are ridge top with grades less than 5 degrees – this is inconsistent with the description of Area B as being flanking slopes with grades of 5 – 25 degrees. Based on our site assessment we conclude that the large scale mapping undertaken in developing the slope risk maps for the site have misclassified the site as partly Area B, the entire site should have been classified as Area A. Given the location of the site on low slope land the risk of slope instability is considered sufficiently low not to warrant a detailed assessment of site slope instability risk in accordance with Section E10 of Council’s DCP.”

As a result of the Landslip Hazard Assessment, a Preliminary Geotechnical Risk Assessment is not required to be submitted as part of the application. Therefore, the proposal is in accordance with the requirements of clause 6.4 (Development on Sloping Land).

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall height	7.2m	3m Shed	Yes
B5 Side Boundary Setbacks	10m East	28.6m SCIL Building 27.3m Highschool Playground 1.5m Shed	Yes Yes No
	10m West	2.4m - 8.2m Boardwalk 12.6m Primary Playground	No No
B7 Front Boundary Setbacks	20m North	20m Primary Playground 32.7m SCIL Building	Yes Yes
B9 Rear Boundary Setbacks	10m South	1.1m Shed 2.1m Boardwalk	No No
D1 Landscaped Open Space (LOS) and Bushland Setting	30% (13329sqm)	30% (13047sqm including playing field)	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B1 Wall Heights	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
Part C Siting Factors	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	No	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The proposal demonstrates side setbacks that are non-complaint with the 10m requirement.

The proposed side setbacks are as follows:

- South - East - 1.5m (Sports Shed)
- North- West - 2.4m - 8.2m ("Tree Walk" Boardwalk)

An assessment of the variation sought against the control objectives follows:

Merit consideration

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

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

Comment:

Although the proposed sports shed will reduce opportunities for landscaping within the side setback area, when considered in the context of the overall site, the loss of landscaped area is negligible. This south-eastern boundary is bordered by the Japanese School with existing landscaping extending along this boundary. The bushland setting for the school and will ensure the loss of landscaping along this boundary is of minimal impact.

The tree walk boardwalk, is integrated within the existing canopy trees, with additional landscaping to be incorporated within the setback area. Further, the western boundary is screened by existing vegetation associated with the neighbouring golf club and therefore impacts associated with the variation will be limited.

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

Comment:

The non-compliance with the side boundary setback relates to storage shed and the "tree walk" boardwalk. The shed is 3.8m in height and displays minor in bulk and scale for its location on the site. In addition, the proposal is adjoining the Japanese School stormwater water detention area and is heavily screened by existing vegetation along the side boundaries of the site further reducing the visual impact of the development. The "tree walk" boardwalk is adjacent to the existing tree corridor linking to the Duffys Forest vegetation, and therefore these existing canopy trees will also minimise the any visual impact.

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

Comment:

The shed is located in the south corner of the subject site, adjacent to the carpark, away from the main central area of the school. The bulk and scale of the shed is considered acceptable given the size and location on the site.

The "tree walk" boardwalk is an open style structure, using natural materials to be integrated win the natural landscape, thereby minimising the bulk and scale. The sufficient areas of landscaped open space across the site to accommodate planting of a size and density commensurate with the bulk and scale of the proposed shed.

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

Comment:

As mentioned above, the non-compliance relates to a sports shed structure within the side setback which is 3.8m in height and adjoins the Japaneses Schools open stormwater detention area. The proposed shed has no additional windows facing the side boundary, and

existing vegetation screens the built form.

The open style "tree walk" boardwalk is to be integrated into the existing and proposed landscaping, to provide a passive recreational area within a natural setting.

Consequently, the proposed variation with the side boundary setback control will not result in any impacts on the privacy, amenity and solar access enjoyed by any adjoining buildings.

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

Comment:

The variation for the sports shed within the side setbacks does not result in any significant view impacts.

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

B9 Rear Boundary Setbacks

Description of non-compliance

The rear setback control requires the rear 10m of the subject site to be maintained free of structures and car parking. The storage shed is to be located within this rear setback, adjoining the existing carpark area and the boardwalk will also be located within the rear setback area.

Merit consideration:

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

Currently, the proportion of the rear setback area where the shed is to be located is occupied by a carparking area with minimal deep soil landscape opportunities. Although a variation to the control is proposed, a significant area of landscaped open space is incorporated with the boardwalk which provides sufficient opportunities for deep soil planting is to be maintained along the majority of the rear setback. In fact the proposal will result in improved landscaping at the rear of the site with the inclusion of a regeneration area for the establishment of species native to the area.

- *To create a sense of openness in rear yards.*

Comment:

The site is occupied by a school and therefore does not have a rear yard. Also, given the rear boundary of the site adjoins a golf club and National Park, a sense of openness will

be maintained across the rear of the property and the variation would not affect the rear yards of adjoining residential properties to the south east.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

As mentioned above, the rear boundary of the site adjoins Terrey Hills Golf and Country Club and the Ku-Ring-Gai Chase National Park. Consequently, the inclusion of a shed within the rear setback area adjoining the car parking area, or an elevated boardwalk would not result in poor building separation or amenity impacts on neighbouring properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

Due to the siting and location of the school, there is no evident pattern of buildings or rear gardens in this part of Terry Hills. The proposal does however seek to provide additional landscaping commensurate with the school buildings and the bushland character of the area and in this regard, is consistent with the intent of the objective.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Residential dwellings do not adjoin the rear boundary of the site. As such, there will be no impacts on the privacy of dwellings as a result of the proposed variation.

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

D1 Landscaped Open Space and Bushland Setting

The subject site is required to provide a 30% ratio of site area dedicated to be landscaped open space.

As a result of the proposed works, the landscaping provision in the six zones to be redeveloped is to be increased by 11sqm to provide a LOS provision of 14.4% (6402sqm).

When this area is combined with the natural turf sports field, the provision is compliant with the 30% provision at 13047sqm.

It is important to recognise that there is significant separation between the school buildings, play areas and buildings on adjoining properties in which landscaping is to be incorporated. There is also a dense landscape buffer present around all boundaries which is to be maintained and therefore, the privacy of adjoining residential properties will remain protected. Consequently, the landscaped open space across the site is sufficient commensurate with the bulk and scale of the proposed development.

The proposal improves the outdoor learning spaces and recreational opportunities of the staff and students by providing additional multi-purpose and interactive playground equipment, integrated with existing and additional landscaping to improve the amenity of the site and its occupants.

D8 Privacy

Due to the addition of the playground equipment up to 8.5m in height, an assessment of acoustic and visual privacy impacts is provided below.

Visual Privacy

The subject site does not directly share any boundary with sites containing residential uses. The only residential dwelling is to the north-east and east on the opposite site of Durumbil Road. The proposed works are therefore separated from the nearest residential lot by over 45m, and 100m from the nearest dwelling house. In addition, Durumbil Road and the northern boundary of the nearest residential allotment are densely vegetated providing an effective screen which minimises any visual intrusion.

The boardwalk area and adventure course adjoining the Terry Hills Golf Course on the north-west boundary is buffered by dense canopy trees and vegetation. This existing vegetation and proposed landscaping will screen and soft the proposed works, thereby the providing an effective screen to minimise visual intrusion between the properties.

Given the above, the proposal is not considered to result in any unreasonable impacts on visual privacy.

Acoustic Privacy

The site is surrounded by a golf course, national park and the Japanese School, with only the residential properties to the north east and east.

The main area of work is on the north-western side boundary, with the incorporation of the "wild play" area and the "tree walk" area, however these areas directly adjoin the Terry Hills Golf Course. There is a vegetation buffer along the western boundary to assist in minimising noise transfer.

It is also considered that the noise generated by the school is not unreasonable in the context of the RU4 Primary Production Small Lots zone which allows for primary industry uses and can include the use of machinery and associated noise generating activities.

Given the above, the proposed expansion of the school would not result in an unreasonable noise impact that would significantly affect the existing amenity enjoyed by nearby residential properties.

D18 Accessibility and Adaptability

Clause D18 requires that development is to comply with AS1428.2. There was no Disability Access Report prepared as part of the application indicating that the development will meet the requirements of AS1428.1. Therefore, a condition is recommended requiring compliance with AS1428.2, details of which are to be provided prior to the issue of the Construction Certificate.

D21 Provision and Location of Utility Services

There is no change proposed to the existing onsite effluent management system as the subject site does not have a connection to Sydney Water's sewerage system.

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

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$47,729 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,772,882.

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

The proposed alterations and additions to the existing Northern Beaches Christian School (NBCS), include the upgrading and replacement of the existing playground equipment and facilities including the landscaping within the site. Minor internal changes to school building and the addition of a storage sports shed is also included as part of the application.

There is no change to the school population (students and staff) or the carparking arrangement and allocated spaces.

Educational establishments are a prohibited use in the RU4 Primary Production Small Lots zone in which the site is located. However, the use is made permissible under the provisions of ESEPP (Educational Establishments and Child Care Facilities) 2017.

Following notification of the development, zero submissions were received.

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

The assessment of this application has found that the application is sufficient in identifying the relevant environmental and ecological impacts associated within the subject site, as identified by relevant expert's comments in the referrals section of this report. The NSW RFS has also indicated that there is sufficient information submitted with the application to assess the bushfire management issues associated with the proposed development and has issued its GTA's.

Variations are proposed to the side and rear built form controls applicable to the site. Nevertheless, following a merit assessment of the development, the non-compliance's are not considered to result in any unreasonable impacts and the overall bulk and scale of the proposal is appropriate in its context.

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

- Consistent with the objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the DCP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

In summary, the application should be approved as the proposal is satisfactory in terms of its character and design, the visual bulk and scale, non-compliance with the rear and side setbacks, and impacts on surrounding properties and the streetscape of Echunga Road.

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2019/0768 for Alterations and additions to an educational establishment on land at Lot 53 DP 774913, 1 Echunga Road, DUFFYS FOREST, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Analysis Plan DA-001	20/09/2019	WMK Architecture
Demolition Plan DA-002	20/09/2019	WMK Architecture
Proposed Site Plan DA-003	20/09/2019	WMK Architecture
External Area for Block G & Block E DA-006	20/09/2019	WMK Architecture
External Area for MPC Building and Block E DA-007	20/09/2019	WMK Architecture
External Area for SCIL & Block H DA-008	20/09/2019	WMK Architecture
Senior School & Block B DA-009	20/09/2019	WMK Architecture
Block C & Block F DA-010	20/09/2019	WMK Architecture
Block E Awnings DA-011	20/09/2019	WMK Architecture
Gym Building Level 1 DA-012	20/09/2019	WMK Architecture
Gym Building Level 2 DA-013	20/09/2019	WMK Architecture
Boardwalk DA-14	20/09/2019	WMK Architecture
Barcelona Building 1 DA-015	20/09/2019	WMK Architecture
SCIL Building DA-016	20/09/2019	WMK Architecture
Elevations and Sections DA-020	20/09/2019	WMK Architecture
New Shed DA-022	20/09/2019	WMK Architecture
Landscape Sections LDA-301	21/12/2018	Babbington Landscapes
Landscape Sections LDA-302	21/12/2019	Babbington Landscapes
Landscape Sections LDA-303	21/12/2019	Babbington Landscapes
Infant School Material and Finishes LDA-401	21/12/2019	Babbington Landscapes
Water Play Materials and Finishes LDA-402	21/12/2019	Babbington Landscapes
Primary School Material and Finishes LDA-403	21/12/2019	Babbington Landscapes
Art Play Materials and Finishes LDA-404	21/12/2019	Babbington Landscapes
Highschool Materials and Finishes LDA-405	21/12/2019	Babbington Landscapes
Tree Walk Material and Finishes LDA-406	21/12/2019	Babbington Landscapes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Assessment Report	22/10/2019	Blackett Maguire and Goldsmith
BAL Overlay Assessment Report	18/10/2019	Peterson Bushfire
Arboricultural Impact Assessment	14/01/2019	Arbor Safe

Ecological Report	July 2019	Kingfisher Urban Ecology/Wetlands
Bushfire Statement	01/04/2019	Peterson Bushfire

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Infants School Landscape Plan LDA-201	21.12.2018	Babbington Landscapes
Water Play Landscape Plan LDA - 202	21.12.2018	Babbington Landscapes
Primary School Landscape Plan LDA - 203	21.12.2018	Babbington Landscapes
Art Play Landscape Plan LDA - 204	21.12.2018	Babbington Landscapes
Highschool Landscape Plan LDA-205	21.12.2018	Babbington Landscapes
Tree Walk Landscape Plan LDA-206	21.12.2018	Babbington Landscapes
Infant School Planting Plan LDA-501	21.12.2018	Babbington Landscapes
Water Way Planting Plan LDA-502	21.12.2018	Babbington Landscapes
Primary School Planting Plan LDA-503	21.12.2018	Babbington Landscapes
Art Play Planting Plan LDA-504	21.12.2018	Babbington Landscapes
Highschool Planting Plan LDA-505	21.12.2018	Babbington Landscapes
Tree Walk Planting Plan LDA-506	21.12.2018	Babbington Landscapes

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **Compliance with Other Department, Authority or Service Requirements**

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
NSW Rural Fire Service	Integrated Development Application - 1 Echunga Road Duffs Forest, Reference: DA-2019-02907	13 November 2019

(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 Department, Authority or Body's.

3. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative Requirement

4. **Maximum Number of Students and Staff**

Nothing in this consent permits a further increase in student or staff numbers above that amount specified in Development Consent No. DA2012/1361 (Condition Number 44).

Reason: To ensure no unauthorised increase in the intensity of the existing land use.

5. **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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$47,728.82 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$4,772,882.00.

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

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

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

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

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

7. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

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

8. Stormwater Disposal

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850.

A certificate is to be provided to the Principal Certifying Authority that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

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

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

9. Building Code of Australia Upgrade requirements and Fire Safety Upgrade

The Building Code of Australia works, fire upgrading and access measures to upgrade the building as detailed and recommended in the Building Code of Australia Audit Report prepared by Blackett Maguire & Goldsmith dated 22 October 2019, Report Ref No.190418 are to be carried out in full to the buildings.

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

Reason: To ensure adequate provision is made for Health, Amenity, Access and Fire Safety for building occupant health and safety.

10. Tree Protection Plan

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

11. Compliance with Ecologist's Recommendations – Pre-construction

All pre-construction biodiversity-related measures specified in the approved Ecological Report (Ecological Consultants Australia, July 2019) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures is to be certified by the project ecologist prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

12. Engage a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out according to the conditions of consent and the Ecological Report (Ecological Consultants Australia, July 2019).

The Project Ecologist must have one of the following memberships/accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

13. Compliance with Standards

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

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

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

14. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance 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 does not occur as a result of the development.

15. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Tree trunk, root and branch protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

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

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

17. Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to

commencement of works.

ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

18. 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.

19. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

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

20. 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.

21. Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction, as specified in the approved Ecological Report (Ecological Consultants Australia, July 2019) and these conditions

of consent.

Compliance with these measures is to be certified by the project ecologist in writing to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

22. **No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Reason: To protect and retain trees proposed for retention.

23. **Tree Protection during work - No Works within 5m/calculated Tree Protection Zone (TPZ)**

The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks or the calculated TPZ of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk or the calculated TPZ of a tree to be retained, is not permitted.

Reason: To protect and retain trees/the natural environment proposed for retention.

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 and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

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 Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

25. **Landscape completion certification**

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

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

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

26. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide.

27. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

28. **Compliance with Ecologist's Recommendations – Post Construction**

All biodiversity-related measures are to be implemented at the appropriate stage of development, as specified in the approved Ecological Report (Ecological Consultants Australia, July 2019) and these conditions of consent. Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

29. **Replacement of Canopy Trees**

At least 60 locally native canopy trees are to be planted on site to replace trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with these conditions of consent. Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree. Replacement plantings are to be certified as complete and in accordance with these conditions of consent by a qualified landscape architect, arborist or ecologist and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate landscaping in accordance with relevant Natural Environment LEP/DCP controls.

30. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

31. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

32. **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained from proposed bearers, joists and decking to the tree trunk of any native tree unless prior written approval from Council.

Reason: To protect existing trees

33. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

34. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees in accordance with relevant Natural Environment LEP/DCP controls.

35. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

36. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



The application is determined on 18/11/2019, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager

Peter Robinson, Executive Manager Development Assessment